



## **Governing Body**

316th Session, Geneva, 1–16 November 2012

**GB.316/PV(&Corr.)**

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### **Minutes of the 316th Session of the Governing Body of the International Labour Office**

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of the Governing Body of the  
International Labour Office**

The 316th Session of the Governing Body of the International Labour Office was held in Geneva from Thursday, 1 to Thursday, 15 November 2012, with Mr Gilles de Robien of France as Chairperson.

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

## Table of contents by order of item on the agenda

<i>Item No.</i>	<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Decision/ outcome paragraph No.</i>
<b>Institutional Section</b>				
1		Declaration of loyalty by the Director-General	1	2
2	GB.316/INS/2	Approval of the Minutes of the 314th and 315th Sessions of the Governing Body	2	6
3	GB.316/INS/3	Proposed operational plan for putting in place the MNE Declaration follow-up mechanism and promotional activities: Proposal to postpone discussion	2	7
4	GB.316/INS/4	Agenda of the International Labour Conference	2	55
5		Matters arising out of the work of the 101st Session (2012) of the International Labour Conference	9	69
	GB.316/INS/5/1(&Corr.)	Follow-up to the adoption of the resolution concerning efforts to make social protection floors a national reality worldwide	9	69
	GB.316/INS/5/2	Follow-up to the adoption of the resolution – The youth employment crisis: A call for action	12	81
	GB.316/INS/5/3	Follow-up to the adoption of the resolution concerning the recurrent discussion on fundamental principles and rights at work: Plan of action	16	97
	GB.316/INS/5/4	Follow-up to the decision adopted by the International Labour Conference on certain matters arising out of the report of the Committee on the Application of Standards – Summary report concerning the informal tripartite consultations held on 19 September 2012	19	115
	GB.316/INS/5/5	Follow-up to the discussion on Myanmar: Implementation of the joint strategy for the elimination of forced labour, operation of the new labour legislation including freedom of association, impact of foreign investment on decent working conditions	25	151
6	GB.316/INS/6	Decent work in the post-2015 development agenda	31	193
7	GB.316/INS/7	Complaint concerning non-observance by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 99th Session (2010) of the International Labour Conference under article 26 of the ILO Constitution	38	212
8	GB.316/INS/8 and GB.316/INS/8(Add.)	Latest developments in Fiji in light of the resolution of the 15th Asia–Pacific Regional Meeting	41	238
9		Reports of the Committee on Freedom of Association	46	
	GB.316/INS/9/1	365th Report	46	256
	GB.316/INS/9/2	366th Report (Belarus)	50	260
10	GB.316/INS/10	Report of the Board of the International Institute for Labour Studies	51	262
11	GB.316/INS/11	Report of the Board of the International Training Centre of the ILO, Turin	51	264
12	GB.316/INS/12	Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference	52	265
13	GB.316/INS/13	Report of the Working Party on the Social Dimension of Globalization	52	266

<i>Item No.</i>	<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Decision/ outcome paragraph No.</i>	
14	GB.316/INS/14, GB.316/INS/14(Add.) and GB.316/INS/14(Add.2)	Report of the Director-General	53		
		Obituary	53	<b>267</b>	
		Membership of the Organization, progress in international labour legislation and internal administration	53	<b>271</b>	
	GB.316/INS/14/1	<i>First Supplementary Report:</i> Documents submitted for information only	54	<b>272</b>	
	GB.316/INS/14/2	<i>Second Supplementary Report:</i> Follow-up to Governing Body decisions	54	<b>277</b>	
	GB.316/INS/14/3	<i>Third Supplementary Report:</i> Appointment of two Deputy Directors-General and one Assistant Director-General	55	<b>278</b>	
	GB.316/INS/14/4	<i>Fourth Supplementary Report:</i> Financial arrangements for the Meeting of Experts on Forced Labour and Trafficking for Labour Exploitation	55	<b>280</b>	
	15		Reports of the Officers of the Governing Body	56	
		GB.316/INS/15/1(Rev.)	<i>First report:</i> Complaint concerning the non-observance by Bahrain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made by delegates to the 100th Session (2011) of the International Labour Conference under article 26 of the ILO Constitution	56	<b>300</b>
		GB.316/INS/15/2	<i>Second report:</i> Complaint concerning non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 101st Session (2012) of the International Labour Conference under article 26 of the ILO Constitution	59	<b>308</b>
GB.316/INS/15/3		<i>Third report:</i> Closing date of the International Labour Conference	61	<b>309</b>	
GB.316/INS/15/4		<i>Fourth report:</i> Meeting of Experts on Forced Labour and Trafficking for Labour Exploitation	62	<b>310-314</b>	
GB.316/INS/15/5		<i>Fifth report:</i> Representation alleging non-observance by Spain of the Termination of Employment Convention, 1982 (No. 158), submitted under article 24 of the ILO Constitution by the Trade Union Confederation of Workers' Committees (CC.OO.) and the General Union of Workers (UGT)	63	<b>315</b>	
GB.316/INS/15/6		<i>Sixth report:</i> Representation alleging non-observance by the Netherlands of the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Occupational Safety and Health Convention, 1981 (No. 155), submitted under article 24 of the ILO Constitution by the Netherlands Trade Union Confederation (FNV), the National Federation of Christian Trade Unions (CNV) and the Trade Union Confederation of Middle and Higher Level Employees' Unions (MHP)	64	<b>316</b>	
GB.316/INS/15/7(Rev.)		<i>Seventh report:</i> Status of developments in relation to the International Organization for Standardization (ISO)	64	<b>320</b>	
16	GB.316/INS/16	Composition and agenda of standing bodies and meetings	65	<b>321-325</b>	

<i>Item No.</i>	<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Decision/ outcome paragraph No.</i>
<b>Policy Development Section</b>				
<i>Employment and Social Protection Segment</i>				
1	GB.316/POL/1	Labour migration	69	352
2	GB.316/POL/2	Disability inclusion	74	379
3	GB.316/POL/3	Discussion about the effect given to the decision adopted in November 2011 on the item entitled <i>Green jobs, decent work and sustainable development</i> , with a focus on the implication for the ILO's programme of work of the outcome of the UNCSO 2012 (Rio +20)	79	394
<i>Social Dialogue Segment</i>				
4	GB.316/POL/4(&Corr.)	Sectoral activities programme 2012–13	82	404
<i>Technical Cooperation Segment</i>				
5	GB.316/POL/5	South–South and triangular cooperation: The way forward – Revised indicators for the Strategy adopted in March 2012	87	452
6	GB.316/POL/6	Public–private partnerships: The way forward	90	505
7	GB.316/POL/7	Enhanced programme of technical cooperation for the occupied Arab territories	97	515
8	GB.316/POL/8	Implementation of the Tripartite Agreement on Freedom of Association and Democracy in Colombia	100	521
<b>Legal Issues and International Labour Standards Section</b>				
<i>Legal Issues Segment</i>				
1	GB.316/LILS/1	Composition of the International Labour Conference: Proportion of women and men on delegations	101	537
<i>International Labour Standards and Human Rights Segment</i>				
3	GB.316/LILS/3	Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART): Report on allegations submitted by teachers' organizations	105	547
<b>Programme, Financial and Administrative Section</b>				
<i>Programme, Financial and Administrative Segment</i>				
1	GB.316/PFA/1	Preview of the Programme and Budget proposals for 2014–15	108	583
2	GB.316/PFA/2	Matters relating to the Joint Inspection Unit (JIU): Reports of the JIU	116	594
3	GB.316/PFA/3	Building questions: Headquarters building renovation project	118	615
4	GB.316/PFA/4	Information and communications technology questions: Progress report on IT strategy	121	633
5	GB.316/PFA/5	Other financial questions: Progress report on expenditure review	123	641
<i>Audit and Oversight Segment</i>				
6		Independent Oversight Advisory Committee (IOAC):	124	
	GB.316/PFA/6/1	Revised terms of reference	124	650
	GB.316/PFA/6/2	Appointment of members	125	657

<i>Item No.</i>	<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Decision/ outcome paragraph No.</i>
7		Evaluation	126	
	GB.316/PFA/7/1	Annual evaluation report 2011–12	126	<b>671</b>
	GB.316/PFA/7/2	Discussions of high-level evaluations: Strategies and Decent Work Country Programmes	128	<b>692</b>
	<i>Personnel Segment</i>			
8		Statement by the staff representative	132	
9	GB.316/PFA/9	Other personnel questions	132	<b>705</b>
<b>High-Level Section</b>				
	<i>Working Party on the Social Dimension of Globalization</i>			
1	GB.316/WP/SDG/1	Global economic prospects and the Decent Work Agenda	136	

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## Institutional Section

1. The Institutional Section met on Monday 5, and from Tuesday 13 to Thursday 15 November 2012. The Chairperson of the Governing Body, Mr de Robien (Government, France), chaired the Section. The Employer Vice-Chairperson of the Governing Body, Mr Funes de Rioja (Argentina), and the Worker Vice-Chairperson of the Governing Body, Mr Cortebeeck (Belgium) were Employer and Worker spokespersons, respectively.

### First item on the agenda

#### Declaration of loyalty by the Director-General

2. *Pursuant to article 1.4(a) of the Staff Regulations, Mr Guy Ryder, Director-General of the ILO, made and signed the prescribed declaration of loyalty.*
3. *The Employer Vice-Chairperson* congratulated the Director-General on his opening remarks and his vision. He welcomed the Director-General's plan to reform the governance of the Organization and his commitment to making the ILO relevant to employers and engaging with business. The autonomy of the group needed to be reinforced through this process. Times were challenging, and job creation being at the heart of the Office's work, a framework was needed to get the world back to work. The Office would have limited impact in creating such a framework and would lose relevance if it focused too much on criticizing austerity measures and structural reforms. Necessary reform and financial measures should be supported to tackle the unemployment crisis. The Office should not just be goalkeeper but should try other positions. It needed to be open to outside ideas, instead of simply confirming existing orthodox through in-house research. The Employers had worked together with the Director-General on several occasions, including when he was Director of CABINET and Executive Director of the Standards and Fundamental Principles and Rights at Work Sector. The Director-General had been given the challenge of rebuilding active tripartism. He could count on the support of the Employers' group as both employers and colleagues.
4. *The Worker Vice-Chairperson*, congratulating the Director-General, observed that times were difficult and that despite announcements of recovery, the situation was getting worse. Workers were suffering from the consequences of the crisis. Widespread redundancy was increasing the risk of a lost generation. Policies needed to be adopted to find a way out of the crisis. Social dialogue and international labour standards were fundamental in finding solutions. Governance had to be improved. He welcomed the positive initiatives that the Office had already taken to improve the Organization.
5. *The Chairperson of the Government group* congratulated the Director-General on his inauguration and said that the highly participatory electoral process was an indication of the relevance of the ILO, of its mandate and of the responsibilities bestowed upon the Director-General. It was committed to working closely with him. Governments must participate in the decision-making processes of the ILO to strengthen tripartism. The Director-General could count on the Governments for active engagement and contribution, which together with the Employers and Workers, constituted a fundamental pillar of the Organization. It looked forward to cooperating with the Chairperson and the two Vice-Chairpersons during the 316th Session of the Governing Body.

## Second item on the agenda

### **Approval of the minutes of the 314th and 315th Sessions of the Governing Body** (GB.316/INS/2)

#### ***Decision***

6. *The Governing Body approved the minutes of its 314th and 315th Sessions, as amended.*

(GB.316/INS/2, paragraph 2.)

## Third item on the agenda

### **Proposed operational plan for putting in place the MNE Declaration follow-up mechanism and promotional activities: Proposal to postpone discussion** (GB.316/INS/3)

#### ***Decision***

7. *The Governing Body decided:*

- (a) *to postpone until its 317th Session (March 2013) the review of the proposed operational plan for putting in place the MNE Declaration follow-up mechanism and the specified promotional activities on the basis of the recommendations submitted by the Ad Hoc Working Group at its 313th Session, in order to permit the Office to prepare the necessary proposal; and*
- (b) *to further suspend, until its 317th Session, the decision taken at its 258th Session (November 1993) to conduct surveys of the MNE Declaration every four years, in order to consider adoption of an operational plan for the follow-up mechanism.*

(GB.316/INS/3, paragraph 3.)

## Fourth item on the agenda

### **Agenda of the International Labour Conference** (GB.316/INS/4)

8. *The Chairperson said that the revised format of the document reflected the new approach being taken to adding items to the agenda of the Conference. However, it was obvious that the new approach still required some fine-tuning. He recalled that the majority of the*

proposals were being discussed by the Governing Body for the first time and that two discussions were required before a proposed item could be added, except in the case of unanimous consent among members.

9. *The Employer Vice-Chairperson*, referring to the 2014 Conference agenda, said that the decision on human trafficking had been delayed until March 2013 to enable the views of the proposed Meeting of Experts on Forced Labour and Trafficking for Labour Exploitation (Geneva, 11–15 February 2013) to be included. Therefore, it could be envisaged as a single discussion at the 103rd Session (2014) of the Conference. His group supported the proposal on facilitating gradual transitions from the informal economy to the formal economy and agreed to it being placed on the agenda for a double discussion in 2014–15. However, its contents needed to be approached differently. The proposed meeting of experts on advancing fundamental principles and rights at work in the informal economy envisaged in the conclusions of the 2012 recurrent discussion should be organized early in 2013. His group also supported the inclusion of the proposals on a diverse and inclusive world of work, dispute settlement, small and medium-sized enterprises (SMEs), maximizing employment, technical cooperation, the public sector, the revision of employment policies and the transition from war to peace. It did not support the inclusion of decent work in global supply chains, including export processing zones (EPZs), gender-based violence in the world of work or the transition of the world of work towards a low carbon economy, as those required much more discussion before being included as Conference agenda items.
10. Regarding the draft decision in paragraph 10, his group did not agree with subparagraphs (a) or (b), as they did not enjoy the support of constituents. His group agreed with subparagraph (c).
11. Regarding the draft decision in paragraph 55, his group agreed with subparagraphs (a)(i) and (a)(ii), provided that the latter took into account his previous comments. His group did not agree with subparagraph (b).
12. Regarding the draft decision in paragraph 90, his group did not agree with subparagraphs (a)(i), (a)(ii) or (b).
13. He failed to understand why the draft decision in paragraph 98 had been included since informal discussions were to continue regardless. His group agreed with subparagraph (b), provided that it too was the subject of further consultations.
14. *The Worker Vice-Chairperson* said that his group agreed with subparagraph (b) of the draft decision in paragraph 10, as it reflected the discussions held on those items. For the 2014 Conference agenda, his group supported the proposal on supplementing the ILO's forced labour Conventions, as the Forced Labour Convention, 1930 (No. 29) contained a number of gaps that should be addressed. His group supported holding the proposed Meeting of Experts in February 2013, as that would provide a preliminary round of discussions on the instrument with a view to the Governing Body finalizing the decision in March 2013.
15. The Workers supported the proposal on facilitating a gradual transition from the informal economy to the formal economy and strongly endorsed paragraphs 28–30 and the points the Office had raised. An ILO instrument on that issue should aim to provide guidance to member States and social partners on how to achieve that transition. They supported a double discussion in 2014–15 as well as the holding of the proposed meeting of experts on advancing fundamental principles and rights at work in the informal economy in 2013.

