



INTERNATIONAL LABOUR OFFICE

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Governing Body

Geneva, March 2009

Minutes of the 304th Session

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The 304th Session of the Governing Body of the International Labour Office was held in Geneva, from Tuesday, 24 to Thursday, 26 March 2009, under the chairmanship of Mr Zdzislaw Rapacki (Government, Poland). A special sitting of the Governing Body was also held earlier, on Thursday, 12 March.

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

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**MINUTES OF THE 304TH SESSION
OF THE GOVERNING BODY OF THE
INTERNATIONAL LABOUR OFFICE**

Geneva, Thursday, 12 March (special sitting), and
Tuesday, 24 to Thursday, 26 March 2009

Special sitting

1. *The Director-General* welcomed Professor Stiglitz, 2001 laureate of the Nobel Prize in Economic Science, 2008 laureate of the ILO Decent Work Prize and close associate of the ILO. Professor Stiglitz's visit coincided with the worst financial and economic crisis in generations, the result of a model of globalization the benefits of which were real, but were reaching too few. The market had been overvalued, while dignity of work, protection of the environment and the welfare function of society were devalued. Professor Stiglitz had warned that the crisis was coming; he had also participated in shaping the premonitory recommendations issued by the World Commission on the Social Dimension of Globalization, calling for fairer globalization and a better regulated economy. He was now serving as Chairperson of the United Nations General Assembly Commission on Reforms to the International Monetary and Financial System, which aimed to reinforce the analytical basis for policy-making. The ILO believed that a decent work approach, based on job creation in sustainable enterprises, social protection, social dialogue and workers' rights provided a good approach. The present session of the Governing Body was called on to examine a document presenting a comprehensive approach to address the labour and social consequences of the crisis. To avert a prolonged labour market recession and promote economic recovery a "Global Jobs Pact" could yield immediate and enduring results. The ILO was working with international organizations and its partners at national level to follow Professor Stiglitz's advice that the international community should commit itself to developing the institutions and instruments for increasing the stability and equity of the global financial institutions.

(The Director-General presented Professor Stiglitz with the 2008 Decent Work Research Prize.)

ADDRESS BY PROFESSOR JOSEPH STIGLITZ

2. *Professor Stiglitz* said that the crisis, which clearly originated in the United States, was affecting every country in the world, including developing countries. Globalization meant that the world economy was very closely integrated, and a major downturn in the largest country in the world would necessarily have an effect throughout the globe. The United States had been able, because of the way globalization had been managed, to export its toxic mortgages all over the world. It had also exported its deregulatory philosophy. Even developing countries that had adopted good monetary policies and regulatory frameworks were being affected, although some had avoided the ravages of the derivatives by declining to purchase them. But financial flows were now reversing, and had dramatically reduced to developing countries. The fall in exports was unprecedented. There were also impacts through lower migrant remittances with immigrant workers among the first hit by falling employment. True, the G20 in November had committed not to engage in protectionism, but they had not honoured their promises. In the United States the stimulus package included a "Buy American" provision. Banks receiving cash assistance had been told not to hire immigrant workers. Moreover, the subsidies provided to enterprises, including those to financial enterprises, in fact exacerbated the uneven playing field, since enterprises in developing countries could certainly not compete with enterprises in developed countries that had received billions of dollars of assistance. Big companies in

the United States and Europe could take risks and be bailed out if the risk failed, but could pocket the profit if it succeeded. More generally, the old trade and investment regime had been fundamentally altered. All elements of the rules would require rethinking in the future.

3. A global crisis of this kind could only be addressed globally: the world economy required a global stimulus package. However, decision making remained at the national level, with governments considering what might be the benefit of their stimulus packages to their individual economies, rather than to the global economy, and designing stimulus packages that avoided leakage of the subsidies into the world economy. The United States stimulus was too small and poorly designed. Automatic stabilizers to the economy, such as social protection and employment insurance schemes, had been eroded. United States citizens had seen their retirement accounts fall by up to 50 per cent. They thus realized that they would be obliged to save more money. This could be good in the long run, but in the short term, the result was reduced spending and a lack of aggregate demand, weakening the economy still further. The crisis also meant that the US tax revenue would fall dramatically, which could only be met either by raising taxes, or by cutting back expenditure. The country would also be facing a very large job deficit by 2010, through loss of jobs, but also through the annual 2 million new job entrants. These problems were being replicated in other countries.
4. Developing countries did not have the resources for massive stimulus packages and would not be able to engage in counter-cyclical policies. This meant that recovery in the most affected part of the world would be delayed, thereby also weakening global recovery. It was therefore imperative that assistance be proffered to these countries. The Commission on Reforms to the International Monetary and Financial System was going to recommend that 1 per cent of advanced industrial countries' stimulus packages should be divided among the developing countries. Policy frameworks posed another problem. During the last global financial crisis in 1997–98 in East Asia, the International Monetary Fund had come to the help of the countries affected, but had imposed conditions which had worsened the downturn. That lesson had perhaps not yet been learned. As a reaction to this earlier financial crisis, some countries of the region had accumulated huge reserves, and while these would indeed provide them with protection, they posed a problem for the global economy, since as the money was not being spent, it meant that global aggregate demand was lowered.
5. The economic philosophy that held that unfettered markets were the best way of running an economy, and that markets were self-adjusting, was wrong. There was an important role for governments in regulating economies correctly. Mr Greenspan, former Chairman of the US Federal Reserve Board, had admitted that he had been wrong. The increasingly insufficient aggregate demand was worsened by lax monetary policies which provoked an increase in inequality. Money had been transferred from the poor to the rich, from those who would spend, to those who did not need to spend. The United States had attempted to solve this problem by encouraging people without money to keep spending as if they did. Without fundamental reform, there could be no return to sustainable, robust economic growth.
6. The people in the United States, their skills, and the real resources of the economy were the same as they had been before the crisis. The problem was due to organizational failure. The US economy had been destabilized by making wages more flexible and by failing to provide job security. Lower wages would lead to less aggregate demand; less job security to unwillingness to spend and thus weakened consumption. The most important elements to retain in dealing with the crisis were therefore maintaining social protection, addressing the problem of both global inequality and inequality within countries, and addressing the problem of the global imbalances related to the accumulation of excessive reserves.

7. *The Worker Vice-Chairperson* stressed firstly that workers were not a cause of the global crisis; secondly, that they were not an impediment to efforts to remedy the situation; thirdly, that workers both as workers and as consumers were essential if a return to stability was to be achieved; and fourthly, workers were willing to participate in the return to stability. There was a need for a financial sector that fulfilled a development and social role by collecting and protecting savings and by providing credit for investment. The banking system had failed miserably, and now taxpayers were obliged to provide an answer. The banking system should be redesigned as an essential public service. The stimulus package should help achieve social justice and equal opportunity for all. A global regime was required that ensured income security for all in need and strengthened workers' rights to jobs and pensions. Governments around the world should instigate international public works programmes, to kick-start economies and generate employment. Public services and infrastructure should guarantee adequate health care, equal education opportunities, proper training and retooling, public security, a closing of the digital divide, affordable and environmentally friendly housing, renewable energy sources, the end of discrimination against developing countries, the abolition of protectionism and an end to abuse of primary producers around the world. The IMF and the World Bank should cease to impose conditions which had proven to be counter-productive. The group urged that social safety nets be put in place, especially for migrants and other vulnerable groups. The developed countries' commitment to granting 0.7 per cent of their GDP to developing countries should be maintained.
8. *The spokesperson for the Employers' group* said that the group's thinking had more in common with Professor Stiglitz's ideas than in discord. The Employers also believed in the goal of global development accompanied by greater social justice. The crisis was the result of inadequate regulation: it was the duty of States to put in place the rules required to enable the market economy to create wealth, which would provide for a better world and enhanced social justice. The shortfall in regulation was the product of action, not of omission, conscious decisions to remove from banks the obligation to follow the classic premises for according credit. The group agreed that global economic interdependence had had bad consequences in the case of the current crisis, but it had also had good consequences. It should be recalled that the last decade had seen growth at a level rarely seen before. Regarding the ideal of effective global governance, the efforts of the Director-General to achieve greater multilateral coherence should be stressed. The difficulty in realizing this long-held dream lay in the lack of coercive authority of the multilateral bodies.
9. Economic recovery, and consequently a recovery in employment, still reposed on capitalism. While the capitalist system might not be the most effective at distributing wealth, it remained the best way to generate it. Socialism in the real sense had attempted to distribute wealth, but had not proved effective in making it. The Employers believed therefore that sustainable enterprises, especially small and medium sized, should be supported. This would create the employment necessary and allow the workers to be a part of the solution, as affirmed by the Worker Vice-Chairperson. The group reiterated its support for the ILO Declaration on Fundamental Principles and Rights at Work. Investment in education and in vocational training was fundamental to sustaining growth and productivity. There was much to do in the sphere of the social responsibility of enterprise, a responsibility additional to its fundamental tasks of creating wealth, employment and consequently paying taxes. All forms of protectionism, including in the labour market, should be resisted and would be the worst possible response to the crisis. The group wished Professor Stiglitz to continue his search for an ideal as old as Emmanuel Kant's World Federation, and in line with the thinking of Jürgen Habermas, that of a more fraternal, better integrated world, with greater social justice.

10. *A Government representative of South Africa* suggested that the idea of devoting 1 per cent of the developed countries' stimulus packages to the developing countries could be accompanied by cancellation of the developing countries' debt, to allow the funds servicing the debt to be more usefully employed, for example in establishing social security systems.
11. *A Government representative of the Bolivarian Republic of Venezuela* stressed that before the crisis, as the Director-General had often demonstrated, globalization lacked an ethical and social dimension. The facts proved this criticism of neo-liberal globalization to be correct. The ethical dimension of globalization should be considered when seeking to resolve the crisis. The effects of the crisis would be felt by all, guilty and innocent alike, although the benefits of speculation were limited to major financial centres. It was therefore important that these victims should have a voice in the solution, and that the crisis should not serve simply to reinforce the position of those who already had the power, by enabling them to set the terms for recovery. The World Bank and the IMF were largely responsible for the crisis. Powerful groups such as the G8 were minority groups. All States, including emerging economy or Third World States, could have constructive suggestions to make to establish different rules of play, and a different paradigm for globalization. As the Uruguayan poet Mario Benedetti said: "The South also exists".
12. *A Government representative of Spain* recalled that almost six months previously a major Spanish review had published an interview with Professor Stiglitz in which the Professor had drawn a comparison between the Wall Street crisis and the fall of the Berlin Wall, and this at a time when the word "crisis" was taboo in Spain. He had gone on to suggest that certain persons in the United States had been appointed as financial regulators largely because they did not believe in regulation. More generally, there was an issue as to why economic interests often took precedence over those of the workers.
13. *A Government representative of Brazil* referred to work undertaken by the UN Human Rights Council, which had convened a special session to discuss the impact of the crisis on human rights, such as employment, health, education, and development. It was critical that these elements should not be lost. President Lula of Brazil, in an article in the *Financial Times*, had stressed that the system stemming from the crisis must take the needs of the people, the human face, into consideration. She wondered how a system could be designed that would have a human face, and how developing countries, especially the poorest ones, could minimize the impact of the crisis.
14. *A Government representative of France* asked what message Professor Stiglitz wished to communicate to the forthcoming London G20 Summit, and what the G20 response to the crisis should be.
15. *Professor Stiglitz* stressed that weakening job protection and lowering wages would aggravate rather than resolve the crisis. A strengthened Decent Work Agenda was required. Current systems for measuring GDP were inadequate. They had led to a widely-held assumption that the economies of the world were doing very well between 2003–07, or in Argentina before 2001. The metrics failed to take account of sustainability in terms of global warming. The market economy was at the core of an innovative economy and of wealth creation, but care should be taken in measuring its success. Under the pre-crisis model, most income growth went to the richest; in the United States, median income, that is the income of over 50 per cent of the population, was now lower than it had been eight years previously. In discussing how well an economic system was operating, it was necessary to assess how well it was operating for individuals in society. If over 50 per cent of the population was poorer because of the system, it was clearly not functioning well.

16. Among the most disturbing signs of this dysfunction was the huge size of the financial sector, and the enormous rewards given to those working in the sector. Only a small section of the sector was working properly, providing capital to small and medium-sized businesses. The vast majority was dedicated to avoiding such rules as were in place through arbitrage. The sector failed to introduce innovatory measures that might have reduced risk and prevented millions of US citizens from losing their homes. The problem was not insufficient housing – people were being removed from houses that were left empty. It was due to failure of the economic system to provide credit to those in need: to match resources to the needs of the people.
17. There was a problem of asymmetry in the liberalization of financial and investment markets and that of labour markets. Countries were competing for capital, but not for labour. This resulted in a weakening of workers' rights, and a drop in wages, thus contributing to the lack of aggregate demand. The capital market liberalization also meant that toxic products were able to spread all over the world, because no systems were put into place to stop this from happening. The Commission on Reforms to the International Monetary and Financial System was examining an idea, already put forward by Keynes, of a global reserve fund to help stabilize the globalized system; it was also examining the ways of dealing with cross-border bankruptcy, including sovereign debt restructuring mechanisms. Developing countries still bore an excessive burden in respect of interest rate and exchange rate fluctuations. One concern raised by developing countries was that they required no loans, but grants; they were already over-encumbered with debt. The grants or loans should not be made only according to a strict set of conditions. The IMF claimed to have learned from its past mistakes, but still seemed to be pursuing pro-cyclical policies, charging interest at exorbitant rates, albeit reduced from 25 to 18 per cent, but too high nonetheless. The Commission believed that there should be no condition associated with funds required for countering the economic downturn, and particularly no macro-conditionality that induced pro-cyclical policies.
18. The role of governments was not only in regulation, but also in promoting growth and fostering research. The Internet was based largely on research supported by the United States and some other governments; the success of East Asia was based on the active industrial policies of those governments; some of the most innovative advances in ethanol in Brazil were supported by the Brazilian Government and the Brazilian Development Bank. Governments, working with markets, had provided some of the most important innovations and economy catalysts. Governments should ensure access to capital for small and medium-sized enterprises; the private sector should also do this. The financial system had been engaged in gambling, rather than in finance. Finally, Professor Stiglitz stressed that the "polluter pays" rule should be applied. Obliging the taxpayer to pay for the financial sector's errors was entirely wrong. The market economy was the basis of the most successful economy, but it should not be allowed to evolve in ways that did not reflect market principles.
19. *The Government representative of Kyrgyzstan* said that his Government was one of the driving forces behind the adoption of a UN General Assembly resolution on declaring a Year for Social Justice. He did not advise a hunt for scapegoats, as the blame was collective, but urged the establishment of preventive measures and systems that would help avoid the same risks in the future.
20. *Mr Sidanski, Professor Emeritus of Economic and Social Sciences of the University of Geneva* pointed to a difference of approach regarding assistance to banks as exemplified by the cases of the US bank City Group, and the European bank Lloyds; the latter had almost been nationalized. Did the differences between the US and European approach, and the approach of developing countries, make achieving even minimum consensus unlikely within the G20? The approach adopted by the Commission on Reforms to the International

Monetary and Financial System aimed at being global; given the diversity of countries, would not a regional approach, combined with a global approach to frame and coordinate existing differences, be more effective?

21. *Mr Van der Geest* asked Professor Stiglitz firstly if he believed that available stimulus measures would be sufficient to kick-start the world economy and, if not, what new measures should be applied; and secondly whether the Maastricht criteria of fiscal prudence should be relaxed or abandoned.
22. *Professor Stiglitz* said that the US approach had been to give banks money without any incentives or controls. The US taxpayer had been given a very poor deal. Initially, the US Secretary of the Treasury, Mr Paulson, had even asked for the right to spend the \$700 billion stimulus package with no transparency or supervision. Congress had rejected this, and one positive result had been the establishment of the Congressional Oversight Panel. The Panel had noted that the taxpayer had paid one dollar for preferred shares which at the time of sale were worth 67 cents, and which had since fallen in value further. More recent bail-outs had been worse still for the taxpayer. This had been done because the State decided it did not want to become owner of the banks, and the only way to dispose of capital without purchasing something in exchange was to give it away. The United Kingdom approach of examining how incentives could be established, and making certain that value for money was obtained was the right approach. Regarding the results that could be expected of the G20, there was broad consensus that a global stimulus was required; Professor Stiglitz hoped that there would be funding for developing countries, and Europe had already pledged \$250 billion and Japan \$100 billion. The Commission on Financial Reform had discussed how best the money might be delivered and had suggested that a new lending facility, rather than the IMF, might be put in place, with governance reflecting better the likely contributors to the fund, sources of liquid money, sovereign wealth bonds, large reserves and the recipients. It might not be possible to establish this body quickly enough. There had been support in the Commission for channelling funds through regional institutions, strengthening regional initiatives. One idea was that there should be more competition and diversity in the vehicles through which funding was provided.
23. It should be recognized that current trade agreements had to an extent exacerbated the problems by facilitating passage of the contagion from country to country. Liberalization should be done in the right way. Some of the current agreements contained provisions that could impede the implementation of recovery measures – for example agreements stipulating no increase in regulation. Regarding the issue of the Maastricht Convention and the central bank policy of fiscal constraint, there appeared to be growing consensus that central bankers had made a mistake and that a large stimulus was needed that would push economies beyond the limits set by Maastricht. In the short term there was no other solution but to provide such stimulus, while programming a return to a more healthy fiscal position in the longer term.
24. *Mr Torres, Director of the International Institute for Labour Studies*, summarized the discussions and noted that there was a risk of designing stimulus packages that were too nationally oriented, when the problem was a global one; much emphasis had been placed on rescuing banks, but not on reviving the credit system and, by extension, the real economy; developing countries lacked the fiscal space to be able to provide a stimulus plan. The ILO should clearly be promoting the reinforcement of automatic stabilizers in a way which also encouraged employment. Inequality within and between countries was another issue that must be addressed. Professor Stiglitz had drawn attention to the asymmetry between capital liberalization and labour market liberalization, which destabilized the system; he had rejected market fundamentalism without losing sight of the benefits of the market, as well as technological innovations which had been good for the real economy. The system should therefore be regulated in a way that reduced the risk of

crisis, but did not stifle such innovations. The question of how to measure progress had also been discussed. The past decade had been a period of very high growth, but given that the majority of people had not benefited from this growth, this did not mean that progress had been achieved. How was social progress to be measured? Finally, considerable attention had been paid to how the ILO was to interact with the G20. Many ideas had been put forward, and it was now for the ILO to shape these into a coherent whole that would encourage the placing of the creation of employment and decent work at the centre of crisis responses.

First item on the agenda

APPROVAL OF THE MINUTES OF THE 303RD SESSION OF THE GOVERNING BODY
(GB.304/1)

Governing Body decision:

- 25. *The Governing Body approved the minutes of its 303rd Session, with the correction received.*** (GB.304/1, paragraph 3.)

Second item on the agenda

DATE, PLACE AND AGENDA OF THE INTERNATIONAL LABOUR CONFERENCE

*Agenda of the 99th Session (2010) of the
International Labour Conference*
(GB.304/2/1)

- 26. *The Chairperson*** indicated that the Governing Body had to decide whether to add to the agenda of the 99th Session of the International Labour Conference the following item: Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work.
- 27. *The Employer Vice-Chairperson*** supported the inclusion of the new item, with the reservation that, in view of the complexity of the subject and the preparations required, consultations should continue between the Office, governments and the social partners. An expert meeting could also be convened to examine the subject.
- 28. *The Worker Vice-Chairperson*** agreed that the follow-up mechanism to the 1998 Declaration should be reviewed to align it with that of the 2008 Declaration on Social Justice for a Fair Globalization, with a view to improving respect for fundamental principles and rights at work.
- 29. *A Government representative of the Czech Republic***, speaking on behalf of the European Union, supported the point for decision and indicated that the European Union was interested in participating in the consultations to which the Employer Vice-Chairperson had referred.
- 30. *A Government representative of Bangladesh*** supported the point for decision. The essential objective of the follow-up to the 1998 Declaration should be to encourage the ratification of the ILO's fundamental Conventions. It was necessary to avoid any duplication in the reporting system, and particularly any measure that involved an extension of reporting obligations. The Global Report should be integrated into the broader context of reports on the subjects that were covered by the recurrent discussions under the seven-year cycle, and

the coherence and coordination of the Office's work needed to be enhanced with a view to streamlining its capacity to provide technical assistance so that it could improve its response to the specific needs of member States.

31. *A Government representative of South Africa* expressed support for the point for decision.
32. *A Government representative of the Bolivarian Republic of Venezuela* was in agreement with the inclusion of the new item. In the review, it would be necessary to evaluate the experience acquired, ascertain whether the follow-up had been adapted to the objective of the Declaration and avoid duplication in the supervisory mechanisms to which States were subjected. The review should be carried out by a specially constituted committee, in which all the States concerned could participate, and not by the Selection Committee.
33. *A Government representative of India* supported the point for decision. She emphasized that her Government was engaged in ensuring the welfare and dignity of the workers and was committed to the implementation of fundamental principles and rights at work.
34. *A Government representative of Canada* supported the point for decision and commended the work carried out by the Expert-Advisers in assessing the annual reviews and drawing up recommendations to the Governing Body. She was of the view that it was necessary to streamline the follow-up to avoid the overlap of reporting. The means should also be reviewed of coordinating Global Reports with reports on the subjects that would be covered by the recurrent discussions under the 2008 Declaration with a view to improving the Office's coherence and capacity to evaluate the impact of the activities carried out and to identify the technical assistance needs of constituents.
35. *A Government representative of Egypt* expressed support for the proposed new item. She was convinced of the need to review the follow-up to the 1998 Declaration in the context of the current crisis, with a view to improving knowledge of the priority needs of constituents and strengthening the ILO's capacity to assist them in the achievement of their objectives.
36. *A Government representative of the Republic of Korea* indicated her support for the point for decision. The review should not merely consist of adapting the Global Report and annual reviews to the new format of recurrent discussions, but should take the form of a comprehensive review of the impact and effectiveness of the follow-up activities to the Declaration that had been carried out over the past ten years.
37. *A Government representative of Lebanon* supported the point for decision. She wished to know whether governments were requested to send in their replies to the questionnaire that had already been prepared and whether the review would be carried out in a single or double discussion. With a view to facilitating the sending of replies, she called for the documents relating to the follow-up to both Declarations to be translated into Arabic.
38. *A Government representative of the Russian Federation* expressed support for the point for decision. With reference to the agenda of the 98th Session (2009) of the Conference, he considered that it was not necessary to include an item on the employment and social policy consequences of the economic and financial crisis, as coverage of this subject could be included in the discussion of the strategic objective of employment and social protection. It was likely that other subjects would emerge that required urgent examination during the course of 2010.
39. *A Government representative of Mexico* supported the point for discussion. In view of the importance of the subject, he considered that it should be examined in a specific committee in which all member States could participate.