16. Regarding the draft decision in paragraph 55, his group agreed with subparagraphs (a)(i) and (ii) and supported a double discussion for 2014–15, and a general discussion on global supply chains and EPZs for a future Conference.
17. For the 2015 Conference and beyond, his group supported the standard-setting proposal on gender-based violence in the world of work. While sexual harassment was covered by the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), it contained serious gaps.
18. The group also supported the proposal concerning a Convention (supplemented by a Recommendation) on the transition of the world of work towards a low carbon economy and therefore agreed with subparagraph (b) of the draft decision in paragraph 90.
19. Furthermore, the group supported the revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) and the postponement of the consideration of the proposals on the resolution of labour disputes pending the outcome of the 2013 recurrent discussion on social dialogue.
20. The Workers also agreed with the draft decision in paragraph 98 as a whole. They invited the Office to continue developing new proposals to be submitted to the Governing Body on other topical issues, such as non-standard forms of employment.
21. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that her group supported the topics for the three subsequent recurrent discussions: employment in 2014, social protection in 2015 and fundamental principles and rights at work in 2016. For the 2014 Conference, the Africa group supported the following agenda proposals in order of priority: facilitating gradual transitions from the informal economy to the formal economy; decent work in global supply chains, including EPZs, as a general discussion; and supplementing the ILO's forced labour Conventions.
22. For the 2015 Conference, the group supported the following agenda proposals in order of priority: the revision of Recommendation No. 71; gender-based violence in the world of work; and building a diverse and inclusive world of work.
23. Her group also supported the proposal on the resolution of labour disputes and the proposal concerning a Convention (supplemented by a Recommendation) on the transition of the world of work towards a low carbon economy. The Africa group therefore supported the draft decisions in paragraphs 10, 55, 90 and 98.
24. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of the United Kingdom said that his group had only received the document prepared for the informal tripartite consultations held in September three working days before the meeting where they were to present the governments' views: this was wholly unacceptable. Moreover, the views of the group had not been accurately represented in the document submitted to the Governing Body.
25. IMEC did not accept the assumption that standard-setting items would be included in every Conference agenda. In any event, the recommendations of the Standards Review Mechanism, once it became operational, should be taken into account when a standard-setting item was proposed for the agenda of the Conference. Furthermore, facilitating gradual transitions from the informal economy to the formal economy was not an appropriate subject for standard setting.

26. Noting that the Office expected the experts' meeting on forced labour in February to approve work on a new forced labour Convention, he expressed the concern shared by many IMEC governments over the process and indeed over whether another ILO Convention was appropriate.
27. According to paragraph 67 of the document, IMEC had supported a general discussion on gender-based violence. However, in its written comments to the Office, it had in fact indicated that the item could be considered for a general discussion with a wider focus on workplace violence.
28. The document could also include when the item was first raised, by whom, an indication of the support for the item and any link to other proposed items. In the interests of transparency, the Office should keep a written record of the decision-making process. In the future, regional coordinators should receive information at least five working days before consultations.
29. *A Government representative of the United Kingdom* suggested the deletion of subparagraph (a) of the draft decision in paragraph 10. Regarding subparagraph (a)(ii) of the draft decision in paragraph 55, his Government would like to delete the words "standard-setting" and replace them with "general discussion", as it did not consider facilitating gradual transitions from the informal economy to the formal economy to be a feasible standard-setting item. Regarding subparagraph (b) of the same paragraph, his Government would like to express its continued support for a general discussion on decent work in global supply chains, including EPZs.
30. If there was no clear support among all constituents for two of the items suggested for 2014, serious consideration should be given to preparing just one technical committee in addition to the recurrent discussion. Regarding the draft decision in paragraph 90, his Government saw the potential merits of the proposals on the revision of Recommendation No. 71, and building a diverse and inclusive world of work.
31. Gender-based violence in the world of work was perhaps inappropriate as a standard-setting item but could become part of a broader discussion on violence and harassment in the workplace, or part of a general discussion on a diverse and inclusive world of work. His Government believed that a Convention (supplemented by a Recommendation) on the transition of the world of work towards a low carbon economy was not feasible at that time.
32. *Speaking on behalf of Denmark, Finland, Iceland, Norway, Sweden and Switzerland*, a Government representative of Denmark said that his group supported the statement made by IMEC and shared its disappointment over the development of the discussion since March, and with the inaccurate reflection of its views in the document.
33. For the 2014 Conference agenda, these Governments supported a general discussion on decent work in global supply chains, including EPZs, but not the inclusion of either of the two standard-setting items. He only recognized the need for two technical committees: the recurrent discussion on employment and the general discussion on decent work in global supply chains. Therefore, he suggested the deletion of subparagraph (a) in the draft decision in paragraph 55.
34. *A Government representative of the United States* supported the IMEC statement and agreed that the document was not conducive to a clear discussion. Moreover, there were discrepancies between the status given to some of the items in the document and the support they had received from constituents.

35. Decent work in global supply chains, including EPZs, constituted two distinct issues warranting two separate tripartite discussions. The proposal on facilitating transitions from the informal to the formal economy was a good one, but not for standard setting.
36. Finally, his Government wished for an item not featured in the document to be considered with a view to inclusion in the agenda, namely long-term unemployment.
37. *A Government representative of China*, referring to the draft decision in paragraph 55, said that, in March 2013, the Governing Body should hold a further discussion on whether to include the proposal on supplementing the ILO's forced labour Conventions in the Conference agenda. In addition, his Government wished to see the proposal on facilitating gradual transitions from the informal economy to the formal economy included in the Conference agenda as a general discussion. It did not support the proposal on decent work in global supply chains.
38. *A Government representative of Canada* supported the IMEC statement. She expressed her disappointment over the limited selection of items for the 2014 Conference agenda.
39. Her Government believed that it would be premature to place the proposal on supplementing the ILO's forced labour Conventions on the agenda until the detailed analysis referred to in the conclusions of the 2012 recurrent discussion, and the Meeting of Experts, had taken place.
40. The proposal on facilitating gradual transitions from an informal economy to a formal economy was a relevant topic for a general discussion, not for standard setting.
41. The objectives identified in paragraph 28 could be met through a general discussion and the exchange of good practices. Canada had previously supported a general discussion on decent work in global supply chains and agreed with including EPZs in the discussion. Canada also supported further consideration of a general discussion on violence in the workplace, including gender-based violence; a discussion on building a diverse and inclusive world of work; and a discussion on the resolution of labour disputes.
42. Regarding the draft decision in paragraph 10, the Government supported both subparagraphs (a) and (b) but suggested the deletion of the words "a possible Recommendation" in both paragraphs in order not to predetermine the results of the recurrent discussions.
43. Regarding the draft decision in paragraph 55, Canada preferred to defer the selection of items for the 2014 Conference agenda to March 2013. Her Government invited the Office to present a new document at that time. She supported the draft decision in paragraph 98.
44. *A representative of the Government of Italy* endorsed the comments made on behalf of IMEC. She supported the draft decision in paragraph 10, but not the one in paragraph 55, as she thought it would be premature to draw up the proposed instruments. Regarding forced labour, the development of a new instrument should be conditional upon the indications provided by the group of experts, which had not yet met. She stressed that her country was firmly committed to combating trafficking in persons, and that national legislation had recently been amended to overcome that scourge more effectively. With regard to facilitating the transition from the informal economy to the formal economy, she said that the subject would be better addressed during a general discussion and the implementation of existing instruments. Concerning the draft decision in paragraph 90(a)(ii), Italy considered that the issue of gender-based violence should be addressed in the context of an instrument on all forms of violence at the workplace, including violence against women. Italy had recently signed the Council of Europe

Convention on preventing and combating violence against women and domestic violence. With regard to the process of setting the agenda of the Conference, Italy supported the process to reform the Conference. However, it considered that the result of the informal consultations should be made more widely known and should be better reflected in the document to be submitted by the Office to the following session of the Governing Body. Also, the timing of consultations should be more clearly established to facilitate government coordination.

45. *A representative of the Government of India* said that his country did not support the removal of the proposal on finance with a social purpose, and that it preferred social finance as it meant gearing financial policies and institutions towards decent work outcomes. Regarding the agenda of the 103rd Session (2014) of the Conference, India was in agreement with an item on facilitating gradual transitions from the informal economy to the formal economy, however consideration should be given to whether or not it should be a standard-setting item. Finally, India considered that gender equality should be at the heart of decent work, and consequently supported the inclusion of an item concerning gender-based violence in the world of work on the agenda of a future session of the Conference.
46. *A representative of the Government of Hungary* supported the statement made by the United Kingdom, on behalf of the IMEC group. Hungary had already expressed its support for the holding of a general discussion on decent work in global supply chains in the framework of the 103rd Session (2014) of the Conference. The merit of that discussion would be to also deal with export processing zones. On the subject of new proposals for the agenda of the 103rd Session of the Conference (2014), Hungary thought that further discussions were needed, which should also take into account the developments regarding the ILC reform. Furthermore, on the issue of facilitating gradual transitions from the informal economy to the formal economy, while she noted that it was a topical issue, she voiced concerns regarding it being discussed as a standard-setting item in the framework of the Conference. Lastly, there was urgent need to further improve the process of setting the agenda of the Conference, but that was an issue that could be adequately discussed by the Working Party on the Functioning of the Governing Body and the International Labour Conference.
47. *A representative of the Director-General* (Deputy Director-General for Management and Reform), in response to the comments made with regard to the proposals contained in the document, said that he accepted the criticisms expressed, although he considered some of them to be a little too harsh. The meeting conducted in September had been very well attended, with a large number of governments present. The main purpose of the discussion had been to reduce the long list of possible agenda items and offer constituents a concise number of options that seemed to have a reasonable level of support from the three groups. The speaker said that it was a complex document and that the Office was open to suggestions to simplify it.
48. *A representative of the Director-General* (Director, International Labour Standards Department) welcomed the views of the tripartite constituents on the proposals contained in the document. She stressed that the constituents must now focus on finalizing the agenda for the 103rd Session (2014) of the Conference, and that the following March they could discuss at length agenda items for the 104th Session (2015) and beyond. She invited the tripartite constituents to submit suggestions for agenda items for sessions of the Conference and governments to be proactive and provide ideas. For the 103rd Session (2014) of the Conference, the Office had proposed an item on forced labour, which had considerable support from the tripartite constituents, although the IMEC group had reservations. She proposed that the constituents review the matter again at the March session of the Governing Body. With regard to transitions from the informal economy to the formal economy, the speaker said that there was also majority support by the tripartite

constituents to include the proposal on the agenda as a standard-setting item. However, the IMEC group and other individual governments would prefer to see it as a general discussion item. It would have to be decided whether the subject, for which there was broad support, should be included as a standard-setting item or as an item for general discussion. With respect to decent work in global supply chains, the Africa group, the Workers' group and a number of governments supported the proposal with a view to a general discussion; however the Employers' group did not support it.

49. *The Employer Vice-Chairperson* said that the discussion was a complex one. With regard to the 103rd Session (2014) of the Conference, the Employers' group had agreed to examine the inclusion of the item on forced labour as a possible standard-setting item. It also favoured including the item on facilitating gradual transitions from the informal economy to the formal economy as a standard-setting item. However, the Employers' group did not support the proposal on decent work in global supply chains, including export processing zones. With regard to the agenda of the 104th (2015) Session of the Conference, in view of the Conference reform currently under way he considered that it was not the right time to discuss that matter.
50. *The Worker Vice-Chairperson* said that, with respect to the 103rd Session (2014) of the Conference, the Workers' group had reached agreement with the Employers' group regarding the inclusion of items on forced labour and facilitating gradual transitions from the informal economy to the formal economy. The Africa group was also in favour of those two proposals. He asked whether it would be possible to organize the two meetings of experts envisaged in the conclusions of the 2012 recurrent discussion before the March 2013 session of the Governing Body. In any event, at least one of the two meetings of should be held before March 2013.
51. *A representative of the Government of Canada* asked whether the four draft decisions contained in the document would be dealt with.
52. *The Chairperson* said that, given the divergent points of view expressed, the decision on the draft decisions contained in the document would be postponed until the March session of the Governing Body.
53. *A representative of the Government of the Islamic Republic of Iran* said that in the previous ten years the Government group had only proposed one item for examination by the Conference. That was because governments were very diversified and encountered difficulties when it came to reaching common positions.
54. *The Chairperson* said that perhaps the Government group could hold a meeting to consider the matter of the formulation of joint proposals for the sessions of the Conference.

## **Decision**

55. *The Governing Body deferred its decisions on this item until its 317th Session (March 2013).*

(GB.316/INS/4.)

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## Fifth item on the agenda

### Matters arising out of the work of the 101st Session (2012) of the International Labour Conference

#### Follow-up to the adoption of the resolution concerning efforts to make social protection floors a national reality worldwide (GB.316/INS/5/1(&Corr.))

56. *The Employer spokesperson* said the Social Protection Floors Recommendation, 2012 (No. 202) was one of the most important contributions to the ILO's work on social protection, as it recognized and addressed challenges faced by many member States. Questions had been raised about the nature of the instrument, but it was the results achieved through it that would determine its strength. The Recommendation did not aim to apply the same model to all countries. Instead, it tailored to national needs and possibilities. In light of the current financial and economic situation, any exercise on social security had to focus on efficiency and sustainability, affordability and feasibility. Given that the Recommendation promoted key elements to nurture sustainable enterprises and a favourable business environment, the employers' involvement in social protection floors (SPFs) was indispensable. As regards the cluster of proposed activities, employers and their organizations should play a more active part at the national level. In order to do so, the information member States transmitted to the ILO on key government actors and their involvement should be made available to them. The Bureau for Employers' Activities (ACT/EMP) should be closely involved in the activities proposed by the Office to promote the Recommendation. The Employers wished to be kept informed both of ILO collaboration with other partners (such as the United Nations, the G20 and the European Union) aimed at promoting implementation of the Recommendation, and of the mechanisms envisaged for engaging employer representatives and ACT/EMP in this process. His group wished to know how the set of indicators mentioned in paragraph 22 would be developed. He expressed support for this ambitious programme, subject to the availability of necessary resources, and emphasized the importance of the social partners' involvement in it. When answers to the group's questions were provided, they would support the point for decision on paragraph 22.
57. *The Worker spokesperson* found the paper to be very helpful and true to the Recommendation. She welcomed regular reporting and fully supported the proposed work plan. Given the consensus and goodwill on which the Recommendation had been based, the Office should prioritize activities aimed at obtaining the resources on which implementation depended. The Office should also consider providing advice on the long-term impact on poverty and equality that the current changes to social protection in Europe (i.e. in Greece, Italy and Spain) might have – their impact on pensions was of particular interest. This matter should be added to the workplan.
58. *Speaking on behalf of the Africa group*, a Government representative of Ghana thanked the Office for such a comprehensive document, which dealt with one of the ILO's ideals – universal social coverage. He applauded the promotion and advocacy undertaken among constituents and the public regarding the new Recommendation as well as the ILO's two-dimensional strategy for the extension of social security, adopted in 2011. In this context, he noted: (i) many African people lived in poverty and undernourishment; (ii) social protection coverage in Africa was minimal; 75 per cent of people worked in the informal economy, which yielded around 22 per cent of the GDP and in which social

protection was almost non-existent; (iii) coverage in Africa would need to be extended to the informal economy, along with parallel efforts to promote the formal economy and protect vulnerable groups. Affordability and sustainability should also be addressed. National capacities to raise revenue should be strengthened, for which the Africa group counted on ILO support and guidance. The Africa group supported the draft decision in paragraph 32.