40. *A representative of the Director-General* reaffirmed that consultations with the groups would be continued, on the basis of which the Office would prepare a document for the 99th Session (2010) of the Conference. It would also be decided whether this single discussion was to be held in the Selection Committee or in a separate committee. The Office had noted the comments made in this respect. If the option was taken of a specific committee, it would be necessary to determine the time needed for the discussion and the formulation of conclusions. With regard to the Global Reports, the third cycle covering the four categories of rights would be completed in 2011 with the consideration of the Global Report on the elimination of discrimination in employment and occupation. The annual review would continue as usual until a new decision was taken in this respect. None of this would affect technical cooperation activities, which were an integral part of the follow-up to the 1998 Declaration.

Governing Body decision:

41. *The Governing Body decided to include on the agenda of the 99th Session (2010) of the International Labour Conference the following item: Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work.* (GB.304/2/1, paragraph 8.)

*Date, place and agenda of the 100th Session (2011)
of the International Labour Conference
(GB.304/2/2)*

42. *The Chairperson* observed that the Governing Body would need to indicate its agreement to the inclusion on the agenda of the 100th Session (2011) of the Conference of a recurrent discussion on the strategic objective of social protection (social security), and would also have to choose one of the following five technical items:

- (a) decent work in global supply chains (*general discussion*);
- (b) finance with a social agenda: microfinance for decent work (*general discussion*);
- (c) flexicurity as a tool facilitating adaptation to changes in the globalized economy (*general discussion*);
- (d) youth entrepreneurship: transforming jobseekers into job creators (*general discussion*);
- (e) the right to information and consultation in the framework of economic restructuring (*general discussion*).

43. *The Worker Vice-Chairperson and the Employer Vice-Chairperson* favoured the holding of a recurrent discussion on the strategic objective of social protection. With reference to the choice of the third technical item, both were of the view that the discussion and the decision on this matter should be postponed until the 306th Session (November 2009) of the Governing Body so that the outcome of the Conference discussions could be taken into account.

44. *A Government representative of the Czech Republic*, speaking on behalf of the European Union, confirmed his support for the subject of social security. He also favoured the postponement of the selection of the third technical item. Anticipating the discussion on the fifteenth item of the agenda, he specified that the European Union was very interested in the inclusion among the items for discussion in 2011 of the subject of employment and social protection in the new demographic context.

45. *A Government representative of Bangladesh* favoured the subject of social protection and looked forward to the discussion in the Committee on Legal Issues and International Labour Standards concerning the article 19 questionnaire on the social security instruments. With reference to the selection of the third item, he expressed a preference for the subject of youth entrepreneurship in view of the challenge faced by his Government in providing gainful employment for youth.
46. *The Employer Vice-Chairperson* recalled that a proposal had been made to postpone the discussion and decision concerning the third technical item, and that discussion could only be opened if the Members indicated that they were not in agreement with this proposal.
47. *The Government representative of Bangladesh* agreed that the selection of the third technical item should be postponed.
48. *A Government representative of India* indicated that she was prepared to express her views concerning the selection of the third item, and agreed with the Government representative of Bangladesh on the importance of the subject of youth entrepreneurship which, in her view, was interlinked with the theme of social security.
49. *Government representatives of Argentina, Canada, China, Egypt, Mexico, Mozambique, Peru, South Africa, Spain, United Republic of Tanzania and the Bolivarian Republic of Venezuela* supported the proposal to postpone the selection of the third item.
50. *A Government representative of Spain* welcomed the adoption of this proposal. The postponement of the discussion, as well as the debates on the modification of the agenda of the 98th Session (2009) of the Conference, gave credence to the idea repeatedly put forward by the Government of Spain that items should be selected at a date that was closer to the session so as to ensure that the items chosen were really topical.
51. *A representative of the Director-General* confirmed that in 2011 the recurrent discussion would cover the strategic objective of social protection (social security). The postponement of the selection of the third technical item was simply due to the fact that it would allow account to be taken of any new factor that emerged during the process, as well as the outcome of the Conference discussions. It was understood that the postponement would not prejudice in any way the decision to be adopted, that the five subjects presented in the ILO paper would be retained and that the preferences indicated in this respect during the first discussion would be taken into account.

Governing Body decision:

52. *The Governing Body decided:*

- (a) *that the 100th Session (2011) of the International Labour Conference would be held in Geneva;*
- (b) *to include in the agenda of the 100th Session (2011) of the International Labour Conference the following item: A recurrent discussion on the strategic objective of social protection (social security);*
- (c) *that the choice of the third technical item from the list of five proposals submitted should be postponed until the 306th Session (November 2009) of the Governing Body.*

(GB.304/2/2, paragraphs 2 and 9.)

Third item on the agenda

REVIEW OF ANNUAL REPORTS UNDER THE FOLLOW-UP TO THE ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK (GB.304/3)

53. *The Chairperson* presented the compilation of annual reports and mentioned that it had until now been accompanied by an introduction by a group of Expert-Advisers whose mandate had expired in 2008. The 2009 compilation was therefore presented by the Office. He recalled that the ratification rate for the fundamental Conventions had risen over the previous ten years and that the Declaration and its follow-up were very effective promotional tools. Taking into account this momentum, the Office should certainly continue to respond to requests from governments and from employers' and workers' organizations through technical cooperation and the Decent Work Country Programmes. The Office was keen to hear the views of the Governing Body on how to build on this momentum in the context of the 2008 Declaration on Social Justice for a Fair Globalization and on the mechanisms put in place to ensure the implementation of this instrument.
54. *The Employer Vice-Chairperson* firstly wished to stress the importance which his group attached to the 1998 Declaration and emphasized, as he had done on several occasions since the previous November, the fact that the reconstruction which would follow the crisis had to respect fundamental principles and rights at work. He recalled that, in addition to the annual reports, the follow-up to the Declaration included a Global Report and that it would be necessary to consider how the relevance and effectiveness of global reports could be enhanced. Referring to the fact that the 2009 report was the first not to be accompanied by an introduction by the Expert-Advisers, the speaker pointed out that, although the Employers were not always in agreement with the views of the Expert-Advisers, an evaluation of the information provided was nonetheless useful in the context of its analysis and processing by the groups.
55. The Declaration and the ratification of Conventions were two different matters but it should be recognized that the number of ratifications of fundamental Conventions had increased considerably since the adoption of the Declaration in 1998. Countries which had not managed to ratify these texts or apply the fundamental principles and rights should be able to benefit from assistance from the Organization in the form of technical cooperation activities.
56. With regard to employers' and workers' organizations, the speaker expressed regret at their limited involvement in the exercise. He requested the Office to step up efforts to strengthen the commitment of the social partners and to assist employers' and workers' organizations to be more proactive at the national level. After all, tripartism should not be a feature unique to the Organization, it should be a national reality.
57. *The Worker Vice-Chairperson* said he was very satisfied with the reports which had been prepared under the follow-up to the Declaration during the previous ten years. He considered, however, that the reports required some degree of analysis and evaluation and he endorsed the observation made by the Employer Vice-Chairperson on this point. With regard to the information provided, the Workers' group would like more detailed data which would enable the Governing Body to review the progress made by governments. However, to obtain that information, it was necessary to visit the ILO web site to consult the country baselines, which was not possible due to time constraints. Although the summaries presented were useful, they remained brief and, in order to obtain a detailed picture, it would be necessary to hold discussions with ACTRAV and ACT/EMP. The

Workers' group wanted to be in a position to have fruitful exchanges with governments and wanted to be able to make suggestions and recommendations to governments.

- 58.** The Workers congratulated those countries which had managed to fulfil their reporting duties and hoped that those which had requested assistance would receive it. They regretted that a number of governments had reported that there had been “no change”, which was neither useful nor clear. The Workers noted with satisfaction that numerous observations had been submitted by workers' organizations but recalled that they lacked information on the substance of those observations and the replies from governments in those areas. They also congratulated those governments which had brought about ratifications and hoped that they would be able to move on to the second stage of meeting the obligations relating to those ratifications. Numerous governments had indicated their intention to ratify certain Conventions and the speaker wished to stress that the goal was to achieve universal ratification of all the fundamental Conventions by 2015. Greater resources should therefore be allocated to the Programme for the Promotion of the Declaration to follow the progress of these countries and to help governments which had formally ratified the fundamental Conventions. The Programme should place special emphasis on large countries, including certain large democracies, which had not ratified one or several of these Conventions, in particular Conventions Nos 87 and 98. These countries should lead the way as they did in other areas. Tripartite processes had been initiated in a number of countries and it was to be hoped that they would facilitate the ratification and implementation of the fundamental Conventions.
- 59.** *A Worker member from the United States* stressed that the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work in the form of annual reports was an extremely important activity of the Organization. Unfortunately, as indicated by the Worker Vice-Chairperson, the report presented by the Office had a number of shortcomings, such as the absence of a serious analysis to help States to overcome the obstacles to the ratification of the fundamental Conventions. However, it was important for the Organization to find ways, in collaboration with governments and the social partners, to overcome these difficulties. The process for reviewing the reports should therefore continue to be carried out by a group of advisers, particularly one that reflected the constituents, to assist the Office in drafting future reports. Unfortunately, a number of countries representing a large proportion of the world's workforce had not ratified Conventions Nos 87 and 98. Recent reports submitted by the United States Government had indicated that there had been “no change” and it was to be hoped that the United States would make progress in the ratification process. The Worker member recalled the report of the US Government in 2000, where it suggested the Government and social partners could use the technical advice of the Office with regard to ratifying Conventions Nos 87 and 98.
- 60.** A comparison of the tables presented on pages 23 and 24 showed the increase in the number of ratifications. Although progress had been made, there remained much to be done and all efforts should be directed to that goal.
- 61.** *The Government representative of Bangladesh* congratulated the Office on preparing the document. With regard to the content of the 2009 report, the speaker recalled his Government's commitment to the fundamental principles of Convention No. 138 but stressed that this instrument was nonetheless incompatible with the country's socio-economic situation and its national legislation.
- 62.** *The Government representative of Belgium* indicated that his country had noted the documents with interest and endorsed paragraphs 7 and 8 in particular, which provided a good summary of the information given. It would be interesting to take into account the indicators announced by the Director-General for each of the Conventions and each of the fundamental principles at work. The document showed the barriers to implementation

which could remain following the ratification of Conventions. For the Government of Belgium, ILO technical cooperation should target above all those countries which encountered difficulties linked to the capacities of the constituents to apply the rights and principles in the context of Decent Work Country Programmes and strategies. In countries without such programmes, support activities should seek to consolidate the structures which the ILO regarded as being the pillars of political and social development in the country concerned. In conclusion, the 1998 Declaration would continue to be very useful and relevant if the Office responded appropriately based on the indications given in the reports of the various countries.

63. *The Government representative of India* said that it was very encouraging to see the significant increase in the number of ratifications of all the fundamental Conventions since the adoption of the Declaration on Fundamental Principles and Rights at Work. These principles and rights should be promoted and India was committed to ensuring that workers benefited from them.
64. Countries differed, and it was therefore natural that numerous different approaches were being adopted to implement these fundamental principles and rights. Like other countries, India was permanently amending its labour legislation in order to make it more relevant and effective. It had to date ratified four of the eight fundamental Conventions and was exploring the possibility of ratifying the remaining four, but the speaker recalled that this would be possible only when all the national laws and regulations were in complete conformity with the provisions of the text. With regard to the provisions of Conventions Nos 87 and 98, which India had not yet ratified, the rights provided for were nonetheless already largely applicable to the country's workers. India was fully committed to abolishing child labour in all its forms and, to that end, it was adopting a progressive approach by targeting firstly those children who were most vulnerable, namely children under 14 years of age who were employed in hazardous work. A constitutional amendment, once fully in force, should enable children to be schooled up to the age of 14 years and, ultimately, that age would be raised. In collaboration with the ILO and the United States Government, India was implementing a vocational training programme to prepare young people for entry into the labour market at the appropriate age. In conclusion, the speaker reaffirmed her country's commitment to the fundamental principles and rights at work.
65. *The Government representative of Nigeria* congratulated the Office on the compilation work it had carried out. Although there had been slightly fewer ratifications in 2009, indications of an intention to ratify had been relatively high and it was therefore especially important that the ILO should encourage the submission of reports in the context of its response to requests from member States for technical cooperation under Decent Work Country Programmes. The ratification of the fundamental Conventions should be promoted in the context of the Programme and Budget proposals for 2010–11. Those ILO constituents who had submitted reports should be congratulated and encouraged to continue doing so. Nigeria was working hard to complete the reform of its labour legislation with a view to facilitating the implementation of the ILO Declaration on Fundamental Principles and Rights at Work.
66. *A representative of the Director-General* recalled that the baseline tables had been introduced by the Expert-Advisers who had seen in them a way of building on the information gathered initially by means of questionnaires. With regard to the ratification of the fundamental Conventions, the ratification rate had risen from 70.8 per cent in 2000 to 89.7 per cent in 2009. Cases of non-ratification of the fundamental Conventions were generally well documented and the information available was therefore reasonably detailed.

67. The resources of the current biennium had enabled the organization of a meeting of Expert-Advisers for the purpose of preparing the 2008 introduction. At the beginning of 2009, the Office had taken the decision not to try to summarize the information gathered in the absence of an introduction by the Expert-Advisers, taking the view that it was not its role to evaluate this type of information. Furthermore, the follow-up to the 2008 Declaration itself stated that the Office should prepare a compilation. The introduction by a group of Expert-Advisers was in fact optional.
68. Moving on to the more specific comments on the points raised, the speaker agreed with the Employers that the evaluation of the information by a group of Expert-Advisers was useful but said that the Office was unable to provide such evaluation and it was therefore necessary to find another method. With regard to the participation of the employers' and workers' organizations, even though their degree of participation was high, it was agreed that the Office should endeavour to obtain more information from the social partners. Replying to an observation on the manner in which to proceed, the speaker referred to the document on the review of the follow-up to the 2008 Declaration which raised the specific question of the annual review and how to ensure that it was effective and avoided any overlap with the ratification campaign. The Office did not have any specific suggestions and considered that discussions should be held. It would be necessary to examine how the different processes, such as the annual review process and the global report process, could in future be linked together and synchronized with the follow-up to the 2008 Declaration on Social Justice for a Fair Globalization. The speaker agreed with the Worker Vice-Chairperson that indicating that there had been "no change" was not satisfactory. In an attempt to minimize this, the Office was endeavouring to ensure the most up to date information possible.
69. The speaker also recognized the shortcomings of the report, including in particular the fact that the document was not accompanied by an introduction. The possible options should be investigated. He explained to the Government representative of Belgium that the Office had noted his comments on the connection with the indicators concerning each of the fundamental principles and rights at work, in particular following the discussion of the Programme, Financial and Administrative Committee (PFAC) on the programme and budget. Finally, he thanked the Government representative of India, which was working very closely with the ILO in the context of the Declaration follow-up.
70. *The Governing Body took note of the report and of the comments made thereon.*

Fourth item on the agenda

REPORT ON THE HIGH-LEVEL TRIPARTITE MEETING ON THE CURRENT GLOBAL FINANCIAL AND ECONOMIC CRISIS (GB.304/4)

71. *The Chairperson* introduced the paper and emphasized that discussions had been particularly fruitful. The brief report which had been produced aimed to include the main points of convergence that had appeared in the discussions and to reproduce the views of the Governing Body regarding the role of the Decent Work Agenda and a global jobs pact envisaged in the general context of the response to the crisis. A full report would be distributed in due course. The Chairperson proposed that the Governing Body examine the outcomes of the Meeting on the basis of the conclusions presented in the paper.
72. *The Employer Vice-Chairperson* emphasized, firstly, that the High-level Tripartite Meeting had been an appropriate response to a particularly serious time for the real economy, production and labour. Secondly, from the point of view of procedure, lessons should be

learned from the interactive session of the morning and also from the panel discussion held in the afternoon, in view of the Committee of the Whole due to be convened during the Conference. Those Meetings had to be subject to rules of procedure serving as reference points and allowing each person's right of expression to be respected.

73. With regard to the conclusions submitted to the Governing Body, he considered them to be very important and dwelled particularly on the suggestion relating to a global jobs pact which had to be considered and defined with a great deal of caution since, above all, a consensus was needed regarding the final outcome. He recalled that what distinguished the ILO from other institutions in the multilateral system was its tripartism and its capacity to make proposals by consensus. He therefore welcomed the fact that the analysis sought to identify points of convergence. With regard to a global jobs fund, the employers felt neither technically equipped nor politically authorized to engage in that debate, which they considered, moreover, not to come within the Organization's mandate. Between the present session of the Governing Body and the June Conference, ongoing interaction was needed between the Office, the Officers of the Governing Body and the Governing Body itself to ensure that both the Conference and the High-level Meeting which had just taken place achieved a good technical level, had a high political profile and helped to establish the conditions needed for restoring confidence. In the context of the Organization, the Workers, the Employers and the Governments had to reach a social compromise based on the mandate of the ILO.
74. *The Worker Vice-Chairperson* congratulated the Chairperson on the quality of the report presented, which constituted a platform for the discussions which would take place in June. It might be useful to look at the report in conjunction with GB.304/15/2 on the special arrangements for discussing the employment and social policy consequences of the economic and financial crisis at the 98th Session of the Conference. He wished to commend the Employers' initiative proposing a discussion on that issue which had initially not been on the agenda.
75. With regard to the debate due to take place in June, he recalled that attempted interactive discussions of non-technical questions, for example the Global Report, had quickly revealed limits preventing serious debate or the formulation of recommendations that might have benefited the Organization's interests. Attention needed to be given to ways of creating genuine interactivity. In that regard, he drew attention to paragraph 16 and section D of the Chairperson's conclusions.
76. With regard to the Global Jobs Pact, the Workers were unable to share the Employers' views since they considered that the ILO should be able to use the resources at its disposal, as it had done in the past, to support many of its Members. He was of the opinion that a global jobs fund would not come under the mandate of the Organization.
77. *The Government representative of Spain* described the High-level Meeting as very positive, while agreeing with the Employer Vice-Chairperson that management of the panel discussions and time management should be improved. He congratulated the Chairperson of the Governing Body for his report and asked that the fuller report which was being prepared should be like those of Governing Body committees, which enabled individual contributions to be identified. Finally, he endorsed the remarks of the Worker Vice-Chairperson regarding the expected goals of the Conference in June.
78. *The Government representative of Argentina* thanked the Chairperson for the paper presented and, while agreeing with the remarks in section B, asked that urgent humanitarian aid be supplied to the most affected sectors in the emerging countries. The Government of Argentina unreservedly endorsed the summary in paragraph 16. It also supported the next steps presented in section D, which gave a good summary of the

discussions, and stressed once again that the donor countries should contribute, in the context of the Organization, to humanitarian aid.

79. *The Government representative of Egypt* endorsed the report and the measures presented. She thought that a consensus had to be reached at international level to deal with the lack of financial resources in the developing countries following the decline in both official development aid and foreign direct investment. It had to be agreed that there was no universal solution and that some policies, reflecting certain ideologies, could not be supported. Finally, a consensus was necessary to ensure that national policies were properly equipped for tackling a crisis which was peculiar to each country.
80. *The Government representative of France* welcomed the content of the conclusions and proposed, if similar initiatives were planned in the future, to specify their objectives at the outset and adapt the format of discussions to those objectives.
81. *The Government representative of Sudan* took note of the report, which gave an overview of the crisis and the approaches which could help to find solutions. He noted particularly the policy instruments set out in paragraph 16 and also the steps to be taken in the future. The document provided a basis for the discussion to be held in June.
82. *The Government representative of Lebanon* considered that the ILO had numerous focal projects and programmes and that the Office might present a summary of those programmes to help countries familiarize themselves with their content.
83. *The Government representative of Nigeria* welcomed the concise report which had been presented. He took note of a number of points, particularly the fact that official development aid should not be reduced, especially for the countries which were the victims of the financial crisis but not the originators of it.
84. *The Government representative of India* wished to refer particularly to paragraph 12 of the report, which highlighted the need for reform of the institutions for the governance of globalization with a view to improving policy coherence and coordination and also accelerating the pace of poverty reduction to achieve the Millennium Development Goals. Greater emphasis should be placed in that paragraph on the need for the multilateral system to speak with one voice.
85. *The Government representative of Guinea* supported the document and agreed in particular with the proposal concerning the ILO global jobs pact. The document was an early indication that there would be fruitful discussions during the Conference, and the delegation of Guinea suggested that those discussions focus especially on the developing countries hardest hit by the crisis.
86. ***The Governing Body took note of the Chairperson's conclusions on the High-level Tripartite Meeting on the Current Global Financial and Economic Crisis and invited constituents and the Director-General to take guidance from the points of convergence and the discussion on them in responding to the crisis and preparing for the 98th Session of the International Labour Conference.***
(GB 304/4.)

Fifth item on the agenda

DEVELOPMENTS CONCERNING THE QUESTION OF THE
OBSERVANCE BY MYANMAR OF THE FORCED
LABOUR CONVENTION, 1930 (NO. 29)
(GB.304/5/1(Rev.))

- 87.** *The Ambassador of Myanmar* noted that the ILO mission, led by Mr Tapiola, accompanied by the Principal Legal Officer, Office of the Legal Advisor, had visited Myanmar from 24 February to 1 March 2009, and had been received by the Minister of Labour. It met with the Government of Myanmar Working Group for the Elimination of Forced Labour in Nay Pyi Taw in a meeting led by the Deputy Minister of Labour, Mr Tin Htun Aung. An agreement was reached to extend the Supplementary Understanding (SU) for another year. Responding to the request made by the 97th Session of the International Labour Conference for a public statement condemning recourse to forced labour at the highest level, the Ministry of Labour had issued a press release following the signing of the extension, which stated that the Minister of Labour, U Aung Kyi, welcomed the continuation of the cooperation between the Government and the ILO, demonstrating the Government's high-level commitment to eradicating forced labour. The press release was widely diffused in English and Myanmar local daily papers. The SU had been translated and distributed throughout the country's divisions, districts, townships, wards and villages. Both sides agreed that positive results had been achieved by the latest ILO mission to the country, which had been able to visit the sites of the project set up to help relieve the areas devastated by Cyclone Nargis.
- 88.** Of the 81 cases forwarded by the ILO Liaison Officer to the Working Group for the Elimination of Forced Labour, 72 had been resolved and nine were still under investigation. Of the 72 resolved cases, 62 had already been closed, and the Liaison Officer was assessing the ten others. The Liaison Officer was free to move about the territory to execute his mandate in accordance with the SU. Two awareness-raising workshops would take place before the International Labour Conference (June 2009) this year. Regarding the two persons mentioned in the conclusions of the 303rd Session of the Governing Body, U Thet Wai had been released on 21 February 2009, and Su Su Nway's sentence had been reduced.
- 89.** The Government was continuing to cooperate with the ILO on the rehabilitation of the Cyclone Nargis-hit township of Moramagen. Stage one of the pilot project had been completed and had provided job-opportunities for 5,556 workers in the area; stage two had been in implementation since 13 February 2009, with funding from the United Kingdom Department for International Development (DFID), and had generated a total of 22,087 jobs. Under the supervision of the local authorities, in line with ILO recommendations, there had been no reports of forced labour on the ground.
- 90.** Myanmar continued to cooperate with the United Nations, and had received a visit from Mr Ibrahim Gambari, UN Secretary-General's Special Adviser, from 31 January to 3 February 2009. The Government had also cooperated with Mr Tomás Ojea Quintana, Special Rapporteur on the human rights situation in Myanmar, who had visited the country from 14 to 19 February 2009. Both officials had expressed appreciation at their reception by the Government.
- 91.** Regarding the concerns expressed on under-age recruitment by the 97th Session of the Conference and by the 303rd Session of the Governing Body, the Ambassador stressed Myanmar's commitment to the protection and promotion of the rights of the child, and had been party to the UN Convention on the Rights of the Child since 16 July 1991. Military service was voluntary in Myanmar and under Myanmar Defence Services Act 1974 and

War Directive 13/73, soldiers had to be over 18 years old. On 5 January 2004, the Government had established a Committee for the prevention of recruitment of minors into the military, which scrutinized new recruits at the recruiting stage, basic training stage, and in the military units. Some 83 under-age recruits had been released from the army as a result. The Committee was working closely with the United Nations Children's Fund (UNICEF) in organizing awareness-raising programmes.