- 59.** *Speaking on behalf of GRULAC*, a representative of the Government of Colombia expressed the interest of her group in the subject and its commitment to it. As described in paragraph 13 of the document, various ministries and national bodies had a degree of responsibility for SPFs, and consequently the preparation of reports would involve consultations with several interlocutors. The ILO must take account of the inter-institutional nature of the issue when preparing follow-up activities in relation to the Recommendation. GRULAC considered that the Office proposals contained in paragraph 20 could prove more successful if they were also pursued directly in the regions and countries, if existing teaching institutions were involved in them, and if they took due account of national priorities and circumstances. The financial affordability and the assessment of the fiscal space referred to in paragraph 26(b)(ii) were not the only factors to lend credibility to the work of the ILO. An understanding of national priorities and attention to specific social circumstances were also important factors. GRULAC supported the ILO cooperation with various technical experts described in paragraph 26(c). With respect to the support that the ILO would provide to national dialogue processes on social protection, current structures should be recognized and strengthened. GRULAC reminded the Office that it could only promote the principles promulgated by other international bodies if it was clearly mandated to do so by the tripartite constituents. She asked for clarification on the reference to the Organisation for Economic Co-operation and Development (OECD) guidelines and principles on corruption prevention, as there were already existing instruments that had been adopted in the framework of the United Nations and that were discussed in specific forums. GRULAC agreed with the draft decision, with the reservations mentioned.
- 60.** *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Cyprus stated there was a clear link between economic development and social protection systems. Social protection lay at the heart of the European social model and the Recommendation was in line with fundamental EU values. SPFs should be designed and implemented according to national priorities and policies. The EU welcomed the framework described in paragraphs 11–31. It supported the decision in paragraph 32 and offered the following perspectives. The EU agreed that the Office needed to deliver credible financial advice and accurately estimate the cost of policy reforms. Monitoring and evaluation of social security systems was also invaluable for constituents and should continue to be combined with other relevant international organizations' efforts in this area. Effective social protection should always encourage economic activity and employment. The Office should help develop employment programmes, in particular for marginalized groups. It should further promote the participation of all civil and public actors in all stages of programming of its technical cooperation and assistance policies. Synergies between social protection and other areas should be promoted to address cross-cutting issues when designing social protection policies. Social protection should also be integrated in the post-2015 development agenda. The challenge was to improve coverage whilst ensuring the affordability, sustainability and adaptability of the systems. The EU welcomed the Office's commitment to collaborate with other international organizations in this respect.
- 61.** *A Government representative of Zambia* endorsed the Africa group statement. He welcomed Office support to constituents, as described in paragraph 13 of the report. Zambia would rely on the Office for technical support and assistance in the context of its

current social security reforms. He commended the Office's aspirations described in paragraph 20. He noted with concern that the paper did not explicitly refer to immediate financial requirements linked to the implementation of the Recommendation, which was subject to resource availability. The Office should consider allocating resources to the activities described in paragraph 3. His Government fully supported the point for decision in paragraph 32.

62. *A representative of the Government of Mexico* was in favour of the strategy, given that it would not generate any additional costs. She welcomed the proposed actions, particularly the intensification of cooperation with relevant international and regional organizations. The Office could also consider the documents prepared by the International Labour Conference and the International Monetary Fund in the context of the Mexican presidency of the G20, as well as the actions taken in the framework of the United Nations Social Protection Floor Initiative, in order to avoid the duplication of effort. To ensure its viability, the SPF should not be seen as an alternative to social security institutions, but rather as part of a pluralistic system subject to national needs and resources.
63. *A Government representative of China* said that the resolution was of great significance as social protection was a fundamental human right and key in the fight against poverty and social exclusion. The Social Security Plan of Action adopted by the Governing Body at its 312th Session (November 2011) was excellent and comprehensive. Governments had to play a crucial role. In China, urban and rural residents had access to guaranteed full pension coverage, as well as basic medical coverage. The ILO had to play a lead role in social protection by using its resources and sharing its experience to establish objectives and practical suggestions in order to promote decent work.
64. *A Government representative of Argentina* endorsed the GRULAC statement; social protection policies and the fight against poverty and social exclusion were not incompatible with maintaining appropriate fiscal policy. The Social Protection Floor Initiative was launched in 2009 in reaction to the financial and economic crisis to ensure a minimum level of income and basic social services for workers. Worldwide minimum protection levels would help in achieving fairness, poverty reduction and the elimination of social exclusion. They would also be an effective economic tool during periods of economic difficulty. SPFs were a positive component of economic development. Using an integral approach, it was important to create floors that could be adapted to each country. Active employment promotion policies, together with training and skills development, should be implemented to help people get on the labour market and remain there. Argentina had taken specific steps towards these goals.
65. *A Government representative of Kenya* supported the Africa group statement. Priority should be given to an ILO programme that would enable constituents to hold national consultations to develop institutional and legislative frameworks for SPFs. In the African region, the focus should be on collaboration with academic institutions to implement programmes that were compatible with short-term training to improve skills. Document GB.316/INS/5/1 did not discuss the increasing need for cooperation and coordination with regional and subregional organizations. Labour market information systems should be established in order to enable the good practices guide for social security 2014–15 to be designed to capture different national and regional realities in Africa.
66. *A Government representative of India* agreed with the report. The Government had launched several targeted social security measures to promote gender equality, poverty and social exclusion elimination, and decent work for all. It was moving from a scheme-based to a rights-based approach with a view to aligning with the Social Security Plan of Action. India, as part of South–South cooperation, would support the endeavour of shaping

effective affordable designs for SPFs in developing countries, with ILO guidance. He concluded by highlighting the financial implications of implementing SPFs.

67. *A Government representative of El Salvador* aligned herself with the GRULAC statement. The global crisis had demonstrated that markets could not regulate themselves and that governments were principally responsible for a country's economy. With economic development as the main priority, programmes needed to be set up to provide basic SPFs that catered to different age groups. Not all countries were at the same stage of implementation or had the same resources. Keeping the worker in mind, full employment and decent work should drive policy development.
68. *The representative of the Director-General* responded to the government interventions. The Social Protection Floors Recommendation, 2012 (No. 202) encouraged progressive implementation of a complete social protection floor. He recognized the efforts of India, China and El Salvador, particularly India's readiness to provide support for other countries via social dialogue. The Office could identify extra-budgetary resources for the implementation of country work. The Recommendation listed 18 principles for national social security schemes that reflected most of the constituents' concerns. He assured the Employers that their request for employers and workers to be more involved in national activities would be done in the most transparent way, and that the steps for establishing a SPF in a country were taken in a logical sequence. In response to the criticism from the Workers regarding the lack of ILO presence in countries subjected to austerity measures, he said that the international actuarial service had been in Greece and Cyprus.

## **Decision**

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

- (a) *to take into account the guidance given by the Governing Body in pursuing the strategy for action on SPFs and to draw on it in preparing future programme and budget proposals and in developing resource mobilization initiatives;*
- (b) *to communicate the resolution concerning efforts to make SPFs a national reality worldwide in the standard manner to the governments of member States and through them to the national employers' and workers' organizations.*

(GB.316/INS/5/1(&Corr.), paragraph 32.)

## **Follow-up to the adoption of the resolution concerning the youth employment crisis:**

### **A call for action**

(GB.316/INS/5/2)

70. *The Employer spokesperson* said that the youth employment crisis was a critical and high priority issue. Consequently, the Employers' group supported the work done by the Office and the conclusions reached in June 2012 on the subject. However, she regretted that some important opportunities had been missed in those conclusions to focus on avenues for private-sector job creation. Regarding the paper's reference to a rights-based approach to youth employment, she said that at the 101st Session (2012) of the Conference no clear agreement had been reached as to the meaning of that concept. For the Employers' group,

that meant that the Office should continue to support governments in erecting solid foundations of core employment rights reflecting national needs and priorities. Those foundations must be capable of underpinning the creation of jobs for young people by employers, promote the sustainability of enterprises and create an enabling environment for enterprises to invest and create jobs. The Employers' group supported the draft decision.

71. *The Worker spokesperson* said the follow-up plan did not express sufficient urgency. Macroeconomic policies were crucial in determining levels of employment among young people. The Office had been focusing mainly on supply side measures, such as skills for youth, the transition from school to work, and entrepreneurship programmes. However, those were the least effective ways of addressing youth unemployment and underemployment in a climate of sluggish growth and lack of demand. Instead, the Office should address the demand side of the equation by promoting macroeconomic policies nationally and multilaterally. There should be more focus on those aspects in Decent Work Country Programmes (DWCPs). More macroeconomic expertise was urgently needed in ILO regional offices and decent work teams. The ILO should call for global coordinated action, especially by the world's leading economies. Its global advocacy work should be stepped up, promoting a multi-branched approach to youth employment. Industrial policies and public employment and investment programmes, especially in developing countries, offered much scope for job creation. The other area that had received insufficient attention in the ILO, namely rights of young people, should be emphasized by promoting more effectively the right to organize, collective bargaining and social protection, combating abuses in apprenticeships and ensuring proper labour inspection. The various standards in the Appendix to the ILC conclusions should be promoted as part of country programmes on youth employment. The Office should promote minimum wage setting, through the Minimum Wage Fixing Convention, 1970 (No. 131), in countries where it was lacking, in order to prevent abusive pay practices and improve the purchasing power of young workers. He supported the plans set out in paragraphs 14 and 21 of GB.316/INS/5/2, subject to the inclusion of macroeconomic and industrial policies. Capacity-building programmes for workers' organizations should fully involve the Bureau for Workers' Activities (ACTRAV). He agreed that the Youth Employment Programme should be aligned with overall employment policy development, as proposed in paragraph 34(a). The specialist members of the working groups in the regions, referred to in paragraph 34(c), should include macroeconomic experts. The field staff members mentioned in paragraph 34(d) should be familiar with macroeconomic policy and well versed in the rights of young workers. Technical cooperation projects on youth employment should promote the multipronged approach and not be biased in favour of employability issues. He supported the draft decision in paragraph 37.

72. *Speaking on behalf of the Africa group*, a Government representative of Kenya supported the draft decision. The "call for action" should include high-level meetings with Heads of State in order to scale up national strategies on youth employment. National, subregional and regional conferences should be organized on the subject. She welcomed the inclusion in the follow-up plan of knowledge development and dissemination. In the African region especially, comparative data was lacking. Reviews of youth employment policies should take place early in the first biennium of the follow-up plan, to enable member States to develop evidence-based policies. She thanked the Swedish International Development Agency for its support for reviews of country policies. Technical assistance should take place in a context of national, regional and subregional action, and within time-bound master plans. It had not been effective in the past outside such a framework. She endorsed the preparation of a programme document for youth employment initiatives at regional and national level, as well as country-level partnerships for decent work for young people in rural areas, where there should be integrated packages of entrepreneurship, cooperative and social enterprise programmes, incorporating training, mentoring and access to credit and to

markets. She also supported the strategy for mobilizing extra-budgetary resources for the plan and for DWCPs. The interdepartmental working group proposed at headquarters should be replicated in the field, in place of youth coordinators and focal points. She suggested a further heading for inclusion in the follow-up plan: “Integration of employment, sectoral and economic policies”. Consultative meetings could be held between ministers of labour, finance and planning, to ensure government support for decent work programmes and initiatives for young people. She welcomed the role of the Office in coordinating the United Nations inter-agency network on youth employment. The Office should seek to have the ILO assume global leadership in youth employment.

73. *Speaking on behalf of GRULAC*, a Government representative of Colombia supported the draft decision. The crisis in youth employment could only be tackled through macroeconomic policies on employability, the labour market, and entrepreneurship. It was necessary to identify good practice, but comparisons between different regions and countries could be unreliable. She welcomed the plans outlined in paragraph 34(c) and (d). Human resources policies should enable young people to move readily between types and stages of education, increase the relevance of training to employment, recognize non-formal qualifications and promote lifelong learning.
74. *Speaking on behalf of the Asia and the Pacific Group (ASPAG)*, a Government representative of the Islamic Republic of Iran pointed out that half the world’s unemployed youth were in the Asia and the Pacific region. The Office should mobilize all the resources needed to implement the plan, and should take the leading role in promoting the “call for action”. ASPAG favoured a multi-pronged approach to youth employment, to reflect the diversity of local circumstances. He acknowledged the continuing efforts of the ILO Regional Office for Asia and the Pacific, and of the Asia–Pacific youth employment network. ASPAG especially favoured the immediate establishment of a regional working group, composed of relevant specialists from field offices, to develop a workplan, with the support of the regional youth coordinator. He hoped donor countries would provide extra-budgetary assistance to support knowledge sharing. ASPAG strongly supported the ILO in forging ongoing partnerships and conducting advocacy within the multilateral system. The ILO should also explore opportunities for extending South–South and triangular cooperation to include youth employment. He supported the draft decision.
75. *Speaking on behalf of the EU, its Member States and associated States*, a Government representative of Cyprus pointed out that worldwide, there were 75 million unemployed young people, 4 million more than in 2007. Moreover, over 200 million of those in work were earning less than the equivalent of US\$2 a day. Young people must be helped into sustainable employment through employment-friendly fiscal policies, entrepreneurship, a favourable business environment, and education and training in response to the needs of the labour market. The proposals in the plan for knowledge development and dissemination would help to foster good practice. The elements proposed in the appendix to document GB.316/INS/5/2 should be prioritized and timed. The work of the Office should complement the work done in the regions and by the international organizations. She welcomed the proposals for technical assistance and capacity building at the country level, and the proposed six areas of technical support outlined in paragraph 24. Programmes for youth employment should be tested and evaluated by the Office, so that future work could be built upon existing experience and best practice. The ILO should play the role of global leader in tackling youth unemployment. It should promote coherence among a multiplicity of initiatives and it should also endeavour to involve young people themselves in the plan, through engaging with representative regional and national organizations of young people. The scope of the measures set out in paragraph 34 of GB.316/INS/5/2 was ambitious. Noting that extra-budgetary resources would have to be mobilized in order to implement the plan, she asked how much of the plan was new and how the Office would set priorities. She supported the draft decision.

76. *A Government representative of Zambia* endorsed the Africa group statement. The Office should play a leading role in inter-agency networks on skills development, gender and green jobs, in partnership with the United Nations and Bretton Woods agencies. He called for the establishment of a working group for the Africa region, similar to the one set up by the Regional Office for Latin America and the Caribbean. He supported the draft decision.
77. *A Government representative of El Salvador* emphasized that failure to tackle youth unemployment would lead to social fragmentation. Many of the world's unemployed people were faced with the choice of either working in the informal sector or migrating, with the consequent negative impact on family life. She mentioned examples of successful Government-backed youth employment projects in Chile, Argentina, Brazil and El Salvador. The ILO should take advantage of its leadership role to promote initiatives at national and regional levels and internationally, with the support of the World Bank, the United Nations Conference on Trade and Development and other international programmes.
78. *A Government representative of China* endorsed the ASPAG statement. He hoped the follow-up plan would be fully implemented and adequately funded from the budget. He suggested that the Office provide technical assistance for developing skills for green jobs for young people.
79. *A Government representative of India* said that the youth employment crisis posed particular challenges for developing countries, with their large youth populations, and countries with a large informal sector and rural population. It was essential to redouble efforts to create youth employment by adopting appropriate macroeconomic policies and strategies, and he fully supported the Office's activities at international, regional and national level to tackle the crisis. He expressed specific support for the activities outlined in paragraph 24 of the document, adding that technical assistance and capacity-building at country level should focus more on youth employment, while monitoring and evaluation should be left to national institutions, thereby avoiding duplication. He further agreed with the proposals in paragraphs 26 to 31, in which respect partnerships involving other United Nations agencies and regional institutions and South-South and triangular cooperation should be encouraged, and paragraphs 34 to 36. Any call for action on the crisis should be in line with the ILO Declaration on Social Justice for a Fair Globalization. Innovative financing through regular budget resources would give the desired results. He supported the draft decision contained in paragraph 37 of the document.
80. *The representative of the Director-General* welcomed constituents' endorsement of and guidance on the proposed follow-up plan, which would be followed in its implementation. The Programme and Budget proposals for 2014–15 highlighted jobs and skills for youth as an area of critical importance, reflecting the sense of urgency expressed by countries. The ILO currently had a youth employment portfolio of around US\$140 million worldwide and hoped to mobilize additional resources. A donor meeting was planned for 2013. In preparation, the directors of regional offices had been asked to formulate lucid regional strategies or improve their existing strategies. Based on solid research, the Office had developed a clear message on employment in a macroeconomic framework, but wider dissemination was needed. Governments were being encouraged to translate the priority they attached to youth employment into resource allocations. The Office was also continuing to conduct research in various areas, including industrial policy, and to address issues relating to workers' rights. Work on data and statistics would remain a priority.

## **Decision**

81. *The Governing Body requested the Director-General to take full account of the 2012 ILC conclusions when preparing and implementing the Programme and*

*Budget for 2014–15 and the two following biennia and when allocating such other resources as may be available during the current biennium, and to facilitate the mobilization of extra-budgetary resources for the implementation of the follow-up plan.*

(GB.316/INS/5/2, paragraph 37.)

**Follow-up to the adoption of the resolution  
concerning the recurrent discussion on  
fundamental principles and rights at work:  
Plan of action  
(GB.316/INS/5/3)**

82. *The Worker spokesperson* highlighted the importance of this issue, which related not only to labour rights but also to the role of the ILO. The adoption of austerity measures, sometimes to the detriment of workers' rights, in response to the global economic crisis was a matter of great concern. Resolving the crisis and promoting social justice must be based on respect for the rights accorded to workers in ILO Conventions, particularly the rights to freedom of association and collective bargaining, even in the face of increased social tensions. Formulating and implementing the plan of action should be closely linked to consideration of the seven areas of critical importance identified in the Programme and Budget proposals for 2014–15. It was particularly important to have a specific mechanism for follow-up and evaluating the implementation of the plan of action. The plan of action must not fall short of the conclusions adopted by the International Labour Conference at its 101st Session. He also commented on various aspects of the plan of action, including ratification of Conventions and related numerical targets, technical assistance, how the Office could work directly with countries to promote ratification, measuring progress in implementing DWCPs, partnerships with universities, the annual review discussion of countries that had yet to ratify one or more fundamental Conventions, tripartite expert meetings, strengthening the knowledge base on fundamental principles and rights at work, the role of the social partners, and tripartite and other partnerships. ACTRAV and ACT/EMP should be equally involved in the plan of action, which should be funded from the regular budget.
83. *The Employer spokesperson* underlined the importance of fundamental principles and rights at work, which had led his group to propose it as a key area in the Programme and Budget proposals for 2014–15, on which the plan of action would largely depend. Funding for that area should be sought both from the regular budget and from increased donor support. Equal attention should be given to promoting each of the four categories of fundamental principles and rights in all activities. With regard to DWCPs, he emphasized that priorities should be set by constituents according to their needs: promoting fundamental principles and rights should not be a mandatory component of every DWCP. Querying certain aspects of the plan of action, particularly targets for ratification of Conventions, he expressed great concern at the conflation of non-standard forms of employment and the informal economy, which the Employers strongly rejected. ILO technical cooperation on fundamental principles and rights at work must focus on the informal economy, where workers were not effectively covered by legislation. In strengthening the role of the social partners, ACTRAV and ACT/EMP must be sufficiently well funded and fully involved in the Office's capacity-building work.
84. *Speaking on behalf of the Africa group*, a Government representative of Kenya proposed that an integrated toolkit on fundamental principles and rights at work should be developed, along with localized materials to promote a culture of compliance with relevant

legislation. The plan of action, proposed activities and expected outcomes should be harmonized to ensure consistency. Some aspects of the plan of action relating to capacity building should be further developed. The unique challenges of the informal sector should be addressed through technical cooperation and other activities to establish mechanisms other than traditional collective bargaining. Integrating fundamental principles and rights at work into DWCPs should be aligned with national budget cycles. To develop an in-depth knowledge base on fundamental principles and rights, Africa would need support to establish labour market information systems. She supported the draft decision in paragraph 37 of the document.

- 85.** *Speaking on behalf of GRULAC*, a Government representative of Colombia reiterated her region's commitment to promoting all four categories of fundamental principles and rights at work. The plan of action should lead to progress and results. Targets for ratification of Conventions should be accompanied by information on technical cooperation to address challenges, taking into account countries' specific circumstances. Technical assistance for labour inspection and training for collective bargaining were of particular importance. She expressed special concern regarding the proposed study of labour provisions in bilateral and regional trade agreements, in particular which organizations had a mandate in that area or might be involved in such studies, how such studies might be used, the need to ensure geographical balance, and how the work would be funded. She therefore did not support activity VI(2)(ii) of the plan of action.
- 86.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran acknowledged the role of the fundamental Conventions in promoting fundamental principles and rights at work, but stressed that ratification was a sovereign decision for member States and that circumstances differed among countries. He questioned the usefulness of specific numerical targets for ratification. What mattered was implementation, and he asked the ILO to support member States in that regard. Fundamental principles and rights at work should be integrated into all DWCPs, and government staff should receive adequate training in applying them. With regard to human trafficking and related issues, efforts should be devoted to applying existing standards before creating new ones, and appropriate technical assistance should be provided to countries in need. He welcomed innovative statistical approaches to tackling discrimination in employment. While encouraging international partnerships and policy coherence on fundamental principles and rights at work, he cautioned against duplication among the various United Nations human rights supervisory mechanisms. He supported the draft decision.
- 87.** *Speaking on behalf of the EU and its Member States*, a Government representative of Cyprus said that the acceding country Croatia, the candidate countries of The former Yugoslav Republic of Macedonia, Montenegro, Iceland and Serbia, the countries of the stabilization and association process and potential candidates, Albania and Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova and Armenia, aligned themselves with this statement. The EU and its Member States were fully engaged in the promotion and protection of human rights, and called on all States to ratify and actively implement the fundamental ILO Conventions as part of the EU action plan on human rights. They commended the knowledge-based approach of the action plan, among other aspects. Technical cooperation projects aimed at strengthening labour capacity, enforcement, labour inspection and police would raise awareness of the long-term value of opening economies and societies. Financial needs were not detailed in the plan, nor was any specific action to ensure that sufficient resources were allocated to the functioning of the ILO's supervisory bodies, as called on by point 19(b) of the resolution. More detailed information on the need for extra-budgetary resources was also missing. Ongoing evaluation of the effectiveness of different activities should be regularly communicated to the Governing Body. They noted with interest the proposal in paragraph 14 and welcomed

paragraphs 26–27. They believed that the growing inclusion of labour-related provisions in trade agreements reflected the need to ensure that trade contributed to the promotion of decent work and sustainable development.

88. *A Government representative of China* endorsed the ASPAG statement. Due to the differences in economic development, history and culture of the member States, principles and fundamental rights varied from one country to another. The ILO should concentrate on a consultation–cooperation technique that addressed the real needs of its member States. He did not support paragraph 14 because it appeared to be establishing a surveillance mechanism. ASPAG required clarification on this point.
89. *A Government representative of Zambia* endorsed the Africa group statement. She commended the action plan for seeking to develop studies to promote freedom of association in vulnerable sectors. The informal economy needed to be taken into consideration. She agreed with paragraph 6 and was encouraged that pilot studies would target disadvantaged people who typically lacked social protection. She supported the draft decision.
90. *A Government representative of Mexico* stated that it was important that the aim to facilitate an increase in the progress noted in the implementation of fundamental Conventions be linked to the ILO Declaration on Fundamental Principles and Rights at Work. She recommended that the instruments not be included in the plan of ratification for the eight fundamental Conventions since those on governance had their own plan of action. Mexico disagreed with the sharing of experiences because of the possibility of this duplicating the work of the Committee on the Application of Standards.
91. *A Government representative of Switzerland* endorsed the EU statement. A fair, globalized economy required the implementation of fundamental principles and rights at work as well as the eight fundamental Conventions. Because Switzerland wanted to ensure that its economic liberalization policy benefited the greatest possible number, was supported by the people and did not jeopardize social peace, it was coupled with a social policy of decent work and respect for workers' rights. The opening of its markets had, in the long term, a positive effect on growth and well-being. However, non-regulated liberalization could have negative effects, which was why the Government supported the plan of action presented in the document. Switzerland had a strategy of commitment to the ILO that was based around a strengthened ILO, implementation and promotion of the ILO principles and standards in Switzerland and promotion of decent work worldwide. The Government supported the draft decision, with the same requests as the EU.
92. *A Government representative of Egypt* agreed with paragraph 6 and the universal ratification of fundamental Conventions, saying that it was in line with the Director-General's statement that 2015 should be the year of universal ratification.
93. *A Government representative of India* strongly supported the statements by ASPAG and China. The Government was in favour of progressively improving legislation and procedural guarantees in keeping with socio-economic realities. It agreed with paragraph 4 but felt that labour issues should be dealt with separately from human rights. It took note of paragraph 10, stating that the ratification status of different countries depended on their national circumstances. The existing supervisory mechanism was sufficient, therefore it did not support paragraph 14. Regarding paragraphs 16–19, the results of research, statistics and knowledge-base studies should not be used for comparison between ILO member States, because of the diverse socio-economic conditions of countries. In reference to paragraph 22, the Government believed that international cooperation could lead to universal ratification of core ILO Conventions. It encouraged ILO technical cooperation and assistance initiatives which took into account the different socio-economic conditions

among constituents. Poverty eradication should be the main objective, particularly in developing countries.

94. *A Government representative of Australia* supported the ASPAG statement and the plan of action to give effect to the outcomes of the Office's recurrent discussion on fundamental principles. She saw merit in sharing advice on common experiences, particularly in relation to technical issues related to the application of standards. The 2014–15 budget should take this action plan into consideration.
95. *A representative of the Director-General* (Officer-in-Charge of the Standards and Fundamental Principles and Rights at Work Sector) stated that the Office had reviewed achievements over the past four years and looked at what ratifications were possible. They had set realistic, achievable targets based on the information available from the Committee of Experts, the Committee on Freedom of Association, and other supervisory mechanisms. The Office was trying to bring together information on action taken by member States related to the four categories of principles. Regarding paragraph 14, the recommendation would benefit countries from a more pragmatic programmatic perspective. Paragraph 18 should not be amended. In paragraphs 34 and 35, resources would be assessed during the Programme and Budget proposals for 2014–15, and at that point it would be clear what resources would have to come from extra-budgetary resources. She concluded by underlining that research into labour standards in trade agreements had been addressed in the last two biennia so this was not a new topic.
96. The Workers' group had proposed to add in the draft decision after the word "implementation", the words "and ensure the monitoring and evaluation of such implementation by the Governing Body". In the interests of consensus, the group did not pursue this amendment.

### **Decision**

97. *The Governing Body requested the Director-General to take full account of this plan of action and the discussion thereof in the Governing Body, and to allocate the necessary resources for its implementation.*

(GB.316/INS/5/3, paragraph 37.)

### **Follow-up to the decision adopted by the International Labour Conference on certain matters arising out of the report of the Committee on the Application of Standards – Summary report concerning the informal tripartite consultations held on 19 September 2012**

(GB.316/INS/5/4)

98. *The Employer Vice-Chairperson* read out the following statement intended to clarify the Employers' position and not to open a debate on the substance of the issue.
1. Thank you Chair. Our spokesman, Chris Syder, is not able to be with us today due to business commitments back in the United Kingdom. On behalf of the Employers' group, I will present his intervention which has been fully considered and endorsed by our

group so there is a formal record of our understanding. We recognize this will need to be discussed at a later date in further informal consultations.

2. Basically, there are three issues that need to be addressed: the “list of cases” for the 2013 meeting of the Committee on the Application of Standards (CAS), which we are 100 per cent committed to; the mandate of the experts, which we wish to be clarified so there is no misunderstanding in the Governing Body, the International Labour Conference (ILC) or the outside world and so we are able to correctly supervise Convention No. 87 cases in the CAS; and a way forward concerning the right to strike and Convention No. 87.
3. **First**, the “list of cases”.
4. Through our spokesperson the Employers explained in the September informal discussions that the Employers have made proposals to the Workers.
5. Further to constructive dialogue with the Workers at this Governing Body session, there is a commitment on both sides to finalize this matter so the Governments and the outside world have the comfort of knowing a mechanism will be agreed so a list of cases is no longer a concern.

*Informal discussions at this Governing Body session*

6. Following the informal tripartite discussions held in September, we understood that there would be an oral report provided to the Governing Body. No fixed arrangements were made for further informal consultations. We were not expecting a written report.
7. We were rather surprised to receive notification on 2 and 5 November of further informal discussions being scheduled for Friday 9 November. The Employers will object to any assertion that the 9 November informal discussions did not take place because the Employers did not wish to attend. The timing of 9 November clashes with traditional Employer group meetings and the very short notice did not allow us to reconstitute the Employer members who participated in the informal discussions in September.
8. The proposed informal discussions were regrettably flawed from the outset due to poor tripartite communications and a lack of planning. This should not be attributed in any way to the Employers.
9. **Second**, the mandate of the experts and the proposed outline paper. The Employers do not need a further information document on the mandate of the experts; however, we recognize that some Governments may need further information to help them decide upon the important issue of the experts’ mandate. We also wish to raise an important matter.
10. At the September informal consultations, the Employers formally requested that the following question be answered:  
  
Whether the Governing Body has ever decided to amend the stated terms of reference of the Committee of Experts to expressly include the interpretation of international labour standards and, if it had not, whether the Governing Body intended to change those terms of reference.
11. The answer received from the Deputy Legal Adviser to our question is, and I quote from paragraph 11 of the Office paper:  
  
... without prejudice to the scope and timing of the further Office paper needed, the Governing Body was a constitutional organ that operated within the constitutional order, including in respect of relevant decisions of the Conference and of article 37 of the Constitution referenced in the discussion and in the papers available in the meeting. Any decision of the Governing Body or the Conference concerning the Committee of Experts’ mandate would be understood consistently with that constitutional order.
12. The Deputy Legal Adviser’s answer is opaque and it is unclear to us. It is not the answer we received in the September informal consultations.
13. We request a clear answer from the legal department.
14. Nevertheless, the Employers have a settled and unanimous view of the experts’ mandate. We are satisfied that the information already supplied by the Office and our own research confirms the experts’ constitutionally agreed mandate.