92. Some 45 of the cases received from the ILO Liaison Officer concerned under-age recruitment. After verification, 35 persons were discharged from the armed forces and returned promptly to their parents or guardians, and disciplinary action had been taken against the recruiters. The recruitment procedure had been tightened and the units instructed to observe the rules strictly. Myanmar had thus shown its political will to cooperate constructively with the ILO in the eradication of forced labour.
93. *The Worker Vice-Chairperson* said that his group remained deeply concerned that the situation in Burma/Myanmar in respect of forced labour imposed by the authorities or the army was largely unchanged. Information from sources outside the country, including from the International Trade Union Confederation's (ITUC) affiliate, the Free Trade Unions of Burma (FTUB), arrived almost daily. The ILO report highlighted the seriousness of the situation and revealed a lack of genuine will on the Government's part to eradicate forced labour. The recommendations of the Commission of Inquiry were not being fully implemented.
94. The group appreciated the work of the Liaison Officer, but noted that only 13 new complaints of forced labour had been received since the November session of the Governing Body. This was certainly more due to reprisals taken against those complaining, rather than to an improvement in the situation. Conversely, the perpetrators had little to fear from resorting to forced labour: the maximum punishment meted out had been the loss of 14 days' salary. Since the establishment of the Liaison Office, there had been only one prosecution under criminal law, and no military perpetrator had been dishonourably discharged, prosecuted under the penal code or otherwise punished.
95. Conversely, the Government dealt out very severe punishment to the innocent, for example, to Su Su Nway, who was sentenced to twelve-and-a-half years' jail for defending his democratic rights, a sentence which had been reduced to eight years subsequently. The group's sources clearly showed that if persons were connected to the opposition party, they were very likely to be harassed, arrested and to receive ludicrous prison sentences. Paragraph 11 of the report bore witness to this. New cases were being reported to the group regularly. Most recently, two labour lawyers had received heavy sentences on trumped-up charges, based on the lawyers' alleged links with illegal organizations, for defending activists from the opposition. In recent months the junta had imprisoned pro-democracy activists to eliminate dissent before the elections promised for 2010. Military courts had handed down sentences of up to 104 years.
96. The group welcomed the visit of the ILO mission, and that it had been able to meet with persons in the regions. By encouraging this type of intervention, on a larger scale, the Government would be demonstrating good will and moving in the right direction. The Government should also make a high-level statement condemning the practice of forced labour. Proper punishments should be meted out to perpetrators of forced labour, while those persons imprisoned for excessive lengths of time should be released, including Aung San Suu Kyi. This would require a greater ILO presence in Myanmar, more effectively able to cover the territory, with genuine guarantees from the Government that the people coming forward to speak with the ILO officials would not be imprisoned as a result. There should be intensified dissemination of the laws the Government claimed to respect, translated into the languages of the country, in readable form, accompanied by firm

evidence that this had been done. The Government of Burma/Myanmar should comply with the human rights principles set out in the ASEAN Charter. Finally, the group stressed that it maintained its right to take the issue before the International Court of Justice unless evidence of genuine progress was forthcoming.

97. *The Employer Vice-Chairperson* thanked the Office, and especially Mr Tapiola and Mr Marshall for their efforts in respect to the elimination of forced labour in Myanmar. The report contained elements that could be seen as positive steps, including the extension of the SU trial period for another 12 months under the same conditions. Perhaps more significant was the fact that the Government had widely publicized the renewal of this agreement. Clearly, a better understanding of the means of recourse open to those suffering abuses, and greater knowledge of the action undertaken by the ILO and the UN in this connection, would allow progress both in terms of investigating abuses and in protecting those giving information, until forced labour in Myanmar should be eliminated in fact and in law.
98. The military authorities and the further-flung territories, into which the ILO Liaison Officer had been unable to penetrate, were the principal areas of concern. Until the Governing Body was able to have a clear view of the evolution of the forced labour situation throughout the country, it could not judge whether it was improving. Further information from the field should therefore be forthcoming, through full access to all territories; more evidence of progress in respect of the registration of cases, and of sanctions issued in their regard; the extension of the SU should deliver much fuller results over the next few months. The group believed that if the situation developed along these lines, then the picture would begin to look more favourable.
99. *A Government representative of the Czech Republic* spoke on behalf of the European Union (EU), the candidate countries of Turkey, Croatia and The former Yugoslav Republic of Macedonia; the countries of the stabilization and association process and potential candidates, Albania, Bosnia and Herzegovina, and Montenegro; and the European Free Trade Association countries, Iceland and Norway; the members of the European Economic Area; and Switzerland; as well as Ukraine, the Republic of Moldova, Armenia and Georgia aligned themselves to the statement.
100. The report of UN Special Rapporteur, Mr Quintana, presented to the Human Rights Council on 11 March 2009, showed that the authorities were not yet providing real answers to the international community regarding the persistent human rights abuses in Burma/Myanmar. The EU remained concerned at the lack of progress made. Arbitrary, unfair court proceedings resulting in serious prison sentences for political and human rights activists seriously breached human rights standards. The EU had repeatedly drawn attention to breaches of Convention No. 29 and of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The release of 29 prisoners of conscience, including U Thet Wai, was positive. As there were approximately 2,100 such prisoners, the authorities should continue the releases forthwith.
101. The EU took full note of the developments set out in the report, including the statement by the Minister of Labour confirming the Government's high-level commitment to its policy of prohibiting forced labour, but did not consider that it fulfilled the requirement set out in the conclusions of the 303rd Session of the Governing Body. The authorities should issue a statement at the highest level expressing clearly that forced labour, and under-age recruitment to the army, was forbidden and that perpetrators, including military personnel, would be prosecuted under the penal code and punished adequately. Regulations that could be interpreted as encouraging forced labour should be urgently amended. The EU also noted the translation of the SU and its initial distribution; the production of a simply-worded brochure should now be agreed by the authorities, and produced shortly. The EU

welcomed the positive elements presented in the report, such as the extension of the SU and the outcomes of the projects implemented following Cyclone Nargis, while regretting lack of progress on the ground.

102. The EU noted with interest that the ILO Liaison Office would be responsible for monitoring and reporting on children and armed conflicts as part of the task force established by the UN Country Team, and encouraged the ILO to pursue its cooperation with other international agencies.
103. The decrease in received complaints did not indicate an improvement in the situation. It was of concern that a number of persons with a record of facilitating complaints to the ILO had recently been sentenced to lengthy prison terms. This was unacceptable and would be closely followed by the EU. Multiparty elections would be without credibility unless the authorities released all political prisoners, including Aung San Suu Kyi, and engaged in inclusive, time-bound dialogue with the opposition and ethnic groups. The UN Secretary-General and his Special Adviser, Mr Gambari, were trying to launch such a process, and the EU was contributing to this through its Special Envoy, Mr Piero Fassino. The EU reiterated its call for full respect for human rights and fundamental freedoms, including freedom of association and universal prohibition of all forms of forced labour.
104. *A Government representative of Cambodia* noted the positive elements presented in the report, which demonstrated the Government of Myanmar's willingness to cooperate with the ILO, and its commitment to the EU policy of prohibition of forced labour. The recent visits to the country by senior ILO and UN officials had produced positive results and further advanced cooperation between the parties. The Government of Cambodia strongly supported the commitment made by Myanmar.
105. *A Government representative of Australia*, speaking also for New Zealand, commended the efforts of Mr Tapiola and Mr Marshall in achieving the one-year extension of the SU. The report of the Liaison Officer was more encouraging than usual, testifying to his vigorous, targeted efforts to persuade the Government to eradicate forced labour. Small steps had been made in this direction, including the distribution of the translation of the SU; awareness-raising activities; the post-cyclone project in the Irrawaddy Delta; and the recent Ministry of Labour press release on the extension of the SU. The complaints mechanism continued to assist those who were aware of it and able to access it.
106. The overall situation remained serious. The UN Special Rapporteur noted numerous reports of civilians being forced to serve as porters and guides for the army, to construct army camps and labour on infrastructure. The issue of child-soldiers still remained. The Government continued to impede the complaints mechanism and military personnel enjoyed impunity from the law. The Government must redouble its efforts to make the complaints mechanism operate as intended. It must cease to harass and intimidate complainants and facilitators of complaints, including through spurious legal means; release those incarcerated for association with the ILO; and issue, without delay, the simply-worded explanatory brochure in the Myanmar language on the SU for distribution throughout the territory. The Government should ensure that its legislation and policies could not be construed as encouraging forced labour, and should build on the success of the Irrawaddy Delta project in other parts of the country. It should support and facilitate an additional international staff member to the Liaison Office, to allow the ILO to fulfil its child-soldier monitoring and reporting obligations under UN Security Council Resolution No. 1612. The complaints mechanism was not an end in itself: the Government's efforts must be directed at eradicating forced labour totally. The way to achieve this was to implement fully the recommendations of the Commission of Inquiry.

107. *A Government representative of Thailand* said that the issue of forced labour must be considered in the light of the overall situation in Myanmar. The positive elements set out in the report, including the visits of high-ranking UN delegations, promoting dialogue and engagement; the extension, to 2010, of the tripartite core group to help victims of Cyclone Nargis, were welcome. The complaints mechanism was producing satisfactory results and the ILO and the Government should continue to cooperate closely together to progress on the remaining cases. The extension of the SU and its translation and distribution were also welcome. At the signing of this extension, Myanmar had reaffirmed its commitment to prohibit forced labour. Thailand believed that constructive and cooperative dialogue between all parties would further enhance implementation of the SU, and attain sustainable progress.
108. *A Government representative of Japan* welcomed the positive elements set out in the report. He noted that Myanmar, in line with the road map for democratization, would realize a multi-party democratic system, with a general election planned for 2010, and that the Government was reviewing domestic human rights-related law. However, the Government should enhance its cooperation to implement the SU fully, including by the distribution of the simply-worded brochure. There were also some cases of complainants being detained. The Government needed to address the issue of impunity and hold those responsible accountable, regardless of whether they were military or civilian. Japan welcomed the post-cyclone project in the Irrawaddy Delta, and hoped that the Government of Myanmar would continue to cooperate with the ILO, with a solid political will to improve the situation.
109. *A Government representative of Singapore*, recalling the detailed statement delivered by his Government on this matter in November 2008, welcomed the extension of the SU, as well as the agreement to hold regular, joint awareness-raising activities at state and divisional levels, particularly as the locations for the three activities already planned were in sensitive areas. The Government of Singapore was pleased to hear of the success of the pilot projects: typically in an Asian developing village setting, much rural work would be conducted on a communal basis. Concrete projects showcasing good communal project practices were therefore very useful. The second phase of the project, funded by the United Kingdom, was now operational and would concern 60 villages. It had played a valuable role in raising awareness on rights and responsibilities in employment. While progress in Myanmar had not been sufficient, the situation had not deteriorated. The Government should redouble its efforts to make the law operative and known at all levels within the country. Singapore commended the efforts made by the UN Secretary-General and looked forward to the 2010 multiparty elections in Myanmar.
110. *A Government representative of India* expressed satisfaction at the tangible success achieved, especially regarding the renewal of the SU, which would carry forward the dialogue between the ILO and Myanmar. India also noted facilitation efforts by the Government in respect of the Liaison Officer. India wished to record its appreciation of the agreement in principle by the Government of Germany to provide resources to the Liaison Office to enable it to carry out its child soldier monitoring and reporting activities.
111. *A Government representative of China* welcomed the renewal of the SU and the continued cooperation between the Myanmar authorities and the ILO. Forced labour could only be eliminated when the general public was aware of the laws and could protect its rights through law. It was thus satisfactory that the Minister of Labour of Myanmar had made a public statement declaring the Government's will to eradicate forced labour practices, and had translated the SU. The authorities were also working with the ILO in awareness-raising activities. This work should promote knowledge in remote areas regarding the complaints mechanism. A further positive element was the post-cyclone projects, which effectively generated employment and income. The ILO should continue to run technical

cooperation projects in Myanmar, increasing its technical and financial input to eliminate forced labour in the country.

- 112.** *A Government representative of the United States* noted the courage of the Liaison Officer and his staff in carrying out their mission under difficult conditions. The United States welcomed the renewal of the SU, but its implementation depended on a full understanding of the illegality of forced labour, both by senior officials and the general public; broad awareness of the existence and legitimacy of the complaints mechanism; and confidence that the system would work without exaction of reprisals. The translation of the SU should be accompanied by the proposed, simply-worded explanatory booklet. The awareness-raising activities should be the beginning of a sustained effort for systematic country-wide education and training in the prohibition of forced labour, and the ILO should be able to expand them throughout the country, involving the public, local authorities and military officials.
- 113.** The stipulated high-level statement prohibiting forced labour had not been made. Public confidence was eroded when individuals known to be using the complaints mechanism were subsequently arrested and imprisoned. All political prisoners, including U Po Phyu, apparently arrested directly because of his use of the ILO mechanism, should be released. The Liaison Officer and his assistants must be allowed full freedom of movement without prior notification, and the staff of the Office should be expanded. Many under age soldiers had been released from the army, but military use of forced labour and under-age recruitment continued. When guilty of ignoring the Government's prohibition of forced labour and child conscription, army officers should be given strict criminal penalties.
- 114.** The regime should expand its cooperation with the ILO to cover all forms of forced labour and resolve all pending cases quickly. The authorities should address the underlying causes of forced labour. The following recommendations of the 1998 Commission of Inquiry had not been implemented: the legislation should be aligned with Convention No. 29; forced or compulsory labour should not be imposed by the authorities, particularly the military; penalties imposed for the exaction of forced labour should be strictly enforced through full investigation, prosecution and adequate punishment of the guilty. The United States acknowledged some progress and noted the Government's greater willingness to address the issue of forced labour. However, its use remained widespread among the military, by local authorities to build infrastructure, and in the form of child recruitment. It was of concern that individuals brave enough to use the complaints mechanism should be met with retaliation and harassment. The Burma/Myanmar authorities should put all its commitments into practice by cooperating fully with the ILO, and developing true labour rights and democracy.
- 115.** *A Government representative of the Russian Federation* noted with satisfaction the one-year renewal of the SU, which proved that the approach based on constructive dialogue was correct. The complaints mechanism was operating and yielding results. A Working Group for the Elimination of Forced Labour had been established within the Ministry of Labour, and the Minister had several times spoken out against forced labour. The Liaison Officer had been able to travel into remote areas in Myanmar, and various awareness-raising activities were under way or planned. A further positive element was the participation of the Ministry of Defence in the investigation of complaints. The ILO and the Government should continue to cooperate constructively together.
- 116.** *A Government representative of the Republic of Korea* welcomed the one-year extension to the SU and commended the ILO in this connection. The Government should make all efforts to enhance the visibility of the complaints mechanism and to encourage the public to make use of it. The ILO-sponsored cash for work projects in the cyclone-affected area of the Irrawaddy Delta was noted with appreciation by the Government of Korea. This

project should serve as an example to the Myanmar authorities and help nurture voluntary labour in the country.

117. *A Government representative of Canada* acknowledged that Burma/Myanmar was engaging in more productive discussions with the ILO. The report contained evidence of this in the extension of the SU; its translation and diffusion in the local language; and the release of U Thet Wai. Canada commended the efforts of the Liaison Officer, whose clear objectivity and lack of political agenda in pursuit of ILO objectives surely inspired confidence among those with whom he worked. By global standards, respect for human rights remained very low in Burma/Myanmar. The ASEAN Human Rights Charter should help the country understand and implement its human rights commitments. The elimination of forced labour would be more easily achieved and sustained within the context of respect for other basic human rights. A climate in which political activists and labour leaders continued to be imprisoned was not propitious to the development of civil society protected by basic human rights and the rule of law. The continued detention of Aung San Suu Kyi was a symbol of the country's failure to implement its human rights commitments. The authorities should accept the possible assignment of an additional officer to the Liaison Office in Yangon.
118. *A Government representative of Cuba* welcomed the renewal of the SU and noted the progress set out in the report and the activities undertaken or planned. While work remained to be done, this progress was the fruit of technical cooperation and dialogue between the ILO and the Government of Myanmar, and this should therefore continue until full compliance with Convention No. 29 was attained.
119. *A Government representative of Viet Nam* said that the progress made was welcome. Viet Nam believed that dialogue and cooperation were crucial to finding the most appropriate and acceptable solution to the problem of forced labour in Myanmar. With the UN Country Team support, the extension of the SU, and the high-level political commitment of the Government of Myanmar, a positive outcome would certainly be forthcoming. Viet Nam therefore strongly supported continued cooperation and dialogue between Myanmar and the ILO.

Governing Body conclusions:

120. *The Governing Body took note of the report of the Liaison Officer and listened with interest to the statement made by the Permanent Representative of the Government of the Union of Myanmar. In light of the information available, and considering the interventions made during the debate, the Governing Body concludes as follows:*
- *Sustained measures continue to be needed for the full implementation of the recommendations of the Commission of Inquiry and to ensure that the use of forced labour in Myanmar is totally eliminated.*
 - *An effective ILO presence in the country is useful and the extension of the trial period of the Supplementary Understanding (SU) for a further 12 months from 26 February 2009 is therefore welcomed.*
 - *All citizens of Myanmar should have access to the complaints mechanism established by the SU and actions to that end need to be intensified during the extended trial period. These include promoting the need for wider public understanding on the availability and use of the complaints mechanism and the guarantee of access to it without risk of any harassment or retribution.*

The criminal prosecution and punishment of those guilty of exacting forced labour is also essential for the credibility of the process.

- *The Governing Body notes certain, albeit limited, positive steps taken by the Government of Myanmar as recorded in the Liaison Officer's report. These include, among other things, the agreement to further and more systematic awareness-raising activities, including in sensitive areas, the distribution of translations of the relevant texts and the facilitation of the Liaison Officer's access to people and his freedom of movement around the country to carry out his responsibilities under the SU.*
- *The translation of the SU trial period extension, and of the Minister of Labour's public confirmation of the Government's commitment to the objective of the elimination of forced labour, and of the right of citizens to use the complaints mechanism without fear of retribution, are welcomed. However, those translations, as well as a simply-worded publication, should be made available also in minority languages and widely distributed.*
- *The Governing Body reminds the Government that an authoritative statement at the highest level remains necessary to clearly reconfirm to the people the Government's policy for the elimination of forced labour and its intention to prosecute the perpetrators of forced labour, both civilian and military, so that they are appropriately and meaningfully punished under the Penal Code.*
- *The release from prison of U Thet Wai, in response to the Governing Body's previous calls, is noted. However, the recent arrests and sentencing of U Zaw Htay and of his lawyer U Po Phyu, being clearly linked to the activity of the facilitation of the SU complaints mechanism, are viewed as being extremely serious. The Governing Body calls for the urgent review of these, and all other similar cases, and for the immediate release of the persons concerned.*
- *The Governing Body views extremely seriously the harassment of those who make use of their right to seek redress from the use of forced labour through the ILO or the harassment of others supporting that process. Such harassment is contrary to the letter and intent of the SU and seriously affects the credibility of the complaints mechanism.*
- *The progress reported in the rural infrastructure project under way in the cyclone-affected Delta region is noted. In addition to the humanitarian and livelihood benefits arising from this activity, this project has proven to be a valuable tool providing a best practice employment model against the use of forced labour. The cooperation of the Government in this regard is also noted. The Governing Body recommends that the Liaison Officer and the Government continue to work together to identify possible modalities for the continuation of this activity, within the existing framework, in the Delta region and potentially in other parts of the country.*
- *In line with the current ILO mandate in Myanmar, the Governing Body welcomes the Liaison Officer's acceptance of responsibility under UN Security Council Resolution 1612 for monitoring and reporting on under-*

age recruitment and child soldiers. It calls on the Government of Myanmar to continue its cooperation with the Liaison Officer and his staff in this regard and to facilitate the presence of an additional international professional for this purpose.

- 121.** *The Governing Body expects to receive a report in November 2009 on substantial progress made on all of the matters referred to in these conclusions.*

Sixth item on the agenda

353RD REPORT OF THE COMMITTEE ON FREEDOM OF ASSOCIATION (GB.304/6)

- 122.** *The Chairperson of the Committee on Freedom of Association (CFA) paid tribute to Mr Van Vuuren, the Committee's Employer spokesperson, who was leaving the CFA after three years of fruitful collaboration. Introducing the 353rd Report, he said that the Committee had 138 cases pending, 34 of which had been examined on their merits. In the cases concerning Côte d'Ivoire (Case No. 2633) and Nicaragua (Case No. 2601), the CFA had noted that, despite the time that had elapsed, no observations had been received from the governments concerned, and it had, therefore, launched an appeal to those governments to send their observations as a matter of urgency.*
- 123.** The CFA had examined 54 cases in which the governments had kept it informed of the measures taken to give effect to its recommendations, and had noted, with satisfaction, developments in six of those cases, namely: Cases Nos 2499 (Argentina), 2326 (Australia), 2430 (Canada), 2506 (Greece), 2242 (Pakistan) and 2537 (Turkey). The CFA had drawn the Governing Body's attention to Cases Nos 1787 (Colombia), 1865 (Republic of Korea), 2516 (Ethiopia) and 2254 (Bolivarian Republic of Venezuela), on account of the extreme seriousness and urgency of the matters dealt with therein.
- 124.** Examining those particularly serious cases more closely, the Chairperson of the CFA observed, with regard to Colombia (Case No. 1787), that considerable progress had been made in reducing violence. However, the Committee deplored a situation which was unacceptable and totally incompatible with the requirements of the Conventions on freedom of association and urged the Government to take all necessary measures to ensure that workers and trade unions could exercise their rights in freedom and security.
- 125.** The Committee noted with regret that the Government had not sent its observations concerning the alleged existence of a close link between paramilitary groups and the Administrative Department of Security (DAS), or with regard to the allegations made by FENSUAGRO concerning the mass detention of trade unionists. The Committee also asked the Government to ensure that the investigations concerning "Operation Dragon", whose alleged objective was the elimination of several trade union officials, would yield concrete results.
- 126.** In the second urgent case (Case No. 1865, concerning the Republic of Korea), the Committee observed that, while significant progress had been made on the legislative level, there was still room for progress towards the establishment of a stable and constructive industrial relations system. It asked the Government to consider other measures to ensure that the freedom of association rights of public employees were fully guaranteed, to take rapid steps to continue and undertake consultations with all social partners concerned with a view to the legalization of trade union pluralism at enterprise level and to eliminate any legislative interference in the question of the payment of wages

to full-time union officials. It further asked the Government to ensure that the decisions determining the minimum service to be provided in the event of a strike were restricted to operations which were strictly necessary to avoid endangering the life or normal living conditions of the population, to amend provisions on emergency arbitration so that the latter could only be imposed by an independent body which had the confidence of all parties concerned, and to bring those provisions and section 314 of the Penal Code concerning obstruction of business into conformity with the principles of freedom of association.