15. Our view is:
- The mandate of the Committee of Experts was defined by means of an ILO resolution adopted during the ILC in 1926, and was further confirmed by the Governing Body in 1947.
  - Since 1947, there have been no further adjustments made by the Conference or by the Governing Body to the mandate of the experts, which the Office confirmed in paragraph 31 of its information paper in advance of the informal consultations in September.
  - Even if a decision of the Governing Body or the ILC had amended the experts' mandate to interpret Conventions, this would not be valid as it would be in open violation of article 37 of the ILO Constitution, which gives the exclusive authority to deal with any question or dispute relating to the interpretation of the ILO Constitution or ILO Conventions to the International Court of Justice (ICJ).
  - Thus, the authority to interpret ILO Conventions is vested with the ICJ, in accordance with the ILO Constitution.
  - In other words, if the Governing Body gave the mandate to interpret Conventions to the experts, this would be invalid, as the Governing Body cannot ask the experts to do something as it lacks the "legal capacity" to do so. Hence, because of article 37 in the present form, not just a Governing Body decision, but a constitutional amendment would be required to give the experts the legal capacity to interpret ILO Conventions. This amendment would require a two-thirds majority decision by the ILC and ratification by two-thirds of all ILO member States (including five of the ten countries of major industrial importance) in order to give the experts the "legal capacity" to interpret ILO Conventions.
16. For the Employers, once this point is clarified, the only question that remains is how to make this legal state of affairs visible in the experts' reports. Users of the experts' reports have a justified interest to receive clear information on this important point. The Employers made proposals for fair and constructive language to this effect at the last ILC session, which was, unfortunately, not accepted by the Workers, and the Governments were not able to liaise with their capitals in the time available. There may perhaps be different views on how this clarification should look and where it should be reflected in the experts' reports, however, that something needs to be done in this respect cannot be seriously denied.
17. The Employers continue to be ready to discuss solutions with Governments and Workers. It is also for the Office and the Committee of Experts, which we meet in two weeks' time, to come up with their own proposals.
18. If the Governing Body cannot agree the experts' current mandate to interpret Conventions, then our Constitution actually provides the way forward.
19. We have already referred to article 37 of the Constitution.
20. We feel it would be wise for the ILO constituents to receive urgent written and comprehensive advice from the Office of the ILO's Legal Adviser concerning the legal process to be followed by the Governing Body should it, or indeed others, decide to refer this matter to the ICJ. We would like a clear appreciation of the administrative/technical considerations. The alternative option under article 37(2) of the creation of an ILO tribunal will need careful consideration, especially as previous negotiations to create the tribunal failed in 2010 and have since been abandoned.
21. A referral to the ICJ carries significant political and legal risk for us all in the ILO. In June we said that there is no need to make a referral to the ICJ because the experts' mandate is clear. It remains clear to us. If we in the Governing Body cannot agree the current mandate, then the Employers must now accept that regrettably this position will have to change, as article 37 requires us to properly consider an ICJ referral. Be in no doubt that the Employers would not want to outsource such issues to the ICJ.
22. If the ICJ accepts the view that despite the ILO Constitution the mandate has evolved by custom and practice to provide a mandate to the experts to interpret Conventions, then the experts will presumably have a legally confirmed mandate to interpret Conventions,

not just Convention No. 87 but all Conventions. This will presumably include a mandate to interpret into Conventions principles that were expressly left out of the Convention when it was politically negotiated by the ILO constituents and/or interpret principles that develop after ratification without reference to the ILO constituents.

23. **Third**, this brings me to Convention No. 87 and the right to strike. If we pause for a moment and consider the catalyst of this issue: namely, the views of the experts in the 2012 General Survey concerning the right to strike, it presumably follows that if the mandate has been given to the experts to interpret, then the long-held views of the Employers are wrong. Those countries that have ratified Convention No. 87 concerning freedom of association will be expected internationally to amend their national strike laws to comply with the views of the independent experts concerning, say, essential services and political strikes.
24. Those countries that have not ratified Convention No. 87 will presumably need to reconsider their application of the constitutional principle of freedom of association.
25. Companies that sign up to, among others, the UN Global Compact, ISO 26000, the OECD Guidelines, the ILO's MNE Declaration, the UNHRC's Guiding Principles will presumably be expected to implement processes in accordance with the interpretations of the experts concerning Convention No. 87, as it is a fundamental Convention expressly referenced in these international initiatives. Companies that have voluntarily entered into international framework agreements, transnational company agreements or global codes with unions concerning Convention No. 87 will face expectations to respect the experts' interpretations of the right to strike in their workplaces. This will be regardless of whether the country in which they have operations has ratified Convention No. 87 or already has national strike laws. How are companies supposed to do that safely if to do so is at odds with national law? Companies will need certainty.
26. If we can agree that the mandate is the one the ILO constituents agreed in 1947, then what do we do about the experts' views concerning the right to strike?
27. If the ILO constituents believe it is time to agree an international right to strike, then the ILO constituents need to discuss this and agree this first. The Employers are willing to engage and constructively discuss this issue. We would anticipate a comprehensive tripartite discussion.
28. To sum up:
  - We are 100 per cent committed to ensuring there is a list of cases at the 2013 meeting of the CAS.
  - We ask for the experts' mandate to be clarified and made visible to the outside world in their reports. To help us do that we ask for a coherent answer to the aforementioned question raised in the informal consultation in September.
  - It appears sensible to us that there are further informal tripartite consultations before the March 2013 session of the Governing Body. These need to be arranged sensibly.
  - We all need clarity from the Legal Adviser concerning what the article 37 process requires.
29. Thank you Chair.

**99.** *The Worker Vice-Chairperson* recalled that at the informal consultations on the Committee on the Application of Standards organized by the Office on 19 September 2012, the Employers and Workers had made a clear commitment to agree on a list of cases to be discussed at the 2013 Conference. The Office was also requested to prepare an information document on the mandate of the Committee of Experts on the Application of Conventions and Recommendations for the 317th Session (March 2013) of the Governing Body.

**100.** It had also been agreed that a second set of informal tripartite consultations would be held during the 316th Session (November 2012) of the Governing Body to provide the necessary guidance to the Office on the outline of the document to be prepared. He

therefore expressed deep disappointment that these consultations had not taken place on Friday, 9 November, as proposed, due to the Employers' absence.

- 101.** He did not wish to react to the Employers' views on the mandate of the Committee of Experts, indicating that this should have been the subject of discussion at the consultations.
- 102.** The question raised by the Employers on the mandate of the Committee of Experts was a complex issue that could not be answered by a plain yes or no. While a decision could not be taken on the issue at this point, the consultation process should continue. It was important to recognize that the process required time, and could not be brought to a conclusion in only a few meetings.
- 103.** He stressed that without agreement on the mandate of the Experts and without the re-establishment of mutual trust and confidence, a discussion on the revision of standards would be meaningless. He reiterated the importance of continuing the informal consultations based on the document prepared by the Office containing the issues indicated in the outline.
- 104.** *Speaking on behalf of the Africa group*, a Government representative of Kenya welcomed the joint commitment made by the Employers and Workers. She regretted that much of the mandate of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) still stood unresolved and called for continued and objective dialogue until a lasting solution was found.
- 105.** *Speaking on behalf of GRULAC*, a Government representative of Colombia asked that the contents of article 37, paragraph 1, of the ILO Constitution be clearly developed in the Office's document. Only the International Court of Justice was competent to interpret international labour Conventions. Her group understood that the problem raised in the Committee on the Application of Standards at the 101st Session of the Conference did not concern the right to strike, which enjoyed constitutional status in GRULAC States, but had resulted from the CEACR's interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). She expressed concern, with regard to the informal tripartite consultations held in September 2012, at the lack of clear, objective and transparent criteria for drawing up a list of cases for the Committee on the Application of Standards. The situation should be addressed to safeguard the credibility of that body. She stressed that all matters relating to the Committee on the Application of Standards should be addressed by the Working Party on the Functioning of the Governing Body and the International Labour Conference.
- 106.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran reiterated his Government's support for a robust and effective ILO supervisory system. He regretted that further consultations had not taken place in November 2012. He hoped that all parties would cooperate to enable the resumption of the work of the Committee on the Application of Standards and sought reassurance from the social partners on their commitment to producing a timely list of cases.
- 107.** *Speaking on behalf of IMEC*, a Government representative of Canada said that the social partners' failure to agree at the 2012 session of the Conference had ramifications for the ILO's supervisory system as a whole. Governments should not get involved in the development of the list of country cases. IMEC sought assurance of the Workers' and Employers' commitment and hoped that it would extend beyond the 2013 session of the Conference. The extremely complex issue of the mandate of the CEACR might not be settled by June 2013. Notwithstanding, the Committee on the Application of Standards should be allowed to fulfil its mandate without further interruptions. She asked the Office to make the necessary provisions for further consultations at the next session of the

Governing Body, ensuring transparency throughout the process. The consultations should enable the Governing Body to hold a substantial discussion based on concrete proposals.

- 108.** *A Government representative of Zimbabwe* supported the statement made by the Africa group. She urged the Office to continue working with those involved in the informal consultative process with a view to producing a comprehensive document for the March 2013 Governing Body. Zimbabwe supported the draft decision.
- 109.** *A Government representative of China* hoped that the Office would publish a list of countries in time for due consideration by governments. With a view to resolving the issues encountered in June 2012, he asked the Office to provide information on the different options available and on their legal effects. He suggested consulting other organizations.
- 110.** *A Government representative of France* supported IMEC's statement. He regretted the lack of informal consultations at the 316th Session of the Governing Body and hoped that another round would be held in March 2013. The commitments made by the social partners were crucial for the Organization's supervisory mechanism, the weakening of which would be harmful for all parties concerned.
- 111.** *A Government representative of Japan* welcomed the Workers' and Employers' commitment to produce a list of cases. The ILO's supervisory system was essential in protecting fundamental rights at work and he hoped that the list would be established on the basis of dialogue and consensus.
- 112.** *A Government representative of the United States* endorsed IMEC's statement. She hoped that the commitments made by the Employers and Workers would extend beyond 2013. In view of the complexity of the issues surrounding the mandate of the CEACR, she urged for a similar commitment to ensuring that the Committee on the Application of Standards was able to fulfil its critical mandate. The ILO supervisory system was a unique and essential component of the Organization's mandate. It was, therefore, imperative that the current situation be dealt with openly and constructively to strengthen, rather than diminish, the effectiveness, credibility and prestige of that system.
- 113.** *A Government representative of India* said that tripartite consultations should serve the interests of all stakeholders. Governments and social partners should work together to create a work environment that was conducive to achieving strong economic growth with due regard for the interests of the working class and vulnerable sections of society. Issues relating to the mandate of the Committee of Experts needed to be discussed in light of the ILO's mandate and the powers of UN organizations.
- 114.** *The Director-General* thanked the Governing Body for its guidance. There was no disputing the gravity of the issues that had arisen. He noted the concern and commitment of the Governing Body to working in a constructive manner to find solutions to those highly complex issues. Further informal consultations should take place so that the March 2013 Governing Body was in a position to register progress rather than just exchange information. Although the issues might not be resolved by June 2013, there was a need to move forward. The firm commitment of the Employers' and Workers' groups was, therefore, an encouraging sign of a cooperative spirit. The integrity, effectiveness and authority of the ILO's supervisory system were at stake and the Organization could not afford compromise. The Office's political engagement should support the constructive spirit of cooperation that had been demonstrated.

## Outcome

- 115.** *The Governing Body, noting the outcome of the informal tripartite consultations which had taken place on 19 September 2012 and the commitment to pursue discussions in a constructive manner, invited the Officers of the Governing Body to pursue informal tripartite consultations and to report to the Governing Body at its 317th Session (March 2013).*

(GB.316/INS/5/4, paragraph 14.)

## **Follow-up to the discussion on Myanmar: Implementation of the joint strategy for the elimination of forced labour, operation of the new labour legislation including freedom of association, impact of foreign investment on decent working conditions (GB.316/INS/5/5)**

- 116.** *The Worker Vice-Chairperson* congratulated the Office on the many activities that were already under way in Myanmar. He noted that many national laws had been recently adopted, which the Committee of Experts had not yet had the opportunity to examine. Technical cooperation activities should take account of the Committee's possible observations and adjust the planning of activities and production of training material accordingly. ILO Conventions should be the main reference of all ILO activities rather than national legislation.
- 117.** The Federation of Trade Unions of Burma (FTUB) should be considered as the interlocutor representing the Workers and be consulted in the process of reform. ACTRAV should be associated in the preparation and implementation of activities for workers.
- 118.** With regard to the elimination of forced labour, he noted that the Villages Act and the Towns Act had been amended, bringing the definition of forced labour into line with Convention No. 29. However, article 359 of the Constitution still allowed for labour imposed by the State in the interest of the public. Furthermore, the group questioned whether the penalty for contraventions was sufficiently dissuasive and it urged the Government to take into account the observations of the Committee of Experts on the new legislation, when available.
- 119.** The Workers' group recalled that the ILO and the Government of Myanmar had in June 2012 adopted a joint strategy to ensure that the Government fully complied with the Commission of Inquiry's recommendations by the end of 2015. FTUB and ACTRAV should be involved in the implementation of the joint strategy.
- 120.** The Workers were concerned that despite a decline in reports of forced labour it was evident that the practice continued in many regions of the country, in particular by the military. Furthermore, land grabbing was expected to become an increasingly serious problem as investment in Myanmar increased. In addition to the usual forms of forced labour, bonded labour of children and the near slave-like conditions of some domestic servants needed to be addressed.