- 127.** Further to numerous allegations concerning the construction sector, the Committee asked the Government to take all necessary measures to ensure effective recognition of the right to organize vulnerable daily workers in the sector, to refrain from any further acts of interference in the activities of organizations affiliated to the KFCITU, and to undertake further efforts for the promotion of free and voluntary collective bargaining.
- 128.** With regard to the third urgent case (Case No. 2516, concerning Ethiopia), the Committee regretted the denial of registration of the National Teachers' Association, especially in the context of allegations of serious violations of teachers' trade union rights, including constant interference in the form of threats, dismissals, arrests, detention and maltreatment of the complainant members. The CFA urged the Government to take all necessary measures to ensure that the aforementioned organization was registered without further delay and, in general, to ensure that civil servants' freedom of association rights were fully guaranteed. Moreover, the Committee urged the Government to launch an independent inquiry into the allegations of torture and maltreatment of the teachers, and to keep it informed of the outcome of the inquiry.
- 129.** In the fourth urgent case (Case No. 2254, concerning the Bolivarian Republic of Venezuela), the Committee expressed concern at the seriousness of the allegations submitted by the IOE and urged the Government to establish a high-level joint national committee, with ILO assistance, to examine each of the allegations so that the problem might be solved through direct dialogue. A tripartite forum for social dialogue, respecting the representativeness of workers' and employers' organizations, should be set up. The Committee expressed its deep concern at the fact that the case relating to the bomb attack on FEDECAMARAS headquarters had still not been resolved and that the two suspects had yet to be arrested. It requested the Government to step up the investigations.
- 130.** Finally, the Committee was concerned at an apparent insufficiency in resources allocated for the translation of the documents necessary for its report. It emphasized that 138 cases were still pending and that, in order to be able to do its work properly, it needed adequate resources for the translation of the documents.
- 131.** *The Employer spokesperson of the Committee* thanked the Office, which had endeavoured to make information available within the deadlines in order to enable the Committee to examine an increasing number of cases at each session. Firstly, he voiced his concern at the fact that 29 of the 37 cases examined related to Latin America, and also underlined the fact that 16 of the 22 new cases introduced in paragraph 6 of the report were also concerned with that region. Secondly, he was concerned at the references made to companies and recalled that the Committee's mandate was to ensure that governments applied the principles of freedom of association and collective bargaining. He thought that the Office should examine that issue. Thirdly, the employers stressed the importance of national procedures and emphasized the fact that the Committee, in its examination, must not act in a way that might interfere with national administrative or judicial procedures. He also considered that the Committee should only examine cases when all forms of recourse to national bodies had been exhausted. The Committee should not be regarded as an alternative to national bodies or as a means of publicizing an issue at international level.

Fourthly, he explained that his group defended the integrity of employers' organizations and he insisted that governments should inform the latter of cases where reference was made to employers.

132. Moving on to specific cases, he referred to Case No. 1787, concerning Colombia, since this was a very old case which the Committee had been examining for 12 or 13 years. The Employers recalled that the Committee had recognized the considerable efforts made by the Government of Colombia and governmental institutions to resolve those issues, but they underlined the need to find a way of closing the case.
133. With regard to Case No. 1865, concerning the Republic of Korea, it was important to note that the Committee observed that strikes of a purely political nature did not fall within the protection of Conventions Nos 87 and 98. It also recalled that the exercise of the right to strike should respect the freedom to work of non-strikers established by the national legislation, as well as the right of the management to enter the premises of the enterprise. The Committee also stressed that acts of disruption were inconsistent with, and did not engender confidence in, an orderly system of industrial relations.
134. Case No. 2254, concerning the Bolivarian Republic of Venezuela, was a serious and urgent case which highlighted the Government's interference in the rights of employers' organizations, including the most representative one, FEDECAMARAS. In particular, it underlined the inadequacy of the Government's measures to track down the perpetrators of the attack on FEDECAMARAS headquarters and emphasized the ensuing situation of impunity.
135. Finally, the speaker wished to pay tribute to the work of Mr Victor Van Vuuren, the Employer spokesperson of the Committee from June 2005 to November 2008.
136. *The Worker spokesperson of the Committee* explained that his group endorsed the statement made by the Reporter and asked the Governing Body to adopt the conclusions and recommendations made by the Committee.
137. Case No. 1787, concerning Colombia, had been the most serious case for a number of years since it involved the murder of a number of trade unionists. Like the Committee, the Workers' group recognized the progress made in reducing the violence but pointed out that 25 new murders had been reported since the last examination of the case. Of the 2,660 reported murders between 1986 and 2008, 1,302 were under investigation, and the Government reported 161 convictions involving 199 persons, including 100 belonging to the AUC united self-defence group and 22 to guerrilla groups. The situation was totally unacceptable. The Workers were also concerned that the Government had not supplied the requested information in relation to "Operation Dragon" and the alleged close link between the paramilitary groups and the DAS, which was responsible for ensuring the protection of trade union leaders.
138. The Workers' group also expressed its deep concern with regard to Case No. 1865, concerning the Republic of Korea. Although progress had been recorded after more than ten years of ILO intervention, the events that had occurred during the previous year suggested that the Government no longer attached much importance to the Committee's recommendations. The Workers' group expected the Government to respond positively to the recommendations made by the Committee, especially regarding recognition of the right to organize of daily workers in the construction sector.
139. Another long-standing serious case concerned Ethiopia (Case No. 2516). The Workers' group was deeply concerned at the absence of any visible intention on the part of the Government to respect freedom of association.

140. The Workers' group also expected that the Government of the Bolivarian Republic of Venezuela would respect the recommendations made in Case No. 2254.
141. The Committee noted with deep regret that, in Case No. 2552, the Government of Bahrain had not taken any action to amend the Trade Union Law so as to limit the definition of essential services to essential services in the strict sense of the term.
142. In Case No. 2171, concerning Sweden, the Committee deeply regretted the attitude of the Government, which had simply stated that it did not wish to provide any further response to the request made by the Committee concerning the legislative amendment regarding the compulsory retirement age.
143. In Case No. 2434 (Colombia), the Committee had been obliged to repeat its request to the Government of Colombia to amend its legislation which limited the right to sign complementary collective agreements regarding pension schemes. The Workers' group stressed that, in any discussion on democratic change, it would not accept any policy which implied a restriction of the right to bargain collectively, as in the Swedish and Colombian cases.
144. In Case No. 2242, concerning Pakistan, the Committee noted with satisfaction that workers' trade union rights had been restored at Pakistan International Airlines, but the Workers' group expected that the Government would also meet its obligations in Cases Nos 2399 and 2520.
145. In Case No. 2470, concerning Brazil, the Committee noted with interest the remedial measures ordered by the judicial authorities and the agreement concluded between the Government and the Unilever Group concerning respect of freedom of association and the right to bargain collectively.
146. With regard to Brazil, in Case No. 2635, the Committee noted with interest the legislative action initiated by the Government to better identify acts of anti-union discrimination and impose penalties. The Workers' group warmly welcomed the Government's intention to ratify the Termination of Employment Convention, 1982 (No. 158), and remained convinced that, if the member States ratified and implemented that Convention, the number of cases submitted to the CFA would be considerably reduced.
147. The cases on which progress had been recorded included Case No. 2430, concerning Canada. The Committee expressed the hope that the Government would be able to report, in the near future, that part-time academic and support staff in colleges of applied arts and technology in Ontario fully enjoyed the right to organize and to bargain collectively. However, the Government should prevent any obstruction of the workers' legitimate trade union rights.
148. In Case No. 2326 (Australia), the Committee also noted with interest the fact that the new Australian Government had introduced extensive consultations with the social partners concerning the revision of the regulations in the construction industry.
149. In Case No. 2620 (Republic of Korea), the Committee had been bound to recall that all migrant workers, whatever their status, enjoyed the right to organize and bargain collectively, which had also been confirmed by the High Court. However, the Committee had decided to await the decision of the Supreme Court on the issue of legal recognition of the migrant workers' union before dealing with that aspect of the case.
150. In Case No. 2227 (United States), the Committee had repeated its request for measures to ensure that undocumented workers had effective protection against anti-union dismissals.

151. Case No. 2637 (Malaysia) illustrated the wisdom of the Governing Body in selecting the standard-setting item on domestic workers for the Conference the following year. The Government was requested to ensure that domestic workers, whether foreign or local, enjoyed the right to freedom of association and to allow the registration of their trade unions.
152. In many countries, delays in judicial proceedings were common, which meant a denial of justice for the workers and the trade unions concerned. Case No. 2236, concerning Indonesia, illustrated that situation perfectly since the issue of the dismissal of four trade union leaders had still not been examined six years later.
153. The Committee also reaffirmed the principle whereby no dismissal should take place before any court proceedings concerning allegations of anti-union discrimination had been finalized. In Case No. 1914 (Philippines), 1,500 trade union leaders and members had been dismissed after a strike in 1995 and remained deprived of their rights after nearly 13 years of court proceedings.
154. In Case No. 2301 (Malaysia), the Committee had been highlighting extremely serious matters arising from anti-union legislation for more than 17 years. The Government had amended the legislation but had not addressed the concerns raised by the ILO, so the Committee had suggested once again that the Government avail itself of technical assistance from the Office.
155. In Case No. 2518 (Costa Rica), the Committee noted the measures taken by the Government to remedy the slowness and inefficiency of administrative and judicial proceedings in cases of anti-union action and expected legislation to be adopted in the near future. The Workers' group welcomed the fact that the Government had accepted an ILO mission to carry out an independent inquiry into allegations that blacklists are kept in the banana sector.
156. In Case No. 2589 (Indonesia), there had been a serious lack of progress, and the Workers' group was very concerned at the Government's attitude and expected that the Office would draw attention to that situation when establishing the Decent Work Country Programme.
157. Case No. 2629 (El Salvador) concerned the denial of the right to organize of judiciary employees, but the Supreme Court had apparently considered that ratification of Convention No. 87 was contrary to the country's Constitution. Like the Committee, the Workers' group strongly requested the Government to adopt the necessary measures to ensure observance of the provisions of Convention No. 87.
158. In Cases Nos 2557, 2615 and 2630, also concerning El Salvador, the Workers' group regretted the lack of a reply from the Government.
159. The Workers were concerned at the anti-union discrimination occurring in a number of enterprises in Peru, to which the many cases included in the report bore witness. They expected that the Government would take action urgently to guarantee workers' fundamental rights as set forth in the provisions of Conventions Nos 87 and 98, both ratified by Peru.
160. The Workers asked the Office to issue a reminder, in relation to a number of cases such as those concerning Bolivia and Comoros, that the responsibility for declaring a strike illegal should not lie with the Government but with an independent body which had the confidence of the parties.

161. Many CFA cases concerned restrictions of freedom of association for public sector workers. The Workers underlined the need for the Office to engage in activities raising awareness among member States of the rights of those workers. The celebration of the 60th anniversary of Conventions Nos 87 and 98 might give rise to a certain optimism regarding respect of the principles of freedom of association, but the Workers' group feared, on the contrary, that the economic crisis might be used as an excuse for making the situation of trade union representatives even more precarious.

Governing Body decision:

162. *The Governing Body took note of the introduction to the report of the Committee on Freedom of Association, contained in paragraphs 1–300, and adopted the recommendations made by the Committee in paragraphs 344 (Case No. 2606: Argentina); 402 (Case No. 2614: Argentina); 422 (Case No. 2650: Bolivia); 434 (Case No. 2470: Brazil); 451 (Case No. 2635: Brazil); 468 (Case No. 2636: Brazil); 521 (Case No. 1787: Colombia); 543 (Case No. 2434: Colombia); and 561 (Case No. 2498: Colombia).*
163. *The Government representative of Colombia* referred to the recommendations made by the CFA in Cases Nos 1787, 2434 and 2498, and asked the Governing Body and the Director-General to urge the Government, employers and workers of Colombia to analyse the recommendations one by one in the context of the Standing Committee on Labour and Wage Policies in order to seek solutions for reinforcing the space for social dialogue, continuing to combat impunity and providing better protection for trade unionists. He welcomed the Committee's recognition of the progress made on trade union rights, which had also been recognized by the United Nations Human Rights Council and other international organizations. Colombia wished to continue along that path despite acts of violence by illegal armed groups linked to drug trafficking.
164. The speaker requested the Governing Body and the Director-General once again to give their support so that his country could consolidate the progress made and overcome the problems concerned, including violence and mass murder, particularly of trade unionists. With the cooperation of the ILO and the assistance of the workers, enterprises and various players in civil society, the tripartite agreement and the undertakings made by the Government in the context of the high-level mission and the technical cooperation agreements had to become a reality.

Governing Body decision:

165. *The Governing Body adopted the recommendations made in paragraph 583 (Case No. 2619: Comoros).*
166. *The Government representative of the Republic of Korea* expressed his concern with regard to the recommendations made by the Committee in Case No. 1865. The request made in paragraph 749(j), namely "to review the convictions of the members and officials on grounds of extortion, blackmail and related crimes", constituted interference in the court rulings of the Republic of Korea, which were independent and objective. The rulings made by the courts of sovereign countries should be respected so as to enhance the credibility of the ILO. The speaker also gave the assurance that his Government would do its utmost to settle the pending issues in the area of industrial relations.
167. *The Worker spokesperson of the Committee* explained that, although courts issued rulings in accordance with the laws, in the present case the legislation was not in accordance with

the principles of freedom of association. For that reason, the Committee had been asking for years for the legislation to be amended so as to eliminate any anti-union discrimination.

- 168.** *The Government representative of the Republic of Korea* explained that his country guaranteed equal treatment and equal rights to all workers, whether foreign or Korean. Foreign workers also enjoyed the right to organize, to engage in collective bargaining and to strike. In the case of foreign workers residing in the Republic of Korea without a permit, they could also enjoy the same protection with regard to labour standards but, as illegal residents, employment was prohibited for them. In the event of arrest, they were deported by the immigration authorities. The foreign workers referred to in the Committee's recommendations had been arrested in the context of a campaign targeting illegal migrants, and their arrest had nothing to do with interference in trade union activities.
- 169.** *The Employer Vice-Chairperson* of the Governing Body wished, in view of the seriousness of Case No. 2254 (Bolivarian Republic of Venezuela) for the International Organisation of Employers, the Employers' group of the Governing Body and their Worker colleagues, who had underlined the need to follow the recommendations of the Committee on Freedom of Association, to refer to certain paragraphs of the report. In paragraph 1363(b), the Committee expressed its deep concern with regard to the allegations of violence and intimidation towards employers' organizations and their leaders. In paragraph 1363(c), it considered that the situation in June 2008 was incompatible with the requirements of Convention No. 87. In its recommendations, the Committee deeply deplored the fact that the Government had not complied with its previous recommendations and urged the latter to set up a national high-level joint committee with ILO assistance. It called for a forum for dialogue, with the help of the ILO, so that the unalienable right of Convention No. 87, which was a fundamental human and labour right, would be respected. In recommendation (e), the Committee expressed its deep concern at the fact that the case relating to the bomb attack on FEDECAMARAS headquarters had still not been resolved. The speaker considered that situation of impunity to be extremely serious.
- 170.** The Committee regretted that the Government had not sent it the requested information concerning other acts of violence and, in recommendation (m), it saw fit to draw the Governing Body's attention to the case owing to the extreme seriousness and urgency of the matters raised therein.
- 171.** On behalf of the Employers, the speaker again requested the Government of the Bolivarian Republic of Venezuela to agree to establish the aforementioned forum for social dialogue, to accept help from the ILO and to respect the employers' rights. If the seriousness of the situation persisted, the Employers at the ILO would have recourse to all legal and institutional means at the Organization's disposal to secure compliance with the requirements of Convention No. 87.
- 172.** *The Government representative of the Bolivarian Republic of Venezuela* explained that a space for dialogue could not be created by one player alone. However, in 2002, the process of social dialogue in the Bolivarian Republic of Venezuela had been totally disrupted by a coup d'état involving the employers. The Government was extending its hand so that a space for dialogue could be created. The economic crisis, which would have an impact on employers, workers and governments, should enable the private sector to develop in an inclusive way, namely without neglecting small companies and micro-enterprises. It was important that all efforts should be directed towards the protection of employment and the restoration of growth. The speaker again emphasized the Government's wish to cooperate and expressed optimism with regard to the creation of a better space for social dialogue.
- 173.** *The Employer Vice-Chairperson* of the Governing Body referred to the CFA recommendation calling for active participation by the International Labour Office. He

underlined the fact that many countries in the region had experienced serious problems owing to authoritarian governments or a lack of social dialogue and that the ILO could contribute so that, in the present case, the employers, Government and workers of the Bolivarian Republic of Venezuela could agree and establish the dialogue which was absolutely necessary.

174. *The Government representative of the Bolivarian Republic of Venezuela* explained that the Government was willing to cooperate with the Office, but that all parties needed to do their utmost to create social dialogue.

Governing Body decision:

175. *The Governing Body adopted the recommendations made in paragraphs 749 (Case No. 1865: Republic of Korea); 795 (Case No. 2620: Republic of Korea); 828 (Case No. 2518: Costa Rica); 841 (Case No. 2557: El Salvador); 872 (Case No. 2615: El Salvador); 898 (Case No. 2629: El Salvador); 916 (Case No. 2630: El Salvador); 967 (Case No. 2625: Ecuador); 1010 (Case No. 2516: Ethiopia); 1027 (Case No. 2361: Guatemala); 1038 (Case No. 2621: Lebanon); 1053 (Case No. 2637: Malaysia); 1090 (Case No. 2533: Peru); 1110 (Case No. 2539: Peru); 1142 (Case No. 2553: Peru); 1176 (Case No. 2596: Peru); 1231 (Case No. 2597: Peru); 1243 (Case No. 2624: Peru); 1273 (Case No. 2627: Peru); 1309 (Case No. 2634: Thailand); 1336 (Case No. 2592: Tunisia); 1359 (Case No. 2631: Uruguay); 1398 (Case No. 2254: Bolivarian Republic of Venezuela); and 1427 (Case No. 2422: Bolivarian Republic of Venezuela), and adopted the report of the Committee on Freedom of Association in its entirety.*

Seventh item on the agenda

REPORT OF THE STEERING GROUP ON THE FOLLOW-UP TO THE DECLARATION
ON SOCIAL JUSTICE FOR A FAIR GLOBALIZATION
(GB.304/7)

176. *The Chairperson* presented his report and recalled that the three aspects that had been considered in particular by the Steering Group were taken up in the point for decision.
177. *The Employer Vice-Chairperson* indicated that his group entirely supported the conclusions and recommendations set out in the paper.
178. *The Worker Vice-Chairperson* commended the quality of the report on the follow-up to the Declaration, but requested the Office to circulate as soon as possible a revised implementation plan setting out explicitly the ILO working methods, resource allocation and programme priorities. The Workers' group was prepared to adopt the point for decision on the understanding that the revised plan emphasized the leading role of the Senior Management Team in the implementation of the Declaration, as well as the importance of Office coherence, capacity building and the enhanced role of governments and employers' and workers' organizations as a communication strategy for the promotion of the Declaration. He once again called for ACTRAV and ACT/EMP to be made members of the Senior Management Team.
179. *A Government representative of Bangladesh* thanked the Chairperson for the report, which accurately reflected the discussion in the Steering Group, and welcomed the implementation plan developed by the Office. He hoped that the Office would take note of the additions made by the Steering Group and would accordingly endeavour to act with

greater synergy among the various components of the road map. His delegation was also awaiting the two new strategies on knowledge and human resources and was prepared to cooperate with the Office in finalizing these important documents. There had been consensus on the seven-year cycle for the discussion of recurrent issues, but his delegation would support any decision for an interim and comprehensive review in the course of the cycle. Finally, he commended the Steering Group on achieving consensus on the proposed Governing Body Working Party and hoped that its composition would be as broad as possible. He supported the point for decision.

180. *A Government representative of Canada* thanked the Chairperson for his report and expressed support for the establishment of a Governing Body Working Party to review the working methods of the Governing Body and the functioning of the Conference. The terms of reference of the Working Party should include follow-up on the draft guidelines to improve the functioning of Governing Body meetings that had been presented at the November 2008 session and had been the subject of Internet consultations. Canada favoured the reconvening of the Steering Group in November 2010 to review the experience of the first recurrent discussion. She also favoured a midterm evaluation to ensure that the follow-up was effective and was making a positive contribution to achieving the objectives of the Declaration. She supported the point for decision.
181. *A Government representative of Egypt* welcomed the detailed implementation plan, certain aspects of which should, in her opinion, be reviewed, with others needing clarification. With regard to the proposed road map, she emphasized the great importance of the Organization's assistance in the fields of research and technical cooperation in the context of the exchange of experience. In relation to the number of countries submitting reviews, the current figure of three or four could be higher, and other factors needed to be taken into account, such as the demographic situation, income levels and social protection.
182. *The Employer Vice-Chairperson* voiced support for the proposal made by the Worker Vice-Chairperson that ACTRAV and ACT/EMP be included in the Senior Management Team for the examination of these matters.

Governing Body decision:

183. *The Governing Body:*
- (a) *adopted the implementation plan of the ILO Declaration on Social Justice for a Fair Globalization;*
 - (b) *adopted a seven-year cycle for the recurrent item discussions, with employment, social protection and fundamental principles and rights at work being discussed twice in the cycle;*
 - (c) *decided to establish a Governing Body Working Party on the working methods of the Governing Body and the functioning of the Conference and requested the Office to prepare a proposal for submission to the 305th Session (June 2009) of the Governing Body;*
 - (d) *decided to reconvene the Steering Group on the follow-up to the Declaration on Social Justice for a Fair Globalization at the 309th Session (November 2010) of the Governing Body to review the experience gained and lessons learned from the Organization of the first recurrent item discussion on employment and such other matters as may be referred to it by the Governing Body.*

(GB.304/7, paragraph 19.)

Eighth item on the agenda

REPORTS OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE

*First report: Financial questions
(GB.304/8/1(Rev.2))*

*Programme and Budget for 2008–09: Regular
budget account and Working Capital Fund*

Governing Body decision:

- 184. *The Governing Body took note of these parts of the report.*** (GB.304/8/1(Rev.2), paragraphs 1–7.)

Strategic Policy Framework 2010–15

Governing Body decision:

- 185. *The Governing Body endorsed the Strategic Policy Framework 2010–15, taking into account the views expressed during its discussion.*** (GB.304/8/1(Rev.2), paragraph 47.)

Use of the Special Programme Account

Governing Body decision:

- 186. *The Governing Body decided to authorize the Director-General to use US\$5,250,000 of the Special Programme Account as proposed in paragraphs 4 and 5 of document GB.304/PFA/4, excluding item (ii) in paragraph 5 (US\$500,000 for statistics and measurement of decent work, support to countries) which would be considered at its 306th Session (November 2009), and defer consideration of the item referred to in paragraph 6, pending the discussion of the field structure review.*** (GB.304/8/1(Rev.), paragraph 57.)

Review of the ILO field structure

Governing Body decisions:

- 187. *The Governing Body:***

- (a) invited the Director-General to take the necessary steps to implement the proposal of a two-tier field structure directly linked to headquarters, in order to strengthen the ILO's capacity to service its Members globally, in regions and countries in line with the Social Justice Declaration, strengthening the expertise of technical staff in delivering on the four strategic objectives;***
- (b) requested the Director-General to develop clear indicators to measure the performance of the field structure in meeting the strategic objectives and needs of constituents;***
- (c) requested the Director-General to initiate a global and independent evaluation of the impact of the changes three years after implementation of***

the new field structure, with modalities to be agreed by the Governing Body and rely on feedback from constituents;

(d) requested the Office and the Staff Union to consult in dealing with the impact on the staff affected by the implementation of these proposals.

188. The Governing Body authorized the Director-General to use US\$750,000 of the Special Programme Account for the implementation of the field structure review as described in paragraph 6 of GB.304/PFA/4 and paragraph 13 of GB.304/PFA/4(Add.). (GB.304/8/1(Rev.2), paragraphs 128 and 129.)

Audit questions

(a) Follow-up to the report of the Chief Internal Auditor for the year ended 31 December 2007

(b) Report of the Chief Internal Auditor for the year ended 31 December 2008

(c) Follow-up to the report of the External Auditor on the accounts for 2006–07

(d) Report of the Independent Oversight Advisory Committee

Governing Body decision:

189. The Governing Body took note of these parts of the report. (GB.304/8/1(Rev.2), paragraphs 130–148.)

Amendments to the Financial Regulations

Governing Body decision:

190. The Governing Body decided to propose to the International Labour Conference at its 98th Session (June 2009), the draft resolution in Appendix II to document GB.304/PFA/7 amending the Financial Regulations. (GB.304/8/1(Rev.2), paragraph 157.)

Delegation of authority under article 18 of the Standing Orders of the International Labour Conference

Governing Body decision:

191. The Governing Body decided to delegate, for the period of the 98th Session (June 2009) of the Conference, to its Officers (i.e. the Chairperson and the Vice-Chairpersons of the Employers' and Workers' groups) the authority to carry out its responsibilities under article 18 of the Conference Standing Orders in relation to proposals involving expenditure in the 71st financial period ending 31 December 2009. (GB.304/8/1, paragraph 162.)

Report of the Building Subcommittee

Governing Body decision:

192. *The Governing Body:*

- (a) approved the sale of the plot referred to in the appendix to document GB.304/PFA/BS/2 as plot 3844, on terms to be negotiated by the Director-General;*
- (b) requested the Office to keep the second and third options referred to in the Office document, and requested the Director-General to draw up a complete master plan accordingly.*

(GB.304/8/1(Rev.2), paragraph 170.)

Other financial questions

Replacement of boilers

Governing Body decision:

- 193. *The Governing Body decided that the cost of urgent replacement of boilers 3 and 4, estimated at 350,000 Swiss francs, which could not be financed from other sources, be charged to the Building and Accommodation Fund.***
(GB.304/8/1(Rev.2), paragraph 173.)

*Appointments to the Investments Committee
of the International Labour Organization*

Governing Body decision:

194. *The Governing Body:*

- (i) expressed its appreciation to Mr Jean-Pierre Cuoni for his years of service to the Investments Committee;*
- (ii) renewed the appointment of Mr Rolf Banz and Mr René Zagolin as members of the Investments Committee for a further period of three years, expiring on 31 December 2011;*
- (iii) appointed Mr Xavier Guillon as a member of the Investments Committee for a period of three years, expiring on 31 December 2011.*

(GB.304/8/1(Rev.2), paragraph 177.)

*Second report: Personnel questions
(GB.304/8/2)*

I. Statement by the staff representative

II. Composition and structure of the staff

195. *The Governing Body took note of these parts of the report.* (GB.304/8/2, paragraphs 1–23.)

*III. Decisions of the United Nations General Assembly on the
report of the International Civil Service Commission*

Governing Body decision:

196. *The Governing Body noted the action taken by the Director-General to give effect to the measures adopted by the United Nations General Assembly.* (GB.304/8/2, paragraph 27.)

IV. Pensions questions

*(a) Decisions of the United Nations General Assembly on the report
of the Board of the United Nations Joint Staff Pension Fund*

(b) Report of the Board of the Special Payments Fund

197. *The Governing Body took note of these parts of the report.* (GB.304/8/2, paragraphs 28–32.)

V. Matters relating to the Administrative Tribunal of the ILO

Composition of the Tribunal

Governing Body decision:

198. *The Governing Body decided to propose to the 98th Session of the International Labour Conference a draft resolution for the renewal of the terms of office of Mr Ba, Mr Barbagallo and Ms Hansen for three years.* (GB.304/8/2, paragraph 34.)

Statute of the Tribunal

199. *The Governing Body took note of this part of the report.* (GB.304/8/2, paragraphs 35–36.)

*Third report: Programme and Budget proposals for 2010–11
(GB.304/8/3(Rev.))*

Employment

Social protection

Social dialogue

200. *The Governing Body took note of these parts of the report.* (GB.304/8/3(Rev.), paragraphs 1–112.)

Standards and fundamental principles and rights at work

Governing Body decision:

201. *The Governing Body:*

- (a) decided to recommend to the International Labour Conference at its 98th Session (June 2009) a provisional programme level of \$665,116,121 estimated at the 2008–09 budget exchange rate of 1.23 Swiss francs to the US dollar, the final exchange rate and the corresponding US dollar level of the budget and Swiss franc assessment to be determined by the Conference;*
- (b) decided to propose to the Conference at the same session a resolution for the adoption of the programme and budget for the 72nd financial period (2010–11) and for the allocation of expenses among member States in that period.*

(GB.304/8/3(Rev.), paragraph 173.)

*Report of the Government members of the Committee on Allocations Matters
(GB.304/8/4)*

Governing Body decision:

202. *The Governing Body approved this part of the report.* (GB.304/8/4, paragraph 1.)

Assessment of the contributions of new member States

Governing Body decision:

- 203. *The Governing Body decided to propose to the International Labour Conference that, in accordance with the established practice of harmonizing the rates of assessment of ILO member States with their rates of assessment in the United Nations, the contribution of Tuvalu to the ILO budget for the period of its membership in the Organization during 2008 and for 2009 be based on an annual assessment rate of 0.001 per cent.*** (GB.304/8/4, paragraph 3.)

Scale of assessments of contributions to the budget for 2010

Governing Body decision:

- 204. *The Governing Body decided that, in accordance with the established practice of harmonizing the rates of assessment of ILO member States with their rates of assessment in the United Nations, it base the ILO scale of assessment for 2010 on the United Nations scale for 2007–09, and it accordingly decided to propose to the Conference the adoption of the draft scale of assessment for 2010 as set out in column 3 of the appendix to document GB.304/PFA/GMA/2, subject to such adjustments as might be necessary following any further change in the membership of the Organization before the Conference is called upon to adopt the recommended scale.*** (GB.304/8/4, paragraph 5.)

Ninth item on the agenda

REPORTS OF THE COMMITTEE ON LEGAL ISSUES AND INTERNATIONAL LABOUR STANDARDS

*First report: Legal issues
(GB.304/9/1)*

205. *The Governing Body took note of this part of the report.* (GB.304/9/1, paragraph 1.)

I. The status of privileges and immunities of the International Labour Organization in member States

Governing Body decision:

206. *The Governing Body:*

- (a) reaffirmed the importance of the resolutions concerning the privileges and immunities of the ILO and concerning the interim arrangements in regard to the privileges and immunities of the ILO, adopted by the International Labour Conference at its 31st Session (1948);*
- (b) encouraged member States, which have yet to do so, to accede to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies and apply its Annex I relating to the ILO;*
- (c) requested the Office to continue to report periodically on the status of the privileges and immunities of the ILO in the member States, and to include in the next such report consideration of relevant practices of other UN agencies, with a view to taking further measures; and*
- (d) requested the Director-General to renew the invitation, on behalf of the Governing Body, to concerned member States to accede in the very near future to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies and apply Annex I relating to the ILO.*

(GB.304/9/1, paragraph 12.)

II. Standing Orders of the Conference

- (a) Practical arrangements for the discussion, at the 98th Session (June 2009) of the International Labour Conference, of the Global Report prepared under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*

Governing Body decision:

207. *The Governing Body decided to invite the Conference, at its 98th Session, to adopt the provisional ad hoc arrangements set out in the appendix concerning the discussion of the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.* (GB.304/9/1, paragraph 19.)

(b) Proposals regarding representation of Employers' and Workers' delegates at the International Labour Conference

Governing Body decision:

208. *The Governing Body decided to defer the item to its next session in November 2009, and to request the Office to conduct intense consultations on the basis of the document presented and the views expressed by the Committee in order to present a further document on the matter. (GB.304/9/1, paragraph 38.)*

III. Other legal issues

Compendium of rules applicable to the Governing Body: Proposals for revision, including to promote gender equality

Governing Body decision:

209. *The Governing Body:*

- (a) decided that, following any revision by the Governing Body or the International Labour Conference, texts in the Compendium of rules applicable to the Governing Body would be routinely updated by the Office, both electronically and, at appropriate intervals, in print;*
- (b) requested the Office, in light of the discussion in the Committee, to submit more detailed proposals to the next session of the Governing Body for possible improvements to the Compendium, including revisions to the Standing Orders of the Governing Body in relation to promoting gender equality. (GB.304/9/1, paragraph 50.)*

*Second report: International labour standards and human rights
(GB.304/9/2)*

*IV. Improvements in the standards-related activities of the ILO
Implications of the Social Justice Declaration on the
standards strategy update on the implementation
of the interim plan of action*

Governing Body decision:

210. *The Governing Body invited the Office:*

- (i) to prepare a report in the context of the follow-up to the Social Justice Declaration setting out a final plan of action for the implementation of the standards strategy, including:*
 - (a) a specific plan of action for a promotional campaign for the ratification and effective implementation of the standards that are the most significant from the point of view of governance;*
 - (b) the various components of the standards strategy concerning the supervisory system set out in paragraph 17 of the document GB.304/LILS/4;*

- (c) *standards policy options, in the light of the tripartite consultations;*
- (ii) *to prepare a document on the interpretation of international labour Conventions;*
- (iii) *to organize a meeting of a tripartite working group of experts to examine the Termination of Employment Convention, 1982 (No. 158), and the Termination of Employment Recommendation, 1982 (No. 166).*

(GB.304/9/2, paragraph 51.)

V. Choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution – Proposal for an article 19 questionnaire concerning social security instruments

Governing Body decision:

- 211. *The Governing Body, having decided to place on the agenda of the 2011 Conference a recurrent discussion on the strategic objective of social protection (social security):***
- (i) *decided to request governments to submit for 2010 under article 19 of the Constitution reports on the application of the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), the Income Security Recommendation, 1944 (No. 67), and the Medical Care Recommendation, 1944 (No. 69);*
- (ii) *approved the report form concerning social security instruments contained in the appendix to document GB.304/9/2.*

(GB.304/9/2, paragraph 73.)

VI. Other question: Tripartite consultations on standards policy (Wednesday, 18 March 2009)

- 212. *The Governing Body took note of this part of the report.***

(GB.304/9/2, paragraph 74.)

Tenth item on the agenda

REPORT OF THE SUBCOMMITTEE ON MULTINATIONAL ENTERPRISES
(GB.304/10)

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

Eleventh item on the agenda

REPORT OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL POLICY
(GB.304/11(Rev.))

214. *The Governing Body took note of the report.*

Twelfth item on the agenda

REPORT OF THE COMMITTEE ON SECTORAL AND
TECHNICAL MEETINGS AND RELATED ISSUES
(GB.304/12)

215. *The Governing Body took note of this part of the report.* (GB.304/12, paragraphs 1 and 2.)

*I. Proposals for activities in 2010–11 under the
Sectoral Activities Programme*

Governing Body decision:

216. *The Governing Body:*

- (a) endorsed all the activities listed in paragraphs 2–30 of GB.304/STM/1;*
- (b) endorsed the activities in paragraph 31 of GB.304/STM/1, subject to availability of resources;*
- (c) decided to instruct the Office to invite the governments of all member States to sectoral meetings in 2010–11.*

(GB.304/12, paragraph 20.)

II. The sectoral dimension of the ILO's work

*(a) Sectoral overview of the follow-up to the
Social Justice Declaration*

*(b) The current global economic crisis:
Sectoral aspects*

217. *The Governing Body took note of these parts of the report.* (GB.304/12, paragraphs 21–41.)

*III. Effect to be given to the recommendations
of sectoral and technical meetings*

- (a) Global Dialogue Forum on Vocational Education and
Skills Development for Commerce Workers,
24–25 November 2008*

Governing Body decision:

218. The Governing Body:

- (a) authorized the Director-General to communicate the final report containing the texts mentioned in paragraph 2 of GB.304/STM/3/1 to:*
- (i) governments of member States, requesting them to communicate the report to the employers' and workers' organizations concerned;*
 - (ii) the international employers' and workers' organizations concerned;*
 - (iii) the international organizations concerned;*
- (b) requested the Director-General to bear in mind, when drawing up proposals for future work of the Office, the wishes expressed in paragraphs 25, 26 and 29 of the points of consensus.*

(GB.304/12, paragraph 46.)

- (b) Global Dialogue Forum on Decent Work in Local
Government Procurement for Infrastructure
Provision, 17–18 February 2009*

219. The Governing Body took note of this part of the report. (GB.304/12, paragraphs 47–49.)

- (c) Global Dialogue Forum on the Impact of the Financial Crisis on
Finance Sector Workers, 24–25 February 2009*

Governing Body decision:

220. The Governing Body:

- (a) authorized the Director-General to communicate the attached conclusions to governments of member States; to the employers' and workers' organizations concerned; and to the international organizations concerned;*
- (b) requested the Director-General to bear in mind, when drawing up proposals for future work of the Office, the wishes expressed in the attached conclusions.*

(GB.304/12, paragraph 55.)

(d) Tripartite Technical Workshop on the Impact of the Food Price Crisis on Decent Work, 5–6 March 2009

221. The Governing Body took note of this part of the report. (GB.304/12, paragraphs 56–58.)

(e) Joint ILO/IMO/Basel Convention Working Group on Ship Scrapping (Third Session), 29–31 October 2008

Governing Body decision:

222. The Governing Body:

(a) took note of the report of the Third Session of the Joint ILO/IMO/Basel Convention Working Group on Ship Scrapping;

(b) endorsed continued work of the ILO in relation to the IMO Convention on ship recycling (to be adopted) and the development of accompanying guidelines.

(GB.304/12, paragraph 64.)

IV. Maritime matters

(a) Subcommittee on Wages of Seafarers of the Joint Maritime Commission, 12–13 February 2009

(b) Outcome of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers, 2–5 March 2009

Governing Body decision:

223. The Governing Body took note of these parts of the report. (GB.304/12, paragraphs 65–70.)

V. Report of the 18th International Conference of Labour Statisticians (Geneva, 24 November–5 December 2008)

Governing Body decision:

224. The Governing Body:

(a) took note of the report of the Conference;

(b) requested the Director-General to consider the recommendations of the Conference in carrying out the future programme of work of the Office;

(c) authorized the Director-General to distribute the report of the Conference to:

(i) the governments of member States and, through them, to the national employers' and workers' organizations concerned, drawing particular attention to the six resolutions contained in Appendix I to the report;

(ii) the international employers' and workers' organizations concerned;

- (iii) *the United Nations and other international organizations;*
- (iv) *non-governmental organizations represented at the Conference.*

(GB.304/12, paragraph 79.)

Thirteenth item on the agenda

REPORT OF THE COMMITTEE ON TECHNICAL COOPERATION (GB.304/13(Rev.))

I. Trends in international development cooperation

Governing Body decision:

225. The Governing Body:

- (a) *requested the Director-General to continue to promote efforts to engage the ILO in international development trends, in particular, aid effectiveness and UN reform;*
- (b) *requested the Office to prepare a paper to be submitted to the Committee on Technical Cooperation at the 306th Session (November 2009) of the Governing Body on:*
- *issues, lessons learned and challenges experienced by the ILO constituents in the “Delivering as One” pilots to develop a strategy for ensuring attention to employment and decent work and better involvement of tripartite constituents in the UN reform process;*
 - *in this connection, further developing a capacity-building plan and resource strategy, to prepare ILO constituents and staff for the 90 UNDAFs planned over the next three years, fully taking into account the integrated approach set out in the Declaration on Social Justice for a Fair Globalization, the priorities of the Decent Work Country Programmes, and the Strategic Policy Framework 2010–15;*
 - *enhancing the ILO’s technical cooperation strategy, including in relation to resource mobilization, to ensure that donor funding is aligned with the decent work outcomes and priorities as set out in the Strategic Policy Framework and programme and budget, and that, where possible, it is predictable and easily allocated to areas of greatest need; and with appropriately harmonized reporting requirements.*

(GB.304/13(Rev), paragraph 30.)

II. The ILO’s technical cooperation programme 2007–08

Governing Body decision:

- 226. The Governing Body encouraged the Director-General to continue to strengthen the ILO’s technical cooperation programme to ensure that it effectively discharges the role foreseen in the implementation of the Declaration on Social Justice for a Fair Globalization.** (GB.304/13(Rev.), paragraph 54.)

III. Operational aspects of the International Programme on the Elimination of Child Labour (IPEC)

IV. Implementation of the Tripartite Agreement on Freedom of Association and Democracy in Colombia

V. Other questions

227. The Governing Body took note of these parts of the report. (GB.304/13(Rev.), paragraphs 55–76.)

Fourteenth item on the agenda

REPORT OF THE DIRECTOR-GENERAL
(GB.304/14)

*Progress in international labour legislation
Internal administration
Publications and documents*

228. The Governing Body took note of the report. (GB.304/14.)

First Supplementary Report: Report of the Committee of Experts on the Application of Conventions and Recommendations (Geneva, 27 November–12 December 2008)
(GB.304/14/1)

229. A Government representative of Bangladesh explained that his Government would work with the Office to remedy the shortcomings identified by the Committee and supported the point for decision.

Governing Body decision:

230. The Governing Body took note of the report of the Committee of Experts on the Application of Conventions and Recommendations. (GB.304/14/1, paragraph 4.)

Second Supplementary Report: Stocktaking of Implementation of the ILO Action Plan for Gender Equality 2008–09
(GB.304/14/2)

231. A representative of the Director-General recalled that the ILO Action Plan for Gender Equality was the means of operationalizing the 1999 ILO policy on gender equality and mainstreaming in the ILO, and that the tripartite constituents were its ultimate beneficiaries. She presented the report covering the three dimensions of the Action Plan which together supported the larger goal of decent work. In 2008, activities had been focused on enabling institutional mechanisms for gender equality in the Organization. At the end of the second year of implementation, the Bureau for Gender Equality would undertake a thematic evaluation of progress in gender mainstreaming in the Organization.

232. The Worker Vice-Chairperson welcomed the factual information provided, although considering that it should have been accompanied by an analysis of the progress made and the difficulties encountered. He called on the Bureau for Gender Equality, in cooperation with the Human Resources Development Department (HRD) and the ILO Staff Union, to develop strategies to achieve gender parity among ILO Professional staff by 2010. He

welcomed the inclusion, in collaboration with the Partnerships and Development Cooperation Department (PARDEV), of specific provisions in agreements with donors to support gender mainstreaming and trusted that the next stocktaking of the Action Plan would provide information on the results achieved in technical cooperation projects.

- 233.** He observed that the Office paper did not pay sufficient attention to the issue of freedom of association and the right to collective bargaining, on which emphasis was placed in the ILO Declaration on Social Justice for a Fair Globalization. Collective bargaining should be used more intensively to promote gender equality, in view of the high level of representation of women in atypical forms of employment. He regretted that the paper did not contain information on international labour standards and reiterated the need to promote the ratification and implementation of the four ILO Conventions relating to equality, namely the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Maternity Protection Convention, 2000 (No. 183).
- 234.** From 2009, the Action Plan should focus on the gender dimensions of decent work, as the crisis could undermine the progress achieved by women in many parts of the world in the field of equality, as well as increasing their vulnerability, not only in terms of gender, but also in relation to age, skills, ethnic origin and race. The Action Plan should be adapted to the outcome of the discussion on gender equality at the heart of decent work at the 98th Session (2009) of the International Labour Conference.
- 235.** *The Employer Vice-Chairperson* expressed general agreement with the statement made by the Worker Vice-Chairperson. He appreciated the information provided and placed particular emphasis on the need to remove cultural barriers in the workplace. The Employers' group called for an evaluation to be carried out, in the light of the Conference discussion, of the measures taken to promote gender equality, including the good practices and objectives imposed on employers, and for an indication to be provided of the manner in which the Office could assist in meeting the related challenges more effectively. He hoped that future reports would indicate the progress achieved so that the tripartite constituents were the real beneficiaries of the Action Plan.
- 236.** *A Government representative of India* noted that the Office was engaged in promoting parity throughout the staff with a view to achieving the objective established for 2010. The report presented to the Programme, Financial and Administrative Committee indicated that the Office staff included seven men from India and only two women. This situation needed to be improved. She hoped that activities would be intensified at the subregional level to promote gender mainstreaming and welcomed the intention to include these issues in technical cooperation projects. In the short term, such projects should be subject to regular review to evaluate their contribution to the economic and social empowerment of women. The ILO needed to promote gender equality, as this fundamental human right was intrinsic to the global goals of decent work and poverty alleviation. The tripartite constituents would have to formulate economic and social policies that enabled women to realize their full potential, without overlooking the situation of women with disabilities, who should not be left out of the world of work.
- 237.** She added that the principle of gender equality was enshrined in the Indian Constitution, which empowered the State to adopt measures of positive discrimination in favour of women. The Government of India had ratified various international instruments aimed at securing equality for women. It was implementing various programmes for women and in 2001 had adopted a national policy for the empowerment of women. On 26 January 2006, the Protection of Women from Domestic Violence Act had entered into force. In 2008, Parliament had adopted the Social Security Act, which would facilitate the development of

policies for women workers in the informal economy. The National Credit Fund for Women had been operating in India since 1993. The Government of India was continuously trying to ensure that the laws on equal remuneration were effectively implemented throughout the country. She urged the ILO to take inspiration from the model of economic empowerment for women based on self-help groups that was operating successfully in her country and emphasized that in India the issue of working children was being addressed through the empowerment of mothers and other family members.