121. Penalties for the exaction of forced labour were not strictly enforced and were often only administrative in nature, seldom resulting in imprisonment even for serious or repeat offenders. The ILO should report on the sanctions imposed on those convicted for the exaction of forced labour and further ascertain the status of the two imprisoned labour activists, Naw Bey Bey and Nyo Win. The group called on the Government to order their release.
122. Turning to freedom of association, he said that the group welcomed the many positive developments that had taken place in recent months. He would make a further statement in the discussion of document GB.316/INS/7.
123. He welcomed the appointment of Mr Ross Wilson as Chief Technical Adviser for the freedom of association project and the beginning of awareness-raising and training activities in the area of freedom of association. Measures should be taken to address anti-union action and inadequate legal protection for workers and unions. He requested further information as to the procedures in place to enforce the decisions of arbitration bodies.
124. With regard to foreign investment, he would have liked to have seen much greater detail on the impact of foreign investment that has already been made and the measures in place or being contemplated to ensure that new investment contributes to decent work. He requested further information on ILO cooperation with the World Bank on the elimination of forced labour.
125. It was important to involve the social partners in the development and implementation of the DWCP. He requested further information about the relationship of the country programme to the Joint Action Plan, stressing that successful completion of the Joint Action Plan should take priority. The description of social, responsible enterprise development needed to be better defined and he wondered why agriculture had not been mentioned in the discussion of the employment dimension of trade, given its size and importance to the economy.
126. *The Employer Vice-Chairperson* said that the newly established Committee on the elimination of forced labour, which had already met six times, was an important development. He noted the impressive list of technical cooperation activities, but cautioned that these activities must be in keeping with the present realities and requirements of the country and its development. It was imperative that technical cooperation create a culture of freedom of association and of breaking with forced labour.
127. The Employers' group noted that the number of forced labour complaints had decreased, whereas a growing number were being resolved at the community level, without recourse to the ILO. This seemed to be a significant development in awareness among the population and the group requested the Office to provide more details.
128. The speaker emphasized that the process for developing autonomous employers' and workers' organizations must be transparent. A change in culture would not happen overnight, but would take time to evolve. In this respect it was important that the Office and the Liaison Officer follow up where appropriate. Technical support and training should be provided for the arbitration institutions and labour administrators who would enforce new standards and laws. He was concerned about the low number of workers' and employers' organizations that had registered so far and urged the Office to work towards increased awareness.
129. The elimination of forced labour and implementation of freedom of association should take priority over other activities.

- 130.** The Yangon Office should be given the necessary resources to carry out its work in the long term. The speaker requested information about budgetary allocations as well as voluntary contributions and stated that additional voluntary support should not result in fewer resources. Although significant progress had been made, the ILO's work was not yet completed. The Organization must be realistic and assess the impact of its work, so that it could continue over time.
- 131.** *A Government representative of Myanmar* said that his delegation associated itself with the statement of the Government representative of Viet Nam. His country was making democratic progress. Challenges remained, but the Government was resolutely committed to overcoming them and would do so with the support of the international community. Encouraging signs of recent political and social progress included the establishment of a firm system of checks and balances, the granting of amnesty to prisoners, the dignified return of exiles, the holding of free and fair elections in 2012, the abolition of media censorship, the establishment of workers' and employers' organizations, and an increased participation of the people in the political process. Ms Aung San Suu Kyi's role as a Member of Parliament and Chair of the Rule of Law, Peace and Stability Committee was also noteworthy. Landmark laws had been adopted, bearing socio-economic, environmental and labour considerations in mind. The scope of political participation had been extended and negotiations with different groups were proving fruitful.
- 132.** The comprehensive Office report covered significant developments achieved over the last 18 months with respect to the protection of workers' rights. The proposed interim programme framework for technical cooperation activities would enhance workers' rights and promote employment opportunities. Implementation of the interim programme should be carried out in line with the plan of action and required an enhanced cooperation between the ILO and the ministry concerned. The country valued the importance of technical cooperation and capacity building in the promotion and protection of workers' rights, taking into account the country's real needs and priorities. Transparency and cost effectiveness in handling funding for technical cooperation activities were also essential.
- 133.** *Speaking on behalf of ASEAN*, a Government representative of Viet Nam welcomed significant developments in Myanmar with regard to labour-related issues. He commended the Government's commitment in favour of socio-economic development, good governance, democratic practices, the promotion and protection of human rights, and the consolidation of national peace and reconciliation. He also welcomed the ongoing cooperation between the Government and the ILO to implement the action plan for the elimination of all forms of forced labour by 2015, and to prevent under-age recruitment, among other efforts. He reaffirmed ASEAN's commitment to support the ongoing democratization process in Myanmar and encouraged the ILO and the international community to follow suit. In light of recent developments, ASEAN called for the prompt lifting of the remaining restrictions imposed on Myanmar by the ILC.
- 134.** *Speaking on behalf of the EU*, a Government representative of Cyprus said that Albania, Armenia, Croatia, Iceland, The former Yugoslav Republic of Macedonia, the Republic of Moldova, Montenegro, Serbia and Ukraine had aligned themselves with her statement. The EU recognized the encouraging progress already achieved by Myanmar/Burma and reaffirmed its commitment to collaborate with the Government to assist all actors involved in the reform process and strengthen the rule of law, respect for human rights and national reconciliation. The EU encouraged implementation of the action plan for the elimination of all forms of forced labour by 2015 and welcomed the flourishing of workers' and employers' organizations, noting the release of a number of labour activists. With regard to the EU's persistent concern with reports of dismissals of union leaders by some companies, she called on the Government to identify and release all remaining labour activists and political prisoners and to remove all restrictions placed upon them. The EU

welcomed the various activities of the CEACR in the country. Trade and foreign investment opportunities in the country should be explored with respect for the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration).

- 135.** The EU called on the Office to take the following items into account as regards the proposed interim programme framework for technical cooperation activities: (i) immediate focus should remain on fundamental principles and rights at work, notably freedom of association and abolition of forced labour; (ii) cooperation with other international organizations and a coordinated approach were needed on the other areas identified in paragraph 63; (iii) further details on the resource requirements indicated in paragraph 60 were desirable; and (iv) gender mainstreaming activities mentioned in paragraph 65 were likewise welcome. The EU called upon the Office to modify paragraph (c) of the point for decision, in line with paragraph 8 of the resolution on Appendix I of the document, as follows:

Calls upon member States and international organizations to provide voluntarily contributions to the ILO programme in Myanmar.

- 136.** *A Government representative of Thailand* endorsed the ASEAN statement. He welcomed the Government's consistent efforts to undertake extensive reform measures and its commitment to cooperate with the ILO on issues related to forced labour and freedom of association. Recent positive developments in Myanmar included the approval by the Cabinet of an action plan in this regard and Parliamentary approval of the Ward or Village Tract Administration Law. The fact that complaints continued to be received under the mechanism set up by the 2007 Supplementary Understanding was an indicator that awareness-raising activities in this regard had been successful. The Governing Body should acknowledge the efforts of the Government and the Liaison Office by endorsing the proposed interim programme framework for technical cooperation activities. Restrictions imposed by ILC resolutions should be lifted.
- 137.** *A Government representative of Australia* pledged the Government's continued support to Myanmar in its democratic transition. He underscored the importance of labour rights and of encouraging ethical investment. He called on member States to provide voluntary contributions to the ILO programme in Myanmar. He underscored Australia's long-term support for the ILO's Tripartite Action to Protect Migrants within and from the Greater Mekong subregion from Labour Exploitation, to which the country would provide US\$10.5 million over the next five years. In view of the commendable progress achieved recently, the Governing Body should take no further action under article 26. Australia fully endorsed the priorities set out in the proposed interim programme framework for technical cooperation activities.
- 138.** *A Government representative of Cambodia* endorsed the ASEAN statement. His delegation appreciated the Government's commitment to promote and protect human rights, as well as the rapid progress achieved since the previous session of the Governing Body. The signing of the Memorandum of Understanding (MoU) on a joint strategy to eliminate all forms of forced labour in Myanmar by 2015 was an indication of the Government's willingness to comply with Convention No. 29. Myanmar needed support and encouragement from the international community in its national reconciliation and democratization process.
- 139.** *A Government representative of the Russian Federation* recognized the progress achieved by Myanmar with regard to the implementation of Convention No. 29. He commended the passing of a new law banning forced labour which would help fight child recruitment into the military. In view of the great progress achieved so far, cooperation between Myanmar and the ILO should be stepped up to achieve the goals set out in the action plan for the elimination of all forms of forced labour by 2015.

140. A *Government representative of China* recognized Myanmar's active cooperation with the ILO and the results already yielded in the elimination of forced labour. Citing a number of examples of the progress achieved so far, he supported the draft decision in the document and hoped the Governing Body would consider lifting all restrictions imposed on Myanmar.
141. A *Government representative of India* appreciated the Government's efforts and observance of Convention No. 29. He welcomed legislative measures to condemn forced labour and the ILO's training activities in this regard. The ILO should provide capacity building to the newly established conciliation and arbitration bodies and help rehabilitate those freed from forced labour. The country should also promote understanding of its new legislation. In light of recent positive developments, India fully endorsed the action plan for the elimination of all forms of forced labour by 2015.
142. A *Government representative of Japan* welcomed progress on the elimination of forced labour in Myanmar. The Government's efforts and the people's response at the community level were gratifying. Japan welcomed the comprehensive programme of work to support the identified priorities described in paragraphs 57–60. It also noted the need to expand the Liaison Office and the importance of strengthening its coordination with the ILO Regional Office for Asia and the Pacific.
143. A *Government representative of Canada* commended the Office and the Liaison Office for their work, appreciated the comprehensive report and noted the recommendations of the mission undertaken in May 2012 by the Officers of the Governing Body. She welcomed recent legislative changes and the continuing reform process and transition to democracy. While progress in eliminating forced labour had been made, many challenges remained. Achieving peace among ethnic communities and religious groups was essential. Canada urged the Government to unconditionally release all remaining political prisoners and to work with opposition members and ethnic groups to find sustainable solutions. The ILO's contribution as part of the Myanmar Peace Support Initiative was also welcome. Canada endorsed the comprehensive programme of work, the three objectives identified in paragraph 57, and supported the decision point in paragraph 67.
144. A *Government representative of Switzerland* endorsed the EU statement. The plan of action and its implementation needed to remain a priority. Her Government encouraged the ILO to collaborate with other international organizations to eliminate forced labour. Switzerland would support efforts in this regard, in particular through investment in capacity building of small and medium-sized enterprises. Switzerland thanked the ILO for its continuous work and supported the point for decision in paragraph 67, adhering itself to the requests formulated by the EU.
145. A *Government representative of the United States* commended the numerous and far-reaching changes brought about over the past year, in particular with regard to freedom of association, fundamental rights and principles at work, and the commitment to eliminate forced labour by 2015. His Government looked forward to progress being achieved in the following areas: (i) the development of permanent, sustainable institutions and processes at the national and community level; (ii) the establishment of an operational plan on the elimination of forced labour by 2015; and (iii) prompt and effective prosecution of perpetrators of forced labour. Improvements related to freedom of association and social dialogue were laudable. These should be accompanied by strong enforcement mechanisms within the Government. Challenges remaining included the ongoing ethnic and religious conflicts, lack of accepted procedures for handling workplace disputes and the need to train a generation of people in power unaccustomed to working with civil society. His country was committed to supporting the democratic and reform processes, which would

be accelerated by the proposed interim programme framework for technical cooperation activities. The United States supported the draft decision in paragraph 67.

- 146.** *A representative of the Government of Cuba* said that her country reiterated its opposition to all forms of forced labour. Her delegation welcomed the up-to-date information provided by the Ambassador of Myanmar and the measures that the country was adopting to eliminate forced labour, notably: bringing national legislation into line with the Forced Labour Convention, 1930 (No. 29); the approval of a plan of action for the elimination of all forms of forced labour by 2015; the coordinated and ongoing work of the Committee for the elimination of forced labour; the participation of various sectors of the country in awareness-raising seminars on forced labour organized by the ILO; and the preparation and distribution of a brochure on forced labour in seven languages. Lastly, the speaker encouraged the Office to go on providing technical assistance to the Government of Myanmar to enable it to continue to bring its legislation into line with Convention No. 29.
- 147.** *A representative of the Government of the Bolivarian Republic of Venezuela* welcomed the up-to-date information provided by the Ambassador of Myanmar. He appreciated the efforts made by the Government of Myanmar to eliminate forced labour, which might bear fruit even before 2015, and encouraged the Office to continue to provide Myanmar with all necessary support. He supported the draft decision contained in paragraph 67 of the document.
- 148.** *A representative of the Director-General (Liaison Officer)* took note of the observations that had been made. Regarding the relationship with the World Bank, he said that it was looking to put into place in Myanmar a community-led development programme aimed at employment generation and skills development, among other things. The World Bank had asked the ILO to provide local communities with rights-based training and governance training and to extend its complaints procedure into a grievance mechanism. With regard to the predominance of administrative penalties, the matter was discussed with the Government of Myanmar on a regular basis. In respect of concerns about the enforcement of arbitration orders, work was under way with the Government towards identifying ways for those orders to be appropriately enforced. On the issue of the community-level resolution of disputes, the media had taken considerable steps to raise people's awareness of the illegality of forced labour. Behaviour was changing in Myanmar and conflicts were being resolved more often at community level, which was very positive. With regard to the budget, for the 2012–13 biennium the regular budget contribution was US\$1.2 million. Discussions were currently under way about what further supplementary allocation might be required to support the increased programme activity. Lastly, he said that at the present level of commitment shown by all parties, the targets relating to eliminating forced labour in Myanmar were achievable.
- 149.** *The Worker Vice-Chairperson* said that his group supported the draft decision as amended.
- 150.** *The Employer Vice-Chairperson* said that his group was also in agreement with the draft decision as amended.

## **Decision**

**151. *The Governing Body:***

- (a) endorsed the proposed interim programme framework for technical cooperation activities in Myanmar;*

- (b) *requested the Office to report on progress in its implementation at the 319th Session (October 2013); and*
- (c) *called upon member States and international organizations to provide voluntary contributions to the ILO programme in Myanmar.*

(GB.316/INS/5/5, paragraph 67.)

## Sixth item on the agenda

### Decent work in the post-2015 development agenda

(GB.316/INS/6)

- 152.** *The Director-General* said that it was important for the ILO to play an active role in determining the priorities and modalities for a global sustainable development agenda for the period after 2015. A development agenda which did not centre on decent work would be incomplete. The paper before the Governing Body described the context of the current debate on the subject and the main steps in a complex process of consultations.
- 153.** The MDGs had provided a tool for prioritizing development assistance and had prompted greater cooperation in the field of poverty eradication. Setting goals and measuring progress had lent impetus to concerted international action, but a conviction was growing that it was necessary and possible to tackle the root causes of poverty by searching for a new pattern of growth which would be more sustainable, inclusive and equitable. Decent and productive jobs were the most sustainable way to overcome poverty and they laid the foundation of prosperous and inclusive societies. The ILO's Recommendation on SPFs was a practical input to sustainable poverty reduction. The desire for employment with rising income, dignity and respect was a development goal that spoke directly to peoples and societies across the globe. The ILO could offer the international community the tools for achieving that goal and for upgrading the set of indicators used to monitor the targets of full employment and decent work. That would offer the ILO the opportunity to place its agenda at the heart of the United Nations' development agenda. The paper asked for guidance in mapping out a strategy to that end. The ILO and its constituents must explain to the negotiators of the post-2015 development agenda how the Decent Work Agenda could become a top objective. They must participate in the process which would lead to the drafting of a paper by the UN Secretary-General on how negotiations could move forward.
- 154.** In the light of those considerations the Officers of the Governing Body were proposing an amended version of the draft decision which suggested that decent work and employment should be established as an explicit goal of the agenda beyond 2015 and which referred to the types of briefing and concept papers that the Office could be asked to produce to assist its constituents in advancing the achievement of that objective. That was the beginning of what could be a strategic avenue of action for the ILO which should be seen in the context of the budget debate.
- 155.** *The Employer Vice-Chairperson* expressed satisfaction with the document. Resulting from Rio +20, it was very clear on the crucial objective of overcoming poverty, to which his sector was fully committed. Economic policies that promoted growth and the creation of business were needed. These required innovation, human resources, technological resources, the development of professional training, and competitiveness, in particular, the idea of inclusive social competitiveness that emerged from the document.