- 238.** *A Government representative of Sweden* spoke on behalf of the governments of the Nordic countries, namely Denmark, Finland, Iceland, Norway and Sweden, as well as the Governments of Canada and the Netherlands. He commended the measures adopted to improve the competence of ILO staff for the mainstreaming of gender issues. He also welcomed the indication that reporting on gender mainstreaming in ILO projects would henceforth be mandatory, more precise and quantitatively verifiable, and that the Office had requested managers and directors at headquarters and in the field to designate focal points, taking into account gender considerations. He encouraged the Office to continue promoting gender equality in all aspects of its work and assured it of the continuous support of the countries on behalf of which he was speaking.
- 239.** *A Government representative of Spain* maintained that the report that had been presented did not allow firm conclusions to be drawn on the outcomes of the Action Plan in 2008. He called for the thematic evaluation of the results and progress achieved in gender mainstreaming to be submitted to the Conference.
- 240.** *A Government representative of Lebanon* observed that in general the ILO's action plans were not well known to constituents, and that the regional offices should organize courses to raise awareness of them. In parallel with the adoption of measures to promote gender equality in enterprises, it was also necessary to undertake job classification and performance evaluation.
- 241.** *A representative of the Director-General* noted the call for greater analysis of the information that was being collected. The Bureau for Gender Equality was aware that the ultimate beneficiaries of the Action Plan were the constituents, and was promoting this approach in other units, for the benefit of trade union organizations and employers' organizations. By way of illustration, she referred to the high-level training provided in the Arab States. The crisis would undoubtedly affect the Action Plan as a whole, and this would be addressed in Report VI, which would be submitted to the Conference. The thematic evaluation that would be presented in March 2010 would take into account the decisions adopted by the Conference.
- 242.** She further noted the call for more information on the individual strategic objectives and indicated that data were available on certain African countries, together with various practical tools, as indicated in the paper. With regard to the comments made by the Government representative of Sweden, she confirmed that analyses were carried out at all phases of technical cooperation projects on the mainstreaming of gender issues, which could be included in the thematic evaluation. The evaluation could also address, with the great vigilance that was required in these areas, the manner in which gender issues could be mainstreamed in all activities relating to freedom of association and collective bargaining, social protection, social dialogue and rights at work.
- 243.** *The Governing Body took note of the report, and of the comments made thereon by Members.*

*Third Supplementary Report:
Measures taken by the Government of Belarus to implement the
recommendations of the Commission of Inquiry established to
examine the observance of the Freedom of Association and the
Protection of the Right to Organise Convention, 1948 (No. 87),
and the Right to Organise and Collective Bargaining
Convention, 1949 (No. 98)
(GB.304/14/3)*

- 244.** *The Chairperson* said that a tripartite seminar, organized by the ILO and the Government of Belarus, on the implementation of the 2004 Commission of Inquiry recommendations had been held in Minsk from 19 to 23 January 2009. As a result of the seminar, the National Council on Labour and Social Issues had officially adopted the Plan of Action of the Government of the Republic of Belarus.
- 245.** *A Government representative of Belarus* stated that, as a result of intense activity by the Government of the Republic of Belarus throughout 2008, it had been possible to restore confidence among the social partners and establish a climate of cooperation and dialogue with all the parties concerned. Those positive outcomes had enabled the tripartite seminar to meet the expectations of the national authorities. The Plan of Action of the Government of the Republic of Belarus made provision for a mechanism to resolve disputes related to trade union rights, on the basis of consensual positions. The Council for the Improvement of Legislation in the Social and Labour Sphere, which had a new tripartite composition, would apply itself to the task of improving social and labour legislation, taking ILO Conventions Nos 87 and 98 as a basis and working in close cooperation with the ILO. Thanking the ILO for the support given, the Government representative said that, as provided for in the Plan of Action, he would request the Office in due course to brief the Government on the positive experiences of other countries in the areas under consideration.
- 246.** *The Worker Vice-Chairperson* declared that the Workers' group saw little reason for optimism with regard to the situation in Belarus. Even though the Government and the trade unions were engaged in a process of dialogue, there was no disguising the fact that many of the recommendations made by the Commission of Inquiry had not been implemented. That applied, in particular, to recommendation 1, since the registration of some independent trade unions was still being refused, despite the ministerial pledge that had been made; recommendation 2, since the principle laid down in Presidential Decree No. 2 was still in force and the Government did not authorize the establishment of independent trade unions; recommendation 6, since there were still cases of interference by the employers in trade union affairs – in particular, at a chemical company and an oil refinery – some independent trade unions had been dismantled and some workers had lost their jobs owing to the deliberate policy of the enterprise not to respect the Commission of Inquiry recommendations; recommendation 7, since there were no indications that anti-union discrimination was going to stop and some workers who had been dismissed had not been reinstated in their posts; recommendation 8, since the courts had not taken any steps to act independently; recommendation 9, since nothing had been done to facilitate contact between the trade unions and foreign trade union organizations, which made it difficult to provide training for their members; and recommendation 10, since Presidential Decree No. 11 had not been amended and, consequently, the trade unions could not take normal union action in defence of their interests.
- 247.** Although the Workers' group recognized the goodwill shown by the Government in examining the situation jointly with the Office, it was not satisfied with knowing that positive signs were emerging but also called for substantial action to be taken to improve

the standard of living of the workers and to ensure progress in the country's process of democratization.

- 248.** *The Employer Vice-Chairperson* said that the Employers' group was awaiting with interest the evaluation to be made by the Committee on the Application of Conventions and Recommendations, at the 98th Session (2009) of the International Labour Conference, of any steps taken by the Government of Belarus to put the Commission of Inquiry recommendations into practice. Given the gravity of the situation, it was essential that the Government adopt without delay all the measures set forth in the Plan of Action and all those needed to ensure observance of Conventions Nos 87 and 98.
- 249.** With reference to the cases of interference by the employers in trade union affairs mentioned by the Worker Vice-Chairperson, he underlined the difficulties that existed in a context where much remained to be done at the national level regarding compliance with fundamental labour standards and principles. While the employers had to respect those principles, the States had to ensure that there was compliance with them. The ILO supervisory bodies, for their part, had to oversee specific cases and examine them closely. Given the nature of the fundamental principles and rights at stake, it was necessary to urge the Government of Belarus to implement all the recommended measures as a matter of urgency.
- 250.** *A Government representative of the Czech Republic* spoke on behalf of the European Union and candidate countries Turkey, Croatia and The former Yugoslav Republic of Macedonia; stabilization process and potential candidate countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and Iceland and Norway, European Free Trade Association countries and members of the European Economic Area. Georgia, the Republic of Moldova, Switzerland and Ukraine endorsed the declaration.
- 251.** The European Union welcomed the adoption of the Plan of Action of the Republic of Belarus, which was promising. It was essential, however, that clear and permanent provisions were adopted with a view to implementing all the recommendations, as evidence of the commitment made with the completion of the process. Revision of the legislation, as indicated in paragraph 6 of the Plan of Action, was a matter which had to be dealt with as a matter of urgency. Freedom of association and the right to organize were the cornerstone of the ILO. In the absence of those principles, there could be no genuine tripartite dialogue. Consequently, the European Union would be closely monitoring the implementation of the Plan of Action and trusted that, at the 98th Session (2009) of the International Labour Conference, the Committee on the Application of Conventions and Recommendations would be able to report on clear progress made in the full implementation of the Commission of Inquiry recommendations.
- 252.** *A Government representative of the United States* welcomed the adoption of the Plan of Action of the Government of the Republic of Belarus and awaited with interest the results of its implementation. This positive development was tarnished by the fact that in Belarus legitimate freedom of association was an area causing concern, particularly with regard to the registration of free and independent trade unions. He trusted that the Committee on the Application of Conventions and Recommendations, at the International Labour Conference in June 2009, would be able to note that substantial progress had been made on the implementation of the Plan of Action and that, with ILO assistance, the Government of Belarus had adopted specific and tangible measures to put the Commission of Inquiry recommendations into practice.
- 253.** *The Governing Body took note of the report and the comments made during the discussion.*

*Fourth Supplementary Report: Report and conclusions
of the Eighth European Regional Meeting
(Lisbon, 9–13 February 2009)
(GB.304/14/4(Rev.))*

- 254.** *The representative of the Director-General* (the Director of the Regional Office for Europe and Central Asia) recalled that the theme of the Regional Meeting, “Delivering decent work in Europe and Central Asia”, had been chosen following consultations with the tripartite constituents and that seven elements of the Decent Work Agenda which were particularly important for constituents had been selected. The Office had prepared a thematic report to tackle the issue in a comprehensive manner (Volume 1) and another report reviewing the results of the ILO’s activities over the four-year period (Volume 2). Furthermore, in the context of the economic and financial crisis which had arisen at the end of 2008, it had been necessary for the Office to prepare rapidly an additional document containing up to date information. Given that the organization of the previous Regional Meeting had been considered to be satisfactory, the constituents had requested that the European Regional Meeting follow the same pattern by putting the emphasis on interactivity. The Prime Ministers’ panel discussion on the various dimensions of the crisis and ways to tackle them had set the tone of the informal Ministerial Meeting which had been chaired by the Chairperson of the Governing Body, Mr Rapacki.
- 255.** The speaker thanked the Government of Portugal for the support it had given in organizing the Meeting, for its hospitality and also for its generous financial contribution. She recalled that the Minister of Labour of Portugal had presented the conclusions of the Regional Meeting in the context of the high-level tripartite meeting which had been held the previous day and that he had also recalled the challenges faced in reaching a consensus which met the expectations of all concerned in the difficult climate. Drafting the conclusions had been especially delicate, due in particular to the fact that the Regional Meeting had been the first to tackle the crisis. The conclusions provided the region with a clear picture of how to tackle the crisis based on the integrated approach of the Decent Work Agenda. The Office was reviewing both the Decent Work Country Programmes and the technical cooperation projects in order to enhance the targeting of its assistance aimed at mitigating the effects of the crisis in certain economic sectors and on certain population groups without losing sight of long-term development objectives. Finally, the speaker indicated that the Office had noted the observations made by several constituents on the length of the Meeting and on the need to find practical means of drawing conclusions while keeping to an extremely tight schedule. In conclusion, she emphasized that the Office was fully engaged in the process of implementing the conclusions adopted at the Lisbon Meeting in practice.
- 256.** *The Employer Vice-Chairperson* congratulated Portugal and the Office on the manner in which the Meeting had been organized. Some of the issues raised were very complex and it was therefore no surprise that tensions and disagreements had arisen. The Meeting had nonetheless been very productive and the speaker hoped that the same would be true for the other Regional Meetings. The Regional Meeting had focused on the objectives linked to the crisis in the social domain and it was necessary to respond immediately by visiting the various countries and meeting with the social partners in order to take into account real needs in the context of the ILO’s mandate.
- 257.** *A representative of the Workers’ group* invited the Office to give effect to the conclusions adopted in Lisbon and pointed out certain aspects of the conclusions which were particularly important for the Workers’ group: first, the importance of social dialogue as a means of defining strategies for coping with the recession; second, acknowledgement of the fact that the Decent Work Agenda and the ILO’s mandate, as set out in the Declaration of Philadelphia and reaffirmed in the Social Justice Declaration, provided an appropriate

response to the problems posed by the crisis in Europe and Central Asia; third, acknowledgement of the fact that there was a risk that the crisis would increase the number of workers in precarious employment or working in the informal economy and that urgent protection measures were needed; fourth, the need to adopt a coordinated series of measures aimed at economic recovery; fifth, the importance of respect for fundamental principles and rights at work, in particular freedom of association and the right to collective bargaining; sixth, the need for coherence with regard to policies at the international level between the European Union and international financial institutions; and, seventh, the role of collective bargaining in determining wages.

258. The speaker indicated that his group welcomed the work which the ILO intended to carry out to help governments to combat the consequences of the crisis and promote decent work in collaboration with international and regional organizations which had similar areas of competence. He expressed regret at the fact that it had not been possible to reach a consensus on the need to refer explicitly to the standards which were particularly relevant in view of the economic and social crisis. The Workers requested a mid-term review and a report in 2011 on the proposals for future work by the ILO listed in paragraph 55 of the conclusions. He stressed the need for a translation into Russian of the document and the conclusions and thanked the Office and the Government of Portugal for the high standard of organization of the Lisbon Meeting. Finally, the speaker supported the point for decision contained in paragraph 109.

259. *The Government representative of Spain* reiterated his Government's praise for the manner in which the Meeting had been organized.

260. *The Government representative of France* joined others in congratulating the Office and the Government of Portugal. He raised a point relating to the methodology used to draft the conclusions of the Conference. Besides the obvious political difficulties encountered when drafting the conclusions, there had been some hesitation between the desire to recall all the work of the Conference and another approach based on limiting the conclusions to key messages which were specific and to the point. The speaker considered that this was an issue which should be examined in order to prevent the problem from arising again at a later date.

261. *The representative of the Director-General* (the Director of the Regional Office for Europe and Central Asia), replying to the Workers' group, explained that the conclusions were already available in Russian and that the Office would examine very carefully the proposal for a mid-term review in 2011. She also thanked the Employers for their observations and explained that country visits and meetings with social partners formed part of all programmes in order to target the crisis and take into account needs linked to the crisis.

Governing Body decision:

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

(a) to draw the attention of the governments of member States of the European region and, through them, that of their national employers' and workers' organizations, to the conclusions adopted by the Meeting;

(b) to take these conclusions into consideration when implementing current programmes and in developing future programme and budget proposals;

(c) to transmit the text of the conclusions:

- (i) *to the governments of all member States and, through them, to national employers' and workers' organizations;*
- (ii) *to the international organizations concerned, including the international non-governmental organizations having consultative status.*

(GB.304/14/4(Rev.), paragraph 109.)

*Fifth Supplementary Report: Appointment of
Assistant Directors-General
(GB.304/14/5)*

Governing Body decision:

263. *The Governing Body noted that, having duly consulted the Officers of the Governing Body, the Director-General had appointed two Assistant Directors-General.*
264. *Ms Nada Al-Nashif, whose appointment as Regional Director of the ILO Office for the Arab States was effective as of 15 January 2007 and who was promoted to the rank of Assistant Director-General with effect from 15 January 2009, and Mr George Dragnich, who was appointed Executive Director of the Social Dialogue Sector (DIALOGUE), with the rank of Assistant Director-General, with effect from 1 January 2009, made and signed the Declaration of Loyalty as provided under article 1.4(b) of the ILO Staff Regulations.*

*Sixth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Japan of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), made under article 24 of the ILO Constitution by the National Union of Welfare and Childcare Workers
(GB.304/14/6)*

Governing Body decision:

265. *In the light of the conclusions set out in paragraphs 60–84 of the report of the Committee, the Governing Body:*
- (a) *approved the present report;*
 - (b) *invited the Government to take due note of the matters raised in the above conclusions and to include detailed information thereon in its next report under article 22 in respect of the Convention due in 2010;*
 - (c) *entrusted the Committee of Experts on the Application of Conventions and Recommendations with following up the questions raised in this report with respect to the application of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159); and*
 - (d) *decided to make the report of the Committee publicly available and closed the procedure initiated by the representation of the National Union of Welfare and Childcare Workers, alleging non-observance by Japan of the*

Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

(GB.304/14/6, paragraph 85.)

Seventh Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Brazil of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Union of Engineers of the Federal District (SENGE/DF)
(GB.304/14/7)

Governing Body decision:

266. The Governing Body approved the Committee's report and, in the light of the conclusions contained in paragraphs 35–61 of the report:

- (a) requested the Government to adopt the measures needed to complement the consultation process concerning the impact of timber concessions envisaged in the Act concerning the administration of public forests on the indigenous people likely to be affected, taking into account the terms of Article 6 of the Convention and the Committee's conclusions set out in paragraphs 42–44 of the report;*
- (b) requested the Government to adopt in particular the relevant regulatory and practical measures to implement the consultation process laid down in Article 15(2) of the Convention, including the procedural requirements stipulated in Article 6, before licences are granted for the timber exploration and/or exploitation envisaged in the Act concerning the administration of public forests;*
- (c) requested the Government to ensure that the consultation process required under Article 15 of the Convention is implemented in relation to the lands referred to in paragraph 52 of this report, whatever their legal status may be, provided that they comply with the criteria of Article 13(2) of the Convention (lands which the peoples concerned occupy or otherwise use);*
- (d) invited the Government, under the terms of Article 7(1) of the Convention, to guarantee the participation of the indigenous peoples in the formulation, implementation and evaluation of plans and programmes related to the logging activities referred to, including the determination of the land to be excluded under the terms of section 11(IV) of the Act concerning the administration of public forests;*
- (e) requested the Government, in accordance with Article 7(3) of the Convention, to ensure that studies are carried out, in cooperation with the peoples concerned, with a view to assessing the social, spiritual and environmental impact on the peoples concerned of the logging activities envisaged in the Act;*
- (f) requested the Government to ensure that the indigenous peoples affected by logging activities participate, whenever possible, in the benefits of such*

activities and receive fair compensation for any loss or damage they may sustain as a result of such activities;

- (g) requested the Government to ensure that logging activities do not affect the rights of ownership and possession laid down in Article 14 of the Convention;*
- (h) requested the Government to adopt special measures to safeguard the persons, institutions, property, labour, cultures and environment of the peoples affected by logging activities;*
- (i) recommended that the Government request ILO technical assistance and cooperation, if it considers it appropriate, in order to implement, in cooperation with the social partners, the recommendations set out in the present report, and to promote dialogue among the parties;*
- (j) entrusted the Committee of Experts on the Application of Conventions and Recommendations with following up the questions raised in the report with respect to the application of the Indigenous and Tribal Peoples Convention, 1989 (No. 169); and*
- (k) decided to make the report of the Committee publicly available and closed the procedure initiated by the representation of the complainant alleging non-observance by Brazil of the Indigenous and Tribal Peoples Convention, 1989 (No. 169).*

(GB.304/14/7, paragraph 62.)

Eighth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by the Government of Mexico of the Labour Administration Convention, 1978 (No. 150), the Occupational Safety and Health Convention, 1981 (No. 155), and the Chemicals Convention, 1990 (No. 170), made under article 24 of the ILO Constitution by the National Union of Federal Roads and Bridges Access and Related Services of Mexico, the Trade Union of Telephone Operators of the Republic of Mexico, the National Union of MetLife Workers, the Trade Union Association of Airline Pilots of Mexico, the United Trade Union of Workers in the Nuclear Industry, the Independent Union of Workers in the Automotive Industry, similar and related "Volkswagen of Mexico", the Union of Workers of the National Autonomous University of Mexico, and the United National and Democratic Union of Workers of the

National Bank for Foreign Trade

(GB.304/14/8)

Governing Body decision:

267. The Governing Body approved the report of the Committee and, in the light of the conclusions contained in paragraphs 57–98 of the report:

- (a) invited the Director-General, when communicating the report to the Government of Mexico, to extend the Governing Body's condolences to the members of the families of the 65 miners who lost their lives as a result of the Accident that occurred in Unit 8 of the Pasta de Conchos Mine in Coahuila in Mexico on 19 February 2006;*

- (b) *invited the Government, in consultation with the social partners, to continue to take the necessary measures in order to:*
- (i) *ensure full compliance with Convention No. 155 and, in particular, continue to review and periodically examine the situation as regards the safety and health of workers, in the manner provided for in Articles 4 and 7 of Convention No. 155, with particular attention given to hazardous work activities such as coalmining;*
 - (ii) *conclude and adopt the new regulatory framework for occupational safety and health (OSH) in the coal mining industry, taking into account the Safety and Health in Mines Convention, 1995 (No. 176), and the ILO code of practice on safety and health in underground coalmines, 2006;*
 - (iii) *ensure, by all necessary means, the effective monitoring of the application in practice of laws and regulations on OSH and the working environment, through an adequate and appropriate system of labour inspection, in compliance with Article 9 of Convention No. 155, in order to reduce the risk that accidents such as the Accident in Pasta de Conchos occur in the future; and*
 - (iv) *monitor closely the organization and effective operation of its system of labour inspection taking due account of the Labour Administration Recommendation, 1978 (No. 158), including its Paragraph 26(1);*
- (c) *invited the Government to ensure, considering the time that has lapsed since the Accident, that adequate and effective compensation is paid, without further delay, to all the 65 families concerned and that adequate sanctions are imposed on those responsible for this Accident;*
- (d) *invited the Government, in consultation with the social partners, to review the potential that the Labour Inspection Convention, 1947 (No. 81), provides to support the measures the Government is taking in order to strengthen the application of its laws and regulations in the area of OSH in mines;*
- (e) *entrusted the Committee of Experts on the Application of Conventions and Recommendations with following up the questions raised in the report with respect to the application of the Labour Administration Convention, 1978 (No. 150), the Occupational Safety and Health Convention, 1981 (No. 155), and the Chemicals Convention, 1990 (No. 170); and*
- (f) *decided to make the report of the Committee publicly available and closed the procedure initiated by the representation of the complainants alleging non-observance by Mexico of the Labour Administration Convention, 1978 (No. 150), the Occupational Safety and Health Convention, 1981 (No. 155), and the Chemicals Convention, 1990 (No. 170).*

(GB.304/14/8, paragraph 99.)

Ninth Supplementary Report: Follow-up to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)
(GB.304/14/9)

- 268.** *The Employer Vice-Chairperson* welcomed the fact that 12 products had finally been proposed. This guaranteed transparency and avoided the risk of a monopoly.
- 269.** *The Worker Vice-Chairperson* welcomed the progress that had been made with regard to the implementation of Convention No. 185 and advised the Office to continue to promote the ratification of this instrument which was essential to the achievement of decent work for seafarers.
- 270.** *The Governing Body took note of the report.* (GB.304/14/9.)

Fifteenth item on the agenda

REPORTS OF THE OFFICERS OF THE GOVERNING BODY
(GB.304/15/1)

*Possible limitation of the number of renewals of
the Director-General's term of Office*

Governing Body decision:

- 271.** *The Governing Body decided that the term of office of the Director-General could be renewed once and instructed the Office to submit the appropriate amendment to the Staff Regulations of the ILO to the PFA Committee during the 306th Session of the Governing Body (November 2009). The amendment could read as follows:*

The Director-General shall be appointed for a period of five years. The Governing Body may renew the appointment once. The possible extension shall not exceed five years.

(GB.304/15/1, paragraph 14.)

Special arrangements for discussing the ILO's response to the employment and social policy consequences of the economic and financial crisis at the 98th Session (2009) of the Conference
(GB.304/15/2(& Corr.))

- 272.** *The Chairperson* explained that the Officers of the Governing Body considered it necessary that the International Labour Conference, at its 98th Session (2009), should deal with the employment and social policy consequences of the economic and social crisis, in addition to the discussion on the Report of the Director-General, which would cover the crisis. For that purpose, the following changes were being proposed to the plan of work of the Conference; the work of the Committee on Gender Equality should be shortened; the Committee on Employment and Social Protection in the new demographic context should not be convened, and the report that had been prepared for the Committee should be submitted to an expert meeting; and a Global Summit on Dealing with the Job Crisis should be held.
- 273.** *The Employer Vice-Chairperson* expressed support for the point for decision and indicated that the Employers' group had taken the initiative of proposing that the Conference should

discuss the crisis due to the gravity of the global situation and the need to identify responses in accordance with the responsibilities of the Organization. However, adapting the plan of work of the Conference to the new situation was a complex task. In this respect, he expressed appreciation of the flexibility with which the Office had acted in preparing a new proposed plan of work in a short period of time and of the goodwill shown by governments so that the subject could be fully discussed and its examination could be adapted to the dynamics of the Conference. He welcomed the readiness for dialogue and the consensus shown by the other Officers. Although the interests of the ILO's constituents differed, they were all affected by the disappearance of jobs and enterprises, and by the fall in gross domestic product. He trusted that, if the Conference followed the rhythm and spirit that characterized the preparatory work, the ILO would be able to send out to the international community a serious and constructive technical and political message which went beyond mere good intentions and included firm proposals. If, at such a delicate time in the history of humanity, the ILO managed to assist in mitigating the social and political tensions created by the crisis, it would be possible to commemorate its 90th anniversary on a positive note, as it would have demonstrated that the Organization was as relevant today as when it was first created.

274. *The Worker Vice-Chairperson* indicated that, in line with the trend that had started to emerge at the ILO's Eighth European Regional Meeting (Lisbon, 9–13 February 2009), the Officers had decided to react in view of the gravity of the problems that were emerging at the global level. He welcomed the action taken by the Chairperson of the Governing Body so that the Conference agenda could be modified and regretted that, during this rapid process, some governments might not have been consulted sufficiently. The Workers' group was approaching the exercise with boldness and determination. The report on which the discussions would be based, which would need to demonstrate creativity and be challenging, and the subsequent discussion, would have to accommodate the elements envisaged in paragraph 3 of the Office paper. He warned that it would not be possible to accept a common denominator limited to reflecting conventional wisdom. It would be necessary to challenge even basic positions so as to be able to fulfil the role entrusted to the ILO and meet the demands of its constituents. This discussion would be the point of convergence of the work carried out over the past two years in formulating the 2008 Declaration and reviewing the services provided to constituents. He proposed, with a view to achieving greater participation and production at the Conference, that in parallel with the Committee of the Whole, break-out sessions should also be organized to examine subthemes derived from the main subject. The contributions of the break-out sessions would need to be distilled to identify concrete ideas that could be further developed with a view to preparing a response that went beyond the normal and the everyday.
275. *A Government representative of Singapore* expressed the unanimous support of the Asia-Pacific group (ASPAG) for the point for decision.
276. *A Government representative of the Czech Republic*, speaking on behalf of the European Union, welcomed the establishment of a Committee of the Whole, supported the point for decision and trusted that, as the preparations proceeded, more practical information would be provided to those concerned on the structure and expected outcomes of the work. With reference in particular to the proposal to refer to an expert meeting the item that was to have been discussed by the Committee on Employment and Social Protection in the new demographic context, he considered that the proposed change would diminish the importance of the discussion and conflict with the decision formally taken by the Governing Body to include this item on the agenda of the Conference. He therefore requested the Office to prepare alternative proposals on the time and format for the debate which could be discussed and decided upon by the Governing Body in November 2009. He expressed interest in the views of other member States on this matter, which had global

implications, and indicated that the European Union was prepared to cooperate in finding alternative solutions.

- 277.** *A Government representative of India* observed that the crisis had taken a heavy toll on employment in all parts of the world, with the consequent impact on the social structure. At this critical juncture, the ILO had a special responsibility to ensure that the voices of actors in the real economy were heard, as no other institution could engage the various countries and multilateral institutions in generating employment and strengthening social security. He added that India would participate actively in the Global Summit and, aware that the importance of what was at stake justified the displacement of other debates, he supported the point for decision.
- 278.** *A Government representative of South Africa* expressed agreement that the proposed subject should be discussed, provided that the suggested changes were within the provisions of the Constitution. He was surprised that, in a simple paper, the proposal was being made to withdraw an item that had officially been placed on the Conference agenda, while noting the indication that it was not possible to add a specific item to the agenda of the forthcoming sessions and that it would not be possible to set up a committee at the next session of the Conference to address an issue that was already on the agenda through the thematic Report of the Director-General. It was his view that, while the Governing Body could use its discretion, its decisions had to be within the provisions of the Constitution. The concept of consensus could not be a substitute for the Constitution, or be used at the expense of the Constitution. He called for equality of treatment for all member States, and particularly those that sought to understand the processes through which certain decisions were made and certain discussions were held. He added that, if the present trend continued, he retained the right to approach the International Court of Justice to clarify the interpretation of the provisions of the Constitution.
- 279.** *A Government representative of Brazil* recalled that the point of reference for the proposed discussion was the statement made by the Officers of the Governing Body in November 2008, which had given rise to discussions in various contexts. It was important for the outcome of the discussions to be acknowledged in the forthcoming meetings of the G8 and the G20, and for them to strengthen the ILO's commitment to ensuring that its voice was heard in the multilateral system.
- 280.** *A Government representative of Bangladesh* expressed support for the point for decision. He considered that it was necessary to examine the issue in a comprehensive manner, as the adverse effect of the crisis on emerging economies and low-income countries could be further amplified in the coming months.
- 281.** *A Government representative of Belgium* supported the point for decision and the comments made on behalf of the European Union concerning the impact of the proposal on the organization of the general discussion. He made a number of points relating to practical matters, and particularly the articulation of the discussions in plenary with those in the Committee of the Whole, and wondered what reason there would be for continuing the discussion in plenary once the Conference had approved the report of the Committee of the Whole, and how the Global Summit would manage to add a political dimension to the conclusions of the Committee of the Whole. He believed that the Committee of the Whole should focus exclusively on technical proposals that could influence the ILO's response to the requests made by constituents, and the presence of the necessary experts should therefore be ensured. The Government of Belgium would be prepared to send specialists from major national economic institutions, although they would certainly not be available for the full duration of the meeting of the Committee of the Whole. With reference to the method of work, he observed that, in addition to an excellent Chairperson, a paper would also need to be prepared indicating in an anonymous manner the nature and scope of the

actual requests made to the ILO: the possibility should also be considered, with a view to avoiding general comments on national situations, of giving the floor in preference to constituents that had made specific requests to the Office. With regard to the global jobs pact, while it was already evident that it met with consensus as one of the Conference's key decisions, it was clear that it would need to be articulated with other existing programmes, and it would give rise to a complex discussion in which different experts would probably be needed from those addressing technical aspects. How could the ILO help its constituents through the global jobs pact? He believed that this initiative, which was clearly ambitious, would serve as a tool kit that the ILO would use in the activities that it was undertaking with constituents to encourage tripartite discussion at the national level, while at the same time acting as a platform for collaboration with other international institutions. He urged the Office to consider carefully all the methodological aspects of the planned discussion, and expressed his delegation's interest in participating in the consultations that were held in the meantime. It was important for the Office to prepare credible responses, so that it was competitive and could offer its expertise on an equal footing with other organizations.

- 282.** *A Government representative of France* endorsed the statement made on behalf of the European Union and supported the point for decision. The ILO could not avoid examining an issue of global import. The proposal that had been made would undoubtedly give rise to an in-depth and transparent discussion, as the IMEC countries hoped, and should result in a concrete and practical outcome, such as a resolution. The ILO would need to outline the products (studies, research or assistance) that it would offer in the field and in the various international bodies in which economic and political decisions were taken. It should also clearly indicate the manner in which it would collaborate with the IMF in relation to macroeconomic and long-term issues, and the World Bank on microeconomic and short-term matters. Although understanding the concerns expressed with regard to the articulation of the Conference's activities, he trusted that the Office had the necessary capacity to achieve the desired results, in the spirit of the 2008 Declaration, the objective of which was to strengthen the Office's capacity towards the outside.
- 283.** *A Government representative of Canada* supported the revised point for decision. She called on the Office, over the coming weeks, to provide information on the themes to be discussed, the structure of the discussions, the anticipated form of any outcome and the process for its adoption, as well as the timing and format for ministerial-level discussions. This information was indispensable for governments to be able to undertake consultations and prepare themselves for in-depth discussion. She emphasized the need for a transparent process for the adoption of concrete outcomes.
- 284.** *A Government representative of Nigeria* supported the point for decision. It was proper that the major theme of the Conference should be a discussion of the employment and social policy consequences of the crisis. However, this issue was closely linked to the one that was proposed to be removed from the agenda, and he expressed surprise that, instead of combining the two issues in a single discussion, it was proposed to assign the discussion of employment and social protection in the new demographic context to an expert meeting. He supported any effort that was made in future to promote greater transparency in the procedures for the selection and alteration of the Conference agenda, which would give Members a sense of satisfaction and would promote greater confidence that the ILO was acting in accordance with its Constitution.
- 285.** *A Government representative of China* supported the point for decision. The next session of the Conference would be a critical moment for the ILO to demonstrate its willingness and capacity to collaborate in the international efforts to overcome the crisis. The outcome of the discussion should be what might be termed an ILO paradigm to guide constituents and the international community in their efforts to find a solution to the financial crisis. In

view of the short time before the session and the volume of preparatory work, it would be essential to hold formal and informal consultations with constituents and to keep them informed.

- 286.** *A Government representative of Portugal* endorsed the statement made on behalf of the European Union and noted, in particular, certain comments made by the Government representative of Belgium. The difficulties raised by the proposal were not of an ideological, but of an eminently practical nature. The doubts expressed concerning the articulation of the activities and the nature of the outcomes were legitimate and would have to be clarified before the session. The acceptance of a consensus in principle did not mean agreement with the practical details. This situation showed that the ILO needed to develop mechanisms that allowed it to act in a flexible manner, otherwise it would have to refrain from intervening in emergency economic and social situations, such as the present case. The outcomes, for example, of the Eighth European Regional Meeting and the High-level Tripartite Meeting on the Current Global Financial and Economic Crisis could constitute the basis for a document to be examined together with the ILO's response to the crisis.
- 287.** *A Government representative of Tunisia* expressed support for the point for decision and thanked the Officers of the Governing Body for the efforts that had been made so that the Conference could discuss the important issue of the current economic and financial crisis.
- 288.** *A Government representative of Germany* associated himself with the statement made on behalf of the European Union and welcomed the delicate compromise solution developed by the Officers so as to be able to alter the order of priorities at the Conference. He trusted that the Office would soon provide clear indications on the manner in which the various discussions would be articulated. The structure of the meeting was of great importance for the achievement of tangible outcomes and specific proposals, so that the ILO could take its rightful place among international organizations.
- 289.** *A representative of the Director-General* indicated that, in accordance with points (a) and, in particular, (b) of the point for decision, the Office pledged to work closely with constituents over the next two months on the detailed organization of the Conference. The proposed plan of work constituted a general framework, which would be reviewed as preparations were finalized. The Committee of the Whole would examine the proposals made, which would be submitted to the Conference in plenary during the last week for final approval. It was necessary to advance the beginning of the discussion in plenary because there would be 250 more delegates than usual at this session of the Conference, and it was necessary to give them the opportunity to speak. Moreover, space needed to be found for the Global Summit. It would also be possible to hold interactive panels during the Conference, the discussions of which would be part of the records. For this purpose, specific points of the Standing Orders would need to be suspended, as had been done previously for the discussion of the Global Report. In view of the proposal made by the European Union, he added that points (c) and (d) of the point for decision would be modified accordingly.
- 290.** *The Legal Adviser* made two remarks in relation to certain legal and constitutional considerations voiced during the discussion. Firstly, in response to the issue raised relating to democracy, he indicated that the International Labour Conference was sovereign in its decision on the manner in which the issue of the crisis was to be discussed. Secondly, he explained that, under the terms of article 14 of the ILO Constitution, when a specific item was placed on the agenda of the Conference, the discussion was normally held in a technical committee, although the Conference could decide otherwise. Conversely, article 8 of the Standing Orders of the Conference allowed the Conference to "appoint a committee to consider and report on any matter". This could therefore be the legal basis on

which the Conference could decide to appoint a Committee of the Whole under the terms proposed in the Office paper.

Governing Body decision:

291. *The Governing Body decided to:*

- (a) recommend to the 98th Session (2009) of the International Labour Conference that it arrange its programme of work to include the proposals contained in document GB.304/15/2(& Corr.);*
- (b) instruct the Director-General to make the necessary practical arrangements for the implementation of this proposed programme of work of the Conference;*
- (c) suspend its decision to place on the agenda of the 98th Session of the International Labour Conference (2009) an item on employment and social protection in the new demographic context; and*
- (d) decide on the most appropriate way to deal with this item at its November 2009 session, including possibly by a tripartite meeting of experts to be convened as early as possible.*

(GB.304/15/2(& Corr.), paragraph 8.)

292. *The Director-General* first emphasized the significance of the decision that the Governing Body had just taken. From the comments made on the substance and also relating to the organization of the process, it was clear that the Members were fully aware of the need to work together to obtain tangible results. It was now the time to show that the vision adopted a few years earlier, when setting out on the process that had resulted in the ILO Declaration on Social Justice for a Fair Globalization of 2008, could not have been more appropriate, as at that time the constituents had sensed that something of this order was necessary. This had only been confirmed by the crisis.

293. Secondly, the Director-General added that the expectations were not only internal, but also originated in large measure from outside the ILO. This had been clear in the statements made by eminent persons who had recently visited the ILO, including: José Luis Rodríguez Zapatero, President of the Government of Spain; Ban Ki-moon, Secretary-General of the United Nations; Angel Gurría, Secretary-General of the Organisation for Economic Co-operation and Development (OECD); Dominique Strauss-Kahn, Managing Director of the International Monetary Fund (IMF); and Professor Joseph Stiglitz, winner of the 2001 Nobel Prize in Economics and of the 2008 ILO Decent Work Research Prize. It had also been evident in the message received from Nicolas Sarkozy, President of France, urging the ILO to make its voice heard in the international debate initiated on the definition of a new global governance. Moreover, in the joint statement adopted by German Chancellor Angela Merkel, the OECD, World Bank, IMF, World Trade Organization (WTO) and the ILO, reference had been made, in particular, to the importance of what could be called a “charter for sustainable economic governance” that would prevent excesses in the market and which made specific reference to the complementary elements provided by the ILO’s Decent Work Agenda. The G20 had recently invited the ILO to a meeting on issues related to the world of work, thereby implicitly acknowledging that it was no longer possible to concentrate exclusively on financial issues, and that social dialogue needed to play a role. The ILO had also been called upon to participate in the forthcoming meetings of the G8 labour ministers, the

United Nations System Chief Executives Board for Coordination and the United Nations General Assembly. The Director-General, who also chaired the United Nations High-level Committee on Programmes, indicated that some of the subjects considered had been incorporated into the United Nations system. This all demonstrated that the ILO's political position was recognized. Now it was necessary to go on to the next stage. The IMF had opened up certain avenues for action on employment and macroeconomics, social protection and social dialogue. In the decision-making process that had been commenced, the IMF depended on the finance ministers of the various countries. It was therefore crucial for the members of the Governing Body to engage with their respective governments and to urge their counterparts in the various ministries that maintained direct relations with the IMF, the World Bank and the WTO, and who sat on their executive bodies, to seek collaboration with the ILO. He called on the countries that were in a position to do so to act in this way within these institutions.

- 294.** Thirdly, the Director-General referred to the global jobs pact, which was a real ILO product. The pact would have to provide firm political guidance and would help to produce the policy convergence needed in the global debate on responses to the crisis. In this respect, models could be found in the processes related to the social dimension of globalization, and subsequently the Decent Work Agenda, which had both been instigated and developed within the ILO, and had then gone on to receive global support. It was for this reason that the technical expertise brought to the Conference was important. The overall basis already existed in the 1998 and 2008 Declarations, the Global Employment Agenda, the Strategic Policy Framework and the important tools contained in the paper that the Committee on Economic and Social Policy was discussing at the current session. At the same time, the ILO needed to be able to make contributions to the thinking on what overall economic, financial and trade policies were going to be, sending a clear message that it would not be possible to overcome the crisis if account was not taken of its impact on enterprises, on work, on social protection and on social dialogue machinery. By addressing these issues, the Conference would be filling a policy vacuum. It was hardly necessary to say that this represented an enormous challenge for the Office and for tripartism.
- 295.** The Director-General read a few paragraphs of the statement that he had made to the 87th Session of the Conference (1999), in which he had emphasized that the ILO needed “a genuine tripartism for the future, a tripartism that comes up with new solutions and is capable of leadership and clarity in the midst of confusion, that dares to innovate and is not afraid of imagination, and makes social dialogue a normal practice in our society”. In the ten years that had elapsed since then, the ILO had engaged in intense activity, and had developed the capacity to change, with the adoption of the 2008 Declaration. The challenge facing the ILO after 90 years of existence was to operate as a tripartite organization that could express commitments which had institutional implications. The Governing Body had decided that the ILO's response to the employment and social policy consequences of the economic and financial crisis would be the central focus of the Conference. For the Conference to make a telling contribution to the Organization, as well as to international debates on the crisis, it would be necessary to mobilize full political capacity in support of the discussion and to seek in all the different spaces of each country every element that could increase the chances of success.

*Request of the Kingdom of Bhutan to attend the 98th Session of the
International Labour Conference
(GB.304/15/3)*

Governing Body decision:

296. *The Governing Body, on the recommendation of its Officers, authorized the Director-General to invite the Kingdom of Bhutan to be represented by a delegation of observers at the 98th Session of the International Labour Conference, in accordance with article 2, paragraph 3(e), of the Standing Orders of the Conference. (GB.304/15/3, paragraph 4.)*

*Ibero–American Conference
(GB.304/15/4)*

Governing Body decision:

297. *The Governing Body, on the recommendation of its Officers, requested the Director-General to start the formal procedure for granting the ILO the status of “Observador Consultivo” to the Ibero–American Conference. (GB.304/15/4, paragraph 6.)*

Sixteenth item on the agenda

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS
(GB.304/16)

Committee of Experts on the Application of Conventions and Recommendations

New appointment

Governing Body decision:

298. *The Governing Body, on the recommendation of its Officers, recommended that the Governing Body appoint Mr Vitiit Muntarbhorn, Professor of Law at Chulalongkorn University, Bangkok, as a member of the Committee for a period of three years. (GB.304/16, paragraph 1.)*

*International Symposium: Celebration of the 60th Anniversary
of Convention No. 98 – the Right to Organize and
Bargain Collectively in the 21st Century
(Geneva, 12–15 October 2009)*

Composition

Governing Body decision:

299. *The Governing Body decided that the Symposium should be attended by 30 trade union representatives, nominated after consultation with the Workers’ group of the Governing Body and coming from both industrialized and developing countries in Africa, the Americas, Asia and the Pacific, Europe (including Central and Eastern Europe), and the Arab States. Efforts would be made to ensure that at least 30 per cent of the participants selected are women, in*

compliance with the Workers' group's policy on gender equality. (GB.304/16, paragraph 5.)

Agenda

Governing Body decision:

300. *The Governing Body, on the recommendation of its Officers, approved the following proposed agenda:*

- *to examine the recent trends and developments in collective bargaining and the protection of the right to organize;*
- *to discuss the relationship between collective bargaining and the social and economic objectives of Decent Work;*
- *to identify policies and strategies that would strengthen the capacity of trade unions to organize and bargain collectively;*
- *to identify ways and means of achieving the universal application of the right to organize and to bargain collectively.*

(GB.304/16, paragraph 9.)

Invitation of international non-governmental organizations

Governing Body decision:

301. *The Governing Body, on the recommendation of its Officer, authorized the Director-General, to invite the following international non-governmental organizations to be represented at the Meeting as observers:*

- *Building and Wood Workers' International (BWI);*
- *Education International (EI);*
- *European Trade Union Confederation (ETUC);*
- *General Confederation of Trade Unions (GCTU);*
- *International Confederation of Arab Trade Unions (ICATU);*
- *International Federation of Chemical, Energy, Mine and General Workers' Union (ICEM);*
- *International Federation of Journalists (IFJ);*
- *International Metalworkers' Federation (IMF);*
- *International Textile, Garment and Leather Workers' Federation (ITGLWF);*
- *International Transport Workers' Federation (ITF);*

- *International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF);*
- *Public Services International (PSI);*
- *Trade Union Advisory Committee to the OECD (TUAC);*
- *Union Network International (UNI);*
- *Union Syndicale des Travailleurs du Maghreb (USTMA).*

(GB.304/16, paragraph 11.)

*Workshop to promote ratification of the Private Employment Agencies
Convention (No. 181) (Geneva, 20–21 October 2009)*

Invitation of intergovernmental organizations

Governing Body decision:

302. *The Governing Body noted that the Director-General intended to invite the following international intergovernmental organizations to be represented at the Meeting as observers:*

- *European Foundation for the Improvement of Living and Working Conditions;*
- *International Organization for Migration (IOM);*
- *The World Bank.*

(GB.304/16, paragraph 14.)

Invitation of international non-governmental organizations

Governing Body decision:

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

- *International Confederation of Private Employment Agencies (CIETT);*
- *World Association of Public Employment Services (WAPES).*

(GB.304/16, paragraph 14.)