- 156.** He welcomed the orientation given by the Director-General on how to work in the future, and stressed the need for a close relationship between the Office and the Governing Body, to ensure that tripartism in action would be reflected in the debate. He expressed his group's support for the draft conclusions, and emphasized the importance of strengthening the ILO's presence in all international forums, particularly during the adoption by the UN General Assembly of the new objectives later this year.
- 157.** Tripartite constituents needed to ensure consistency between the work of the Governing Body and the Office. He reaffirmed his group's support to this process. Noting that civil society stakeholders were increasingly being consulted in various forums for international action and interaction, he reiterated his group's wish that in the context of the reform and modernization of the Governing Body, the ILC's agenda should reflect the needs of the international community and all societies. His group fully agreed with the objective of influencing, to all extent possible, the post-2015 development objectives, and supported the proposal put forward by the Officers of the Governing Body.
- 158.** *The Worker Vice-Chairperson* referred to his group's mixed views of the MDGs. On the one hand, workers had deplored the modest nature of the goals and targets which did not match the scale of the problems. The goals focused more on the quantitative aspects of poverty while glossing over the multidimensions of poverty, social exclusion and human rights. On the other hand, the MDG process had been also positive in focusing national and international attention on a set of good objectives, and had been a useful instrument for policy coherence in the multilateral system. It had offered the potential, although unfulfilled, of policy alignment between international agencies, bilateral donors and governments.
- 159.** A key limitation of the MDGs was that efforts to achieve some targeted social objectives in areas like health and education were underpinned by a macroeconomic framework loyal to the fundamentals of the Washington Consensus. His group would have wanted an assessment in the document of the state of progress in meeting the MDGs.
- 160.** The world would be on track to meet goal 1, on extreme poverty, if the impact of the crisis had not derailed the progress made. However, this progress was uneven across countries and was largely due to poverty reduction in China. The ILO's specific targets were under particular stress because of the crisis. He noted that while there had been improvements in the figures for the working poor, nearly 30 per cent of all workers in the world were living below the US\$2-a-day poverty line.
- 161.** He enumerated the different MDGs where results had fallen short to date. For example, little progress had been made on meeting goal 2 on universal primary education. The same held true with regard to goal 3 in the area of gender parity and educational attainment, as well as on goal 4 on the reduction of child mortality. On goal 5, on improving maternal health, only a quarter of developing countries were on track to meet the targets. Goal 6 on combating AIDS, malaria and other diseases continued to pose major challenges. Equally challenging were goals 7 and 8, particularly in the area of official development assistance (ODA).
- 162.** In this context the challenge was twofold: firstly, accelerating progress to meet the MDGs by 2015 and, secondly, shaping the post-2015 agenda so that it could address the fundamental challenges. These included a non-inclusive pattern of growth, which should instead aim at promoting structural transformation, tackling inequality, building adequate SPFs, engaging in structural reforms of the global economy from world trade to the financial system. The ILO must, as a matter of priority, engage in shaping the post-2015 development agenda and its targets, based on a roadmap that should include clearly

defined commitments to the Decent Work Agenda, including comprehensive social protection.

163. *The Workers' group* believed that having one set of goals that embraced both the MDGs and the Sustainable Development Goals (SDGs) was necessary. The ILO should ensure that the four interrelated elements of decent work be included as one of the core global goals to be achieved under the post-2015 development compact. It had to be proactive in enhancing decent work statistical indicators to monitor progress.
164. Finally, the ILO must call for the inclusion of a number of elements that complemented or facilitated decent work, such as addressing the growing inequality. It should also defend the inclusion of a set of human rights including fundamental Conventions as a key component on the post-2015 compact ensuring quality public services for all, and building a fair globalization. The weakness of global governance, the unfairness of the world trade regime, the lack of policy coherence among agencies and the international financial institutions, and the fact that financial markets had hijacked the real economy all had a direct impact on the issue of extreme poverty. It was necessary to develop a set of realistic targets supporting employment-centred, macroeconomic policies and policy coherence among international agencies and financial institutions.
165. *Speaking on behalf of the EU and its Member States, as well as Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Republic of Moldova, Montenegro, Serbia, The former Yugoslav Republic of Macedonia and Ukraine*, a Government representative of Cyprus was convinced that the ILO must play an active and prominent role to ensure that the Decent Work Agenda was fully integrated in the post-2015 UN development agenda. While the MDGs had successfully served as a shared framework for global action, cooperation and development, her group, like others, increasingly saw the limitation of the approach that had been chosen in 2000.
166. She referred to the 2012 report of the UN Task Team which identified four building blocks for the High-level Panel appointed to advise the Secretary-General on the post-2015 agenda, and commented that indeed the Decent Work Agenda fitted well into the building blocks referring to inclusive social and economic development. The Decent Work Agenda should also be seen in light of the outcomes of the Rio +20 Conference and the establishment of the SDGs. It was crucial in promoting an inclusive green economy.
167. The Panel's report for submission to the Secretary-General by 31 May 2013 was an essential input to the ongoing deliberations on the post-2015 development framework, and would play a crucial role in shaping the post-2015 development agenda to be decided during the forthcoming meeting of the UN General Assembly.
168. Following the adoption of Recommendation No. 202, ways should be explored on how best to integrate social protection in the post-2015 development agenda without prejudice to the final outcome. She emphasized the important roles that both the Office and constituents had to play in making the Decent Work Agenda a core priority in the future. Her delegation took note of the amendments proposed by the Officers.
169. *Speaking on behalf of ASPAG*, a Government representative of Australia stated that while it was not clear if all of the ambitious MDGs were going to be met, several important targets, such as halving global poverty and achieving gender parity in primary education, were on track to be achieved by 2015.
170. ASPAG commended the establishment of the UN high-level panel of eminent persons tasked to map out a bold, yet practical vision on the post-2015 global development agenda. At its recent session from 31 October to 2 November, the panel had highlighted the

importance of jobs and truly inclusive growth. ASPAG stressed that the process of determining the direction and themes of the post-2015 development agenda should be member State driven, transparent and all embracing, and called for early and constructive ILO engagement.

171. The group strongly supported the call for the Director-General to develop and implement a strategy to set decent work, which was critical for reducing poverty and helping the global transition to a green economy, as a core priority of this agenda.
172. ASPAG welcomed the agreement at the Rio +20 Conference to adopt a set of SDGs. Noting the close relationship between the overarching ideals of SDGs and discussions on the post-2015 development agenda, the group considered that dialogue on the two should be integrated. It was important to have a holistic approach in developing the framework and not just focus on the goals but also the means of implementation.
173. The group noted the role for stakeholders in business in the decision-making process, which should be reflected in a proposed strategy focused on reinforcing core ILO messages and underlining the essential role that decent work should play within the post-2015 development framework. Early work supporting this strategy had already commenced. Noting that the Director-General recently met with the President of the World Bank on this issue, ASPAG considered that continued engagement with other multilateral agencies and international forums was critical.
174. The group supported the amended draft decision, and the preparation of concept papers to assist with national engagement in the debate, which would allow the importance of the Decent Work Agenda to be clearly articulated within and across governments. ASPAG also supported the regular distribution of briefing notes on the progress of deliberations.
175. *A Government representative of Indonesia* endorsed the ASPAG statement. The ILO needed to be active in shaping the post-2015 development framework to ensure the acceptance of decent work as a core component. The priorities of the post-2015 agenda should be to eradicate poverty; give the poor access to decent jobs and economic opportunities; meet basic needs; foster an enabling economic and financial environment; create social safety nets; and strengthen any efforts to eradicate poverty at the individual and household level through national policies and global partnerships. The speaker supported the draft decision.
176. *Speaking on behalf of the Africa group*, a Government representative of Ghana noted that the African continent continued to struggle to meet development goals. In view of the top-down approach that had been taken in previous target-setting, grassroots ownership of policies was needed in rethinking the agenda and the opinion of constituents should be sought. The importance of the African region in that process could not be underestimated. The causes for failures in Africa to meet the MDGs required due analysis and results should be factored into the post-2015 agenda. Poverty alleviation had been focusing on the symptoms and not the causes and many countries in Africa were still impoverished. Africa's specific needs should be taken into account instead of applying a one-size-fits-all approach. In particular, she highlighted the dismal youth employment situation. The conclusions of regional meetings, such as the 12th ILO African Regional Meeting in 2011, provided guidance for an African decent work agenda. New methods of cooperation should be promoted and the group called for the inclusion of a strategy to enhance and maintain Africa's natural capital as its main source of employment and income. She requested ILO technical support to help Africa accelerate its transition to a green economy and asked the Office to formulate a strategy to assist countries struggling to meet the MDGs. Her group supported the draft decision.

- 177.** *A Government representative of Niger* supported the statement made by the Africa group. The priorities in Africa were to make economic growth more favourable to the poor, transform rural economies, address youth unemployment and promote investment. The ILO needed to make its presence felt and firmly anchor decent work in the post-2015 agenda. A realistic approach would be to extend the MDG deadlines and increase assistance to countries struggling to meet them.
- 178.** *A Government representative of Zambia* supported the statement made by the Africa group. Sustainable development could only be achieved through the effective engagement of all stakeholders and to that end Zambia would participate in any deliberations to achieve inclusive, equitable and sustainable growth and development. He supported the draft decision under paragraph 28.
- 179.** *A Government representative of the Islamic Republic of Iran* supported ASPAG's statement. Many considered that the MDGs had been foisted on developing countries by donors. Establishing development goals required a bottom-up process embracing all UN constituents, especially in poor countries. The agenda should not be hijacked by the most visible organizations. Sustainability and decent work should be incorporated without losing sight of reducing poverty and improving well-being through SPFs. To that end, the Islamic Republic of Iran supported initiatives to shift the debate away from the quantity of aid given, towards achieving sustainable conditions. The Islamic Republic of Iran approved the draft decision under paragraph 28.
- 180.** *A Government representative of China* endorsed ASPAG's statement. Developments over the last decade reflected the importance that the international community attached to decent work. China supported paragraph 28 and the inclusion of employment and minimum social protection in the post-2015 agenda.
- 181.** *A Government representative of the United States* said that sustainable development without employment would not be sustainable. The goal of decent work for all and the work of the ILO was more important than ever. He supported the draft decision.
- 182.** *A Government representative of Trinidad and Tobago* said that the job crisis placed responsibility not only on the Office, but also on the social partners. Decisive action should be taken as a new world order emerged to ensure that job creation was anchored in the principle of decent and sustainable work. All constituents should take proactive action at a national level and through their tripartite organizations. There was a window of opportunity to reinforce global acceptance of decent work as a core development goal and to carve out a new permanent role for the ILO and the social partners. In particular, ILO constituents needed to make every effort to ensure that young people were provided for in the future.
- 183.** *A Government representative of Sudan* said that poverty had become a source of political instability. Governments should be prepared to honour commitments to poverty reduction. The creation of employment had only recently been identified as a means to achieve development goals. As a result, the developing world was in dire straits. Employment would only lead to development once the developing world was able to trade with others on an equal footing and access markets. Actions and not words were required in dealing with youth unemployment. She called for the use of UN resources to create decent work for all. The challenges that had prevented the achievement of the MDGs should be addressed and her delegation looked to the ILO for leadership in that process. She fully supported the statement made by the Africa group. The African Union (AU) had an important role in Africa and she hoped that the ILO would continue to cooperate with the AU and provide technical assistance. Sudan fully supported the draft decision.

- 184.** *A Government representative of Denmark* fully agreed that decent work should figure as a part of the development agenda, and endorsed the statement made on behalf of the EU. Governments were however involved in a complex and widespread debate regarding the post-2015 strategy. Any decision taken by the Governing Body would, of course, be subject to governments' final decision as to the content of the strategy.
- 185.** *A Government representative of Brazil* stressed that while the post-2015 development debate had already been engaged, the MDGs had still not been attained. Moreover, many developed countries had not yet fulfilled the agreement to set aside 0.7 per cent of their gross national product (GNP) as development assistance by 2015, or to dedicate between 0.15 and 0.2 per cent of GNP to the least developed countries. South–South and triangular cooperation could not replace official development assistance. Brazil reaffirmed the importance of the three elements recognized as essential to a sustainable future in the Rio +20 outcome document, *The Future We Want*, namely full and productive employment, decent work and social protection. The principles of inclusiveness, transparency, as well as coherence and coordination with the SDGs should guide tripartite action and there should be no dispersion of UN agency activity.
- 186.** Brazil thanked the Office for its clarification regarding decent work indicators. The Office must inform the constituents regularly of any initiative taken in that respect and should take full account of their views. Brazil objected to the methodology proposed at the September 2011 informal consultations. However, clear proposals were required from the Office regarding the critical importance of Decent Work in the development agenda. Further progress on Decent Work indicators must take on the notion of sustainable development.
- 187.** *A Government representative of Kenya* endorsed the Africa group statement. She looked forward to receiving updates from the Office, and a roadmap setting out ILO engagement in the post-2015 development agenda. The process for setting the post-2015 development goals must be based on bottom-up ownership and ILO efforts must be shaped by the commitment made by the UN Economic and Social Council (ECOSOC) in 2011 to promote productive capacity, full productive employment and decent work as a means to achieve agreed development goals. The decline in multi- and bilateral assistance called for development policies anchored in promoting production and employment, such as South–South and triangular cooperation and public–private partnerships. In promoting such policies the ILO should make the goal of full and productive employment central to the post-2015 development agenda and promote employment creation, enterprise development and social protection as sustainable means of fighting poverty and ensuring inclusive growth.
- 188.** *A Government representative of France* endorsed the EU statement. France was committed to the adoption of a UN post-2015 agenda, providing a global and sustainable approach to development, based on the current MDGs. The Government had supported decent work at the UN, at the G20 and at the Rio +20 Conference, and welcomed the inclusion of decent work across all documents structuring the post-2015 development agenda. The ILO had a crucial role to play in elaborating the agenda, as recognized by the Director-General in his presentation of the reform.
- 189.** *A Government representative of India* said that decent work must be promoted in the post-2015 development agenda. Innovative public employment programmes played a strategic role in tackling chronic poverty in many developing countries. India had been less affected by the recent crisis than certain other countries due to proactive measures including the social safety net. Southern countries should exchange successful experiences of those programmes to accelerate progress regarding the MDGs, which would remain relevant after 2015. The economic, social and environmental pillars of the SDGs must be

given equal importance. However, all countries could not be put on the same footing and collective measures should be taken to allow the least developed countries to make the structural changes and investments required to strengthen their productive capacity. The promotion of full and productive employment should be a cross-cutting theme in the post-2015 development framework, with special focus on women and youth. Poverty eradication and sustainable development were closely linked and should be given equal importance post-2015. The global economy would be strongly determined by economic growth and development in southern countries, so efforts to promote South–South cooperation should be encouraged. India supported the proposed action in the draft decision, but warned against the risk of diluting the importance of the MDGs in favour of the SDGs.

- 190.** *The Director-General* noted the strong support and commitment to placing the Decent Work Agenda firmly at the centre of the post-2015 development strategy. The ILO should act, but so also should its constituents. As Brazil had stressed, the ILO would remain attentive to constituents’ wishes. Whatever post-2015 strategy was adopted, it was clear that it must not detract from the MDGs, attainment of which remained uneven. Regarding the point raised by the Government of Denmark, it was clear that in defining the post-2015 strategy, governments would be involved in negotiations in a wide range of settings and in assimilating competing demands. With regard to decent work indicators, the Office would be certain to work with constituents so that the right types of indicators and targets were established.
- 191.** There followed an exchange of views as to the proposed amended wording of the draft decision. The Governments of India, Niger and Trinidad and Tobago and the Government of the Islamic Republic of Iran, on behalf of ASPAG, all wished to ensure that the ILO lean its support to helping countries attain the MDGs. The Government of the Netherlands asked for a reference to working “within existing budgets”. The Government of Germany felt that that discussion would be more appropriate in the Programme, Financial and Administrative Section.
- 192.** *The Director-General*, in relation to the last point, assured the Governing Body that it was understood that the ILO would not have access to unlimited resources. He suggested an adjusted version of the draft decision, which the Governing Body adopted, as follows.

## **Decision**

- 193.** *The Governing Body requested the Director-General to:*
- (a) develop and implement a strategy for the adoption of full and productive employment and decent work as an explicit goal of the global development agenda beyond 2015, including a reference to the need for SPFs;*
  - (b) prepare concept papers as a support for constituents in their national engagement in the debate on the post-2015 global development agenda and briefing notes for them on the progress of the deliberations;*
  - (c) strengthen ILO support to constituents to assist countries that are still lagging behind in meeting the relevant MDGs.*

(GB.316/INS/6, paragraph 28, as amended by the Governing Body.)

## Seventh item on the agenda

### **Complaint concerning non-observance by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 99th Session (2010) of the International Labour Conference under article 26 of the ILO Constitution** (GB.316/INS/7)

194. *The Worker Vice-Chairperson* welcomed the positive developments in Myanmar, in particular since the 101st Session of the International Labour Conference (June 2012), notably the release of activists who had been imprisoned because of their trade union activities. Furthermore, the General Secretary of the Federation of Trade Unions of Burma (FTUB), along with other members of the organization, had been permitted to return to Myanmar after 24 years in exile. In other developments, the Government of Myanmar had agreed to allow the establishment of an International Trade Union Confederation (ITUC) office. However, the status of the FTUB continued to be uncertain. Myanmar's law did not permit the registration of labour confederations prior to the establishment of organizations at the township or state level, along with the federation of such unions. The FTUB was organizing workers and helping to build organizations while also seeking general support in order to gain recognition prior to being formally registered as a labour confederation. The FTUB should be consulted by the Government and given the chance to take part in tripartite social dialogue. In relation to technical cooperation, the Workers welcomed the appointment of the Chief Technical Adviser for the Freedom of Association Project and the beginning of awareness-raising and training activities. Myanmar had not had industrial relations in decades. Tasks included addressing national legislation in order to promote Conventions Nos 87 and 98. Following the entry into force of the Labour Organizations' Law, 263 workers' organizations and 12 employers' organizations had been registered by the Government. However, the Workers had received information regarding cases of anti-union dismissals, as well as cases concerning employers requesting workers not to take part in trade unions. Measures needed to be adopted to protect workers from anti-union discrimination. Despite there being substantial improvement in Myanmar's legislation, not all rights under Convention No. 87 were guaranteed. There were continued restrictions regarding the right to strike, and inadequate protection against anti-union discrimination. In addition, orders and decrees that had been put in place by previous military governments had not yet been repealed, including the existence of conditions in the Constitution that undermined freedom of association. The Workers hoped that the Government would take action in order to comply with ILO standards, including putting into place inclusive, consultative and transparent processes for all legislative initiatives and reforms. In view of those developments, the group could support the draft decision under paragraph 6(c), to take no further action under article 26 of the ILO Constitution. However, it outlined four items that the Government of Myanmar should commit to: (1) establishing a tripartite forum to allow social partners to develop a major industrial relations system to ensure decent work; (2) allowing the FTUB to formally represent workers and be associated with social dialogue and consulted regarding the reform process; (3) establishing a temporary mechanism for review of anti-union dismissals to ensure that they were addressed in conformity with the ILO's freedom of association principles; at the conclusion of the process, a report should be generated with recommendations; and (4) reviewing and amending the Labour Organizations' Law and the Settlement of Labour Dispute Law within two years, in consultation with social partners and the ILO. The Workers expected

the Government to take full advantage of the ILO's technical cooperation in order to fully implement Convention No. 87.

- 195.** *The Employer Vice-Chairperson* said that his group also supported the draft decision under paragraph 6(c). He noted that there had been substantial developments in Myanmar. Convention No. 87 needed to be ratified by countries, not regulated as that created restrictions. Employers' and workers' groups needed to have organizational freedom without government intervention. Although the Governing Body was dismissing the complaint relating to Convention No. 87, the ILO process of technical cooperation with the Government of Myanmar and with its social partners would continue to be monitored. In each case that it looked at, the group hoped to see a concrete and positive change as far as freedom of association and the way in which workers and employers were able to express themselves were concerned, resulting from technical cooperation and all the measures available to Myanmar.
- 196.** *A Government representative of Myanmar* provided a chronological outline of the progress achieved by Myanmar in the area of freedom of association since the 313th Session of the Governing Body. He pointed to the measures taken to enhance cooperation with the ILO, recently through the appointment of Mr Ross Wilson as the Chief Technical Adviser for the Freedom of Association Project. Progress had also been made in relation to the FTUB, in particular through the return to Myanmar of its General Secretary. An ITUC delegation to Myanmar had submitted a proposal on the establishment of an ITUC project office in Myanmar and had worked with government officials on raising awareness among workers and employers regarding the functions of registrars, the settlement of disputes and providing training for workers and employers. Since the previous session of the International Labour Conference, nine of the 11 individuals of interest to the ILO had been released and the status of the remaining two individuals was under review. Other significant developments, not directly related to freedom of association, included the enactment of the Settlement of Labour Dispute Law, the Law on Peaceful Assembly and Procession, the Social Security Law and the Foreign Investment Law. Myanmar fully embraced the concept of ethical investment. Conferences on corporate social responsibilities had been conducted at the initiative of the Union of Myanmar Federation of Chambers of Commerce and Industry and over 100 local companies had signed up to the United Nations Global Compact. Although it would continue to make further efforts, the Government of Myanmar considered that it was in compliance with Convention No. 87 in both law and practice and that the country deserved due recognition through a decision to take no further action under article 26 of the ILO Constitution.
- 197.** *Speaking on behalf of the EU*, a Government representative of Cyprus said that Albania, Armenia, Croatia, Iceland, Republic of Moldova, Montenegro, Norway, Serbia, The former Yugoslav Republic of Macedonia and Ukraine aligned themselves with the statement. She welcomed the developments in Myanmar and the reinforcement of the ILO's capacity in the country. The EU would continue to promote economic development through increased assistance for poverty reduction, capacity building and strengthened sectoral dialogue in Myanmar. The EU considered that the appointment of a commission of inquiry should be postponed until the March session of the Governing Body as outlined in paragraph 6(b).
- 198.** *A Government representative of the Russian Federation* called for the promotion of new trade union activities and the reinforcement of the social security system. Support should be given to the work of the Ministry of Labour in defending workers' and employers' organizations. In view of the measures implemented for ongoing progress, he did not support the appointment of a commission of inquiry.

199. A *Government representative of Thailand* said that technical cooperation between the ILO and Myanmar should be further expanded with a special focus on education and training. He supported the draft decision under paragraph 6(c).
200. A *Government representative of Australia* said that Myanmar still had considerable scope for improvement but that the Government had demonstrated its political will to promote adherence to human rights and its understanding of the need for continued progress. Capacity constraints remained the key challenge and would not be resolved by a commission of inquiry. Myanmar's application of Convention No. 87 was already being reviewed by the Committee of Experts on the Application of Conventions and Recommendations and the Committee on Freedom of Association. He concluded by supporting the draft decision under paragraph 6(c).
201. A *Government representative of China* said that proactive cooperation, such as Myanmar had undertaken with the ILO, was key to solving problems. China fully supported the draft decision under paragraph 6(c).
202. A *Government representative of the United States* welcomed the Government's political will to resolve issues. However, that was only the beginning of the process to ensure the protection of fundamental rights on a sustainable basis. He endorsed the specific measures outlined by the Workers' group and called on the ILO to fulfil its commitment to ensure full respect of the principle of freedom of association and the application of Convention No. 87.
203. A *Government representative of Viet Nam* expressed his appreciation for the continued commitment to cooperation shown by the Government of Myanmar and the ILO and the continued commitment to the promotion of human rights. In order to further encourage reforms towards democratization no further action should be taken under article 26 of the ILO Constitution.
204. A *Government representative of Indonesia* said that his country would continue to stand by Myanmar on its path to reform and called on the international community to lend its support. He was encouraged by the developments in Myanmar and its continued cooperation with the ILO. In that light, a commission of inquiry was no longer required.
205. A *Government representative of India* noted that Myanmar was extending all necessary support to the ILO's technical cooperation team. He reiterated the importance of further investment and cooperation by the international community to foster dialogue and said that the ILO should continue its technical assistance. India supported the draft decision under paragraph 6(c).
206. A *Government representative of Japan* welcomed the developments in Myanmar. Considering that freedom of association had been recognized for the first time in 50 years, it was essential to increase workers' and employers' understanding of the implementation of the new legislation. Japan supported the view that a commission of inquiry was not necessary.
207. A *Government representative of Switzerland* said that raising awareness on social dialogue would take time and she welcomed all ILO efforts in that regard. In the hope that progress would continue, Switzerland supported the draft decision under paragraph 6(c).
208. A *Government representative of the Bolivarian Republic of Venezuela* said that the Office's support had been highly valuable in achieving progress in Myanmar. The Government of Myanmar had shown continued commitment to the implementation of

Convention No. 87. Calling for reinforced technical cooperation, the Bolivarian Republic of Venezuela supported the draft decision under paragraph 6(c).

- 209.** *A Government representative of Cuba* said that her country was in favour of giving the Government of Myanmar the opportunity to continue its progress in the area of freedom of association on the basis of technical cooperation and bilateral dialogue with the ILO. She supported the draft decision under paragraph 6(c) and called for continued technical cooperation, open dialogue and consideration of the situation in Myanmar.
- 210.** Following an exchange of interventions with amendments proposed by the Workers' group, the decision was adopted as shown in paragraph 212 below.
- 211.** *Speaking on behalf of the EU*, a Government representative of Cyprus said that although the EU would have preferred to postpone a decision until the 317th Session in March 2013, it joined the consensus on the decision.

### **Decision**

**212. *The Governing Body decided:***

- (a) *to take no further action under article 26;*
- (b) *to request the International Labour Office, in the light of the guidance given under this agenda item, to continue its close cooperation with the Government to bring about the application of Convention No. 87.*

(GB.316/INS/7, paragraph 6, as amended by the Governing Body.)

### **Eighth item on the agenda**

#### **Latest developments in Fiji in light of the resolution of the 15th Asia–Pacific Regional Meeting**

(GB.316/INS/8 and GB.316/INS/8(Add.))

- 213.** *The Chairperson* recalled that the Workers' group, with the support of the Employers' group, had presented a resolution on the situation of trade unions in Fiji. A signed letter, dated 9 November, had been received from the Prime Minister of Fiji, and included as an addendum of document GB.316/INS/8.
- 214.** *The Worker Vice-Chairperson* said that his group was deeply concerned over the latest developments in Fiji and was proposing the adoption of a resolution by the Governing Body aimed at deploring a number of events and encouraging renewed collaboration between the ILO and the Government of Fiji.
- 215.** Concerning point (a) of the resolution adopted at the Asia–Pacific Regional Meeting, he underlined that, even if no new assaults on trade union members had taken place since the Conference, the intimidation and close monitoring of those persons continued.

- 216.** Concerning point (b), his group regretted the lack of progress in the implementation of the Committee's recommendations on Case No. 2723. Furthermore, he regretted that the direct contacts mission, although initially accepted by the Prime Minister, could not carry out its work beyond its first meeting.
- 217.** Concerning point (c), while Mr Anthony had been able to leave and re-enter the country freely on trade union matters since June 2012, the fact remained that incidents affecting the freedom of movement of trade union leaders continued to occur.
- 218.** Restrictions on freedom of assembly and speech remained in force, and were reaffirmed and expanded in late June 2012 following the promulgation of the Public Order Amendment Decree. The Decree still referred to treason and sedition, with the result that those participating in meetings could be charged with such offences. Furthermore, participants still had to apply to the police for permission to hold public meetings and could face up to five years in prison for failing to do so.
- 219.** Despite the Government's assurances to the contrary, workers in Fiji continued to face disruption in their activities and were still being denied basic rights. In light of that fact, and the Committee's conclusions and recommendations on Case No. 2723, his group requested the Governing Body to support its resolution. The Governing Body should also instruct the Director-General to work with the Government of Fiji to ensure that a direct contacts mission was accepted under the previously agreed terms of reference.
- 220.** *The Employer Vice-Chairperson* reiterated his group's concerns over industrial relations in Fiji, which had been voiced at the Asia-Pacific Regional Meeting in December 2011. An ILO direct contacts mission to examine the situation in the country had been arranged with the agreement and cooperation of the Government. His group deeply regretted that the mission had been unable to fulfil its agreed mandate on arrival in Fiji. It emphasized that direct contacts missions were based on agreed terms of reference to enable the ILO to engage with governments in order to help them comply with international labour standards. Therefore, it was vital for governments to act in good faith. In light of the above, the Employers' group aligned itself with the resolution presented to the Governing Body by the Workers.
- 221.** Taking note of the letter addressed to the Governing Body from the Prime Minister of Fiji and the apparent willingness of his Government to re-establish dialogue, the group strongly encouraged the Government to take steps to allow the direct contacts mission to take place under the agreed terms of reference as soon as possible.
- 222.** *A Government representative of Fiji* affirmed his Government's strong commitment to political, social and economic reforms aimed at insuring social justice and equality for the Fijian people. His Government hoped to achieve its goal of establishing sustainable democracy in the country by 2014. The current reforms would address the political system inherited from the colonial era, which fostered racial politics and a culture of corruption. In that connection, his Government had committed itself to reviewing, in 2012 and early 2013, all current labour laws relating to ratified ILO Conventions, including compliance issues raised by the Committee