Information notes

PROGRAMME OF MEETINGS FOR 2009 AND
ADVANCE INFORMATION FOR 2010
(GB.304/Inf.1)

APPROVED SYMPOSIA, SEMINARS, WORKSHOPS
AND SIMILAR MEETINGS
(GB.304/Inf.2)

REQUESTS FOR INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS
WISHING TO BE REPRESENTED AT THE 98TH SESSION OF THE
INTERNATIONAL LABOUR CONFERENCE
(GB.304/Inf.3)

304. *The Governing Body took note of this information.*

Annexe/Appendix/Anexo

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

304^e session – Genève – mars 2009
304th Session – Geneva – March 2009
304.^a reunión – Ginebra – Marzo de 2009

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Membres gouvernementaux titulaires**Regular Government members****Miembros gubernamentales titulares**

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Mr P. BDLIYA, Director General (NPC), Federal Ministry of Labour.
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Membres gouvernementaux adjoints
Miembros gubernamentales adjuntos

Deputy Government members
Deputy Government members

Belgique Belgium B elgica

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M. V. BOJKOV, conseiller, Mission
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**Cambodge Cambodia
Camboya**

Mr S. SUN, Ambassador, Permanent
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substitute(s):

Mr S. LONG, Second Secretary, Permanent
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accompanied by:

Mr S. SENG, Director General, Ministry of Labour and Vocational Training.

Mr R. NGUY, Deputy Director, Ministry of Labour and Vocational Training.

Mr S. HUON, Bureau Chief, Ministry of Labour and Vocational Training.

Mr P. PEN, Deputy Chief, Ministry of Labour and Vocational Training.

Canada

Canadá

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Congo

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M. J. ITOUA-YOCKA, directeur général du travail et de la sécurité sociale, ministère du Travail, de l'Emploi et de la Sécurité sociale.

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M. F. OKOUMOU OKONDZI MOUANE, attaché du Cabinet du ministre, ministère du Travail, de l'Emploi et de la Sécurité sociale.

République de Corée

Republic of Korea

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Mr S. LEE, Ambassador, Permanent Representative, Permanent Mission, Geneva.

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Mr M. JUNG, First Secretary, Permanent Mission, Geneva.

Ms Y. KIM, Deputy Director, International Cooperation Division, Ministry of Labour.

Ms E. LEE, Deputy Director, International Negotiation Team, Ministry of Labour.

Ms S. BAE, Deputy Director, International Negotiation Team, Ministry of Labour.

Mr S. NAM, Assistant Director, International Negotiation Team, Ministry of Labour.

Mr J. JEONG, Director, International Cooperation Division, Ministry of Labour.

Cuba

Sr. J. FERNÁNDEZ PALACIOS, Embajador, Representante Permanente, Misión Permanente, Ginebra.

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Egypte Egypt Egipto

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Mr Y. HASSAN, Counsellor, Permanent Mission, Geneva.

Mr R. EL-MESLAWY, Labour Attaché, Permanent Mission, Geneva.

Mr M. ABDEL HALIM.

Mr M. HASSAN.

El Salvador

Sr. J. ESPINAL, Ministro de Trabajo y Previsión Social.

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acompañado(s) de:

Sra. E. ÁVILA DE PEÑA, Asesora del Despacho Ministerial, Ministerio de Trabajo y Previsión Social.

Sr. W. PALACIOS CARRANZA, Director de Relaciones Internacionales de Trabajo, Ministerio de Trabajo y Previsión Social.

Sr. M. CASTRO GRANDE, Ministro Consejero, Misión Permanente, Ginebra.

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Sr. L. GONZÁLEZ GALLARDO, Subsecretario de Trabajo e Inmigración, Ministerio de Trabajo e Inmigración.

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Sr. F. ARNAU NAVARRO, Consejero de Trabajo e Inmigración, Misión Permanente, Ginebra.

Sra. A. MENÉNDEZ PÉREZ, Subdirectora General de Organismos Internacionales Técnicos, Ministerio de Asuntos Exteriores y Cooperación.

Sr. F. APARICIO ÁLVAREZ, Consejero, Misión Permanente, Ginebra.

Ghana

Guinée**Guinea**

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M. M. DIALLO, directeur national de la promotion de l'emploi des jeunes, ministère de la Jeunesse, des Sports et de l'Emploi des jeunes.

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Mr G. KELEMEN, Counsellor, Ministry of Social Affairs and Labour.
Ms É. KISS, Counsellor, Ministry of Social Affairs and Labour.
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Islamic Republic of Iran
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Mr Y. KAMALIFAR, Adviser, Ministry of Labour and Social Affairs.

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Mr K. WAWERU, Ministry of Public Service.
Mr P. WAMOTO, Deputy Labour Commissioner, Ministry of Labour.
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acompañado(s) de:

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Sr. A. GARCÍA CISNEROS, Misión Permanente, Ginebra.

Portugal

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Ms I. AL-AMADI, Legal Researcher,
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Soudan Sudan Sudán

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Mr A. WIDATALLAH, Ministry of Labour.
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Ms C. BENGTTSSON, Administrative
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Thaïlande Thailand Tailandia

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Mr S. GUKUN, Director, Bureau of
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Mr M. TANGUSAHA, International Affairs
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Mr P. CHARNBHUMIDOL, Minister
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Mr V. THANGHONG, Minister Counsellor
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Ms K. WONGSUWAN, Director of
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Mr B. SIRIPREECHA, Senior Labour Officer,
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Sr. A. ARTUCIO, Embajador, Misión
Permanente, Ginebra.

suplente(s):

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Mr V. VU, Counsellor, Permanent Mission, Geneva.

Zambia Zambia

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Mr A. MAWERE, First Secretary (Political), Permanent Mission, Geneva.

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Mr N. SIASIMUNA, Labour Commissioner, Ministry of Labour and Social Security.

Ms M. MUNDALE, Acting Assistant Labour Commissioner, Ministry of Labour and Social Security.

Mr K. CHIVUNDA, Acting Director, Occupational Health and Safety Services, Ministry of Labour and Social Security.

Mr P. NKUNIKA, Senior Planner, Ministry of Labour and Social Security.

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Miembros empleadores titulares

Vice-président du Conseil d'administration: Vice-Chairperson of the Governing Body: Vicepresidente del Consejo de Administración:	Sr. D. FUNES DE RIOJA (Argentina)
Secrétaire du groupe des employeurs: Secretary of the Employers' group: Secretario del grupo de los empleadores:	Sr. A. PEÑALOSA (IOE)
Secrétaire adjoint du groupe des employeurs: Deputy Secretary of the Employers' group: Secretario adjunto del grupo de los empleadores:	Mr. B. WILTON (IOE)

Mr P. ANDERSON (Australia), Chief Executive, ACCI - Australian Chamber of Commerce and Industry.

Mr A. DAHLAN (Saudi Arabia), Representative, Council of Saudi Chamber of Commerce and Industry.

Sr. J. DE REGIL (México), Vicepresidente, Comisión Laboral, Confederación de Cámaras Industriales de los Estados Unidos Mexicanos.

Sr. D. FUNES DE RIOJA (Argentina), Vicepresidente del Consejo de Administración de la OIT, Funes de Rioja y Asociados.

Ms R. GOLDBERG (United States), Executive Vice President and Senior Policy Officer, United States Council for International Business.

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Mr K. MATTAR (United Arab Emirates), Board Director, Federation of United Arab Emirates Chambers of Commerce and Industry (FCCI).

M. E. MEGATELI (Algérie), secrétaire général, Confédération générale des entreprises algériennes (CGEA).

M. A. M'KAISSI (Tunisie), conseiller, directeur central du social, Union tunisienne de l'industrie, du commerce et de l'artisanat (UTICA).

Mr A. MOORE (United Kingdom), Special Adviser, Confederation of British Industry (CBI).

Mr O. OSHINOWO (Nigeria), Director-General, NECA.

Mr B. PIRLER (Turkey), Secretary General, Turkish Confederation of Employer Associations (TISK).

Mr T. SUZUKI (Japan), Executive Adviser, Nippon-keidanren International Cooperation Center.

Mr A. TABANI (Pakistan), President, Employers' Federation of Pakistan and Chairman, Seri Sugar Mills Limited.

Mr G. TROGEN (Sweden), Adviser International Affairs, Confederation of Swedish Enterprise.

Ms A. GERSTEIN, accompanying Ms Hornung-Draus.

Mr H. MATSUI, accompanying Mr Suzuki.

Membres employeurs adjoints**Deputy Employer members****Miembros empleadores adjuntos**

Mr S. ALLAM (Egypt), Chairman of Labor Committee, Federation of Egyptian Industries.

M^{me} F. AWASSI ATSIMADJA (Gabon), secrétaire générale SIMPEX, Confédération patronale gabonaise.

M. M. BARDE (Suisse), secrétaire général, Fédération des syndicats patronaux.

Mr B. BURKETT (Canada), Partner, Heenan Blaikie Cie.

Mr L. CHEN (China), Executive Vice-President and Director-General, China Enterprise Confederation (CEC).

Sr. A. ECHAVARRÍA SALDARRIAGA (Colombia), Vicepresidente de Asuntos Jurídicos y Sociales, Asociación Nacional de Industriales (ANDI).

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Mr Y. KIM (Republic of Korea), Vice Chairman and CEO, Korea Employers' Federation.

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Mr D. LIMA GODOY (Brazil), Consulto Senio, Confederación Nacional de la Industria (CNI).

Mr T. MAKEKA (Lesotho), Executive Director, Association of Lesotho Employers.

Ms M. MOSKVINA (Russian Federation), Director-General, Coordinating Council of Employers' Unions of Russia (CCEUR).

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

Sra. A. MUÑOZ (Venezuela (Rep. Bolivariana de)), Matemática - Economista, Federación de Cámaras y Asociaciones de Comercio y Producción de Venezuela.

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

Mr P. PRIOR (Czech Republic), Member of the Board, Confederation of Industry of the Czech Republic.

Mr A. RAMADASS (Malaysia), Vice-President, Malaysian Employers Federation (MEF).

Mr C. RENIQUE (Netherlands), Head, Education and Training Department, VNO-NCW.

Mr P. TOMEK (Austria), Representative, Federation of Austrian Industry.

M. L. TRAORE (Mali), secrétaire général, Conseil national du patronat du Mali.

Sr. A. URTECHO LÓPEZ (Honduras), Asesor Legal, Consejo Hondureño de la Empresa Privada (COHEP).

Mr S. CHOI, accompanying Mr Kim.
Ms H. LIU, accompanying Mr Chen.
Mr O. ROMANOVSKIY, accompanying Ms Moskvina.
Mr S. SON, accompanying Mr Kim.

Membres suppléants assistant à la session:
Substitute members attending the session:
Miembros suplentes presentes en la reunión:

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Membres travailleurs titulaires Regular Worker members
Miembros trabajadores titulares

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Secrétaire du groupe des travailleurs: Secretary of the Workers' group: Secretaria del grupo de los trabajadores:	Sra. R. GONZÁLEZ (ITUC)
Secrétaire adjointe du groupe des travailleurs: Deputy Secretary of the Workers' group: Secretario adjunto del grupo de los trabajadores:	Ms E. BUSSER (ITUC)

Mr N. ADYANTHAYA (India), Vice President, Indian National Trade Union Congress.

Ms S. BURROW (Australia), President, Australian Council of Trade Unions.

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

M^{me} R. DIALLO (Guinée), secrétaire générale, Confédération nationale des travailleurs de Guinée (CNTG).

Sr. J. GÓMEZ ESGUERRA (Colombia), Secretario General, Confederación General del Trabajo (CGT).

Mr S. GURNEY (United Kingdom), Policy Officer of the British Trade Union Congress, Trade Union Congress.

Mr S. NAKAJIMA (Japan), International Representative, Japanese Trade Union Confederation – JTUC RENGU.

Mr A. OMAR (Nigeria), President, Nigeria Labour Congress (NLC).

M. A. SIDI SAÏD (Algérie), secrétaire général, Union générale des travailleurs algériens.

Mr E. SIDOROV (Russian Federation), National Secretary, Federation of Independent Trade Unions of Russia (FNPR).

Mr M. SOMMER (Germany), President, Confederation of German Trade Unions (DGB).

Ms T. SUNDNES (Norway), Confederal Secretary, Norwegian Confederation of Trade Unions (LO-Norway).

Sir R. TROTMAN (Barbados), Vice-Chairperson of the ILO Governing Body, General Secretary, Barbados Workers' Union.

Mr J. ZELLHOEFER (United States), European Representative, AFL-CIO European Office.

Ms M. HAYASHIBALA, accompanying Mr Nakajima.

Mr LUTTERBACH, accompanying Mr Sommer.

**Membres travailleurs adjoints Deputy Worker members
Miembros trabajadores adjuntos**

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Mr M. AL-MA'AYTA (Jordan), President, General Federation of Jordanian Labour Unions.

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

Mr L. BASNET (Nepal), President, Nepal Trade Union Congress.

Mr A. BENEDETTI (Brazil), Secretario de Relaciones Internacionales, Unión General de Trabajadores (UGT).

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Mr U. EDSTRÖM (Sweden), Head of International Department, Swedish Trade Union Confederation (LO-S).

M^me M. FRANCISCO (Angola), secrétaire, Relations internationales, Union nationale des travailleurs de l'Angola - Confédération syndicale (UNTA-CS).

M. B. HOSSU (Roumanie), président, Confédération nationale syndicale.

Mr A. HUSSAIN (Bahrain), General Federation of Bahrain Workers.

Mr G. JIANG (China), Executive Committee Member, All-China Federation of Trade Unions (ACFTU).

Sr. G. MARTÍNEZ (Argentina), Confederación General del Trabajo.

Ms L. MATIBENGA (Zimbabwe), Vice-President, Zimbabwe Congress of Trade Unions (ZCTU).

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Mr E. PATEL (South Africa), National Labour Convenor, COSATU.

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Ms A. WOLANSKA (Poland), Head, International Department NSZZ "Solidarnosc".

Ms H. YACOB (Singapore), Assistant Secretary General, National Trade Unions Congress.

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Substitute members attending the session:
Miembros suplentes presentes en la reunión:**

Mr K. GYÖRGY, International Secretary, National Confederation of Hungarian Trade Unions.

**Représentants d'autres Etats Membres de l'Organisation assistant à la session
Representatives of other member States of the Organization present at the session
Representantes de otros Estados Miembros de la Organización presentes en la reunión**

Algérie Algeria Argelia

M. I. JAZAÏRY, Ambassadeur, Représentant permanent, Mission permanente, Genève.
M. B. CHEBIHI, ministre conseiller, Représentant permanent adjoint, Mission permanente, Genève.
M. E. EL BEY, conseiller diplomatique, Mission permanente, Genève.

Bélarus Belarus Belarús

Mr V. POTUPCHIK, Minister of Labour and Social Protection
Mr A. RUMAK, Deputy Director, Financial Relations Branch, Principal Economic Department.
Mr I. STAROVOYTOV, Director of External Relations and Partnership Policy Department, Ministry of Labour and Social Protection.
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Burkina Faso

M. J. BOUGOUMA, ministre du Travail et de la Sécurité sociale.
M. P. VOKOUMA, Ambassadeur, Représentant permanent, Mission permanente, Genève.
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Sr. A. ROGERS, Ministro Consejero, Representante Permanente Alternativo, Misión Permanente, Ginebra.
Sr. L. PARODI, Ministro Consejero, Misión Permanente, Ginebra.
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Colombie Colombia

Sr. D. PALACIO BETANCOURT, Ministro de la Protección Social.
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M. H. OULAYE, ministre de la Fonction publique et de l'Emploi
M. G. GAUZE, Ambassadeur, Représentant permanent, Mission permanente, Genève.
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Dinamarca**

Ms V. WESTH, Special Adviser, Ministry of Employment.

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Djibouti

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Equateur Ecuador

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Estonie Estonia

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Ethiopie Ethiopia Etiópía

Mr F. YIMER, Ambassador, Permanent Representative, Permanent Mission, Geneva.

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Finlande Finland Finlandia

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Grèce Greece Grecia

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Haïti Haiti Haití

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Honduras

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Indonésie Indonesia

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Mr W. PUJA, Ambassador, Deputy Permanent
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Mr A. SOMANTRI, First Secretary, Permanent
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Mr A. HABIB, First Secretary, Permanent
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Lesotho

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Malaisie Malaysia Malasia

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Maroc Morocco Marruecos

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Mauritanie Mauritania

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Myanmar

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Mr U. WYNN THEIN, Minister Counsellor,
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Mr U. AUNG LATT, Minister Counsellor,
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Norvège Norway Noruega

Ms G. YTTERDAL, Adviser, Ministry of
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Ms T. WIDTH, Ministry of Labour and Social
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Nouvelle-Zélande New Zealand Nueva Zelandia

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Pays-Bas Netherlands
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Philippines Filipinas

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République dominicaine
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Saint-Siège The Holy See
Santa Sede

Mgr. M. TOMASI, Nonce apostolique, observateur permanent du Saint-Siège, Mission permanente, Genève.

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

Mr P. GUTIÉRREZ, membre, Mission permanente, Genève.

Slovénie Slovenia
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Mr A. LOGAR, Ambassador, Permanent Representative, Permanent Mission, Geneva.

Mr B. JERMAN, Minister Counsellor, Permanent Mission, Geneva.

Ms P. GROBELNIK, Senior Adviser, Ministry of Labour, Family and Social Affairs.

Suisse Switzerland Suiza

M. J. ELMIGER, Ambassadeur, chef des affaires internationales du travail, direction du travail.

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M. A. RENGGLI, DFAE, Division politique III, Section Organisations internationales et politique d'accueil, Berne.

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Turquie Turkey Turquía

Mr E. BATUR, Counsellor, Permanent
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Representatives of international governmental organizations
Representantes de organizaciones internacionales gubernamentales**

**Nations Unies
United Nations
Naciones Unidas**

Ms J. BEAGLE, Deputy Director-General.
Ms V. COLLANTES, External Relations and Inter-Agency Affairs Officer, Office of the Director-General.

**Haut Commissariat des Nations Unies pour les réfugiés
Office of the United Nations High Commissioner for Refugees
Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados**

Ms G. ROUDY-FRASER, Senior Livelihoods Officer, Operations Solutions and Transition Section, Committee on Employment and Social Policy.
Mr Y. SHIMIZU, Senior Operations Officer, Operations Solutions and Transition Section, Committee on Employment and Social Policy.
Ms L. PEDERSEN, Associate Self-Reliance Officer, Operations Solutions and Transition Section, Committee on Employment and Social Policy.
Ms C. VILLARINO VILLA, Associate Programme Officer, Community Development Gender Equality and Children Section, Committee on Technical Cooperation on Operational Aspects of the International Programme on the Elimination of Child Labour (IPEC).
Ms D. GERGICH, Community Development Gender Equality and Children Section, Committee on Employment and Social Policy.

**Organisation des Nations Unies pour l'alimentation et l'agriculture
Food and Agriculture Organization of the United Nations
Organización da las Naciones Unidas para la Agricultura y la Alimentación**

Mr M. AHMAD, Director, FAO Liaison Office with the United Nations in Geneva.

**Organisation mondiale de la santé
World Health Organization
Organización Mundial de la Salud**

Ms N. PRADHAN, Assistant Director-General, Partnerships and United Nations Reform.
Dr. A. CASSELS, Director, Strategy, Office of the Director-General.
Mr A. ROSS, Director, Partnerships and United Nations Reform.
Ms S. HOLCK, Director, Office of the Assistant Director-General, General Management.
Mr P. MERTENS, Coordinator, Coordination with United Nations and other Intergovernmental Agencies.
Ms F. KHAN, External Relations Officer, Coordination with United Nations and other Intergovernmental Agencies.
Mr C. DORA, Acting Coordinator, Interventions for Healthy Environments.

Agence internationale de l'énergie atomique
International Atomic Energy Agency
Organismo Internacional de Energía Atómica

Ms R. MAZZANTI, Head IAEA, Liaison Office in Geneva.

Organisation mondiale du commerce
World Trade Organization
Organización Mundial del Comercio

Mr B. KUITEN, Head of External Relations, Information and External Relations Division.
Ms L. TAMIOTTI, Counsellor, Trade and Environment Division.

Organisation internationale pour les migrations
International Organization for Migration
Organización Internacional para las Migraciones

Mr O. SARMAD, Director, Department of Resources Management.
Mr J. APPIAH, Chief, Division of Budget, Department of Resources Management.

Union africaine
African Union
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Ms K. MASRI, Permanent Representative, Permanent Delegation of the African Union in Geneva.
Ms B. NAIDOO, First Secretary, Permanent Delegation of the African Union in Geneva.

Organisation arabe du travail
Arab Labour Organization
Organización Árabe del Trabajo

Mr A. LUQMAN, Director General.
Mr A. AL-HUMSI, Head, Permanent Delegation of the ILO in Geneva.
Ms Z. KASBAOUI, Permanent Delegation of the ILO in Geneva.

Commission européenne
European Commission
Comisión Europea

Mr E. GUTH, Head of the European Commission Delegation, Geneva.
Ms J. HIVONNET, First Counsellor of the Permanent Delegation.
Ms S. BOEHMERT, Policy Officer, DG Employment and Social Affairs.
Mr C. DUFOUR, UN Affairs, European Commission Delegation in Geneva.

Mr D. ILIOPOULOS, Ambassador, General Secretariat, Head of the Liaison Office in Geneva.
Mr G. HOUTTUIN, Minister Counsellor, Deputy Head of the Liaison Office in Geneva.
Mr B. HANSES, First Counsellor, Liaison Office in Geneva.
Mr S. VAN THIEL, Counsellor, Liaison Office in Geneva.
Ms I. HORVÁTHOVÁ, Liaison Office in Geneva.

**Représentants d'organisations internationales non gouvernementales assistant
à titre d'observateurs**
Representatives of international non-governmental organizations as observers
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Fédération syndicale mondiale
World Federation of Trade Unions
Federación Sindical Mundial

Sra. O. OVIEDO DE LA TORRE, Representante Permanente.
Sr. A. MIRO, Vicesecretario General.
Sra. A. AVELLA, Representante alterna.
Mr A. SOTIROPOULOS.

Organisation internationale des employeurs
International Organization of Employers
Organización Internacional de Empleadores

Mr A. PEÑALOSA, Secretary-General.
Mr B. WILTON, Deputy Secretary-General.

Organisation de l'unité syndicale africaine
Organization of African Trade Union Unity
Organización para la Unidad Sindical Africana

Mr H. SUNMONU, Secretary-General.
Mr A. DIALLO, OATUU Permanent Representative in Geneva.

Association internationale de la sécurité sociale
International Social Security Association
Asociación Internacional de la Seguridad Social

Mr H. KONKOLEWSKY, Secretary-General.
Mr Y. D'HAENE, Director, Social Security Observatory.
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Confédération syndicale internationale
International Trade Union Confederation
Confederación Sindical Internacional

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

Palestine Palestina

Mr I. MUSA, Counselor, Mission of Palestine in Geneva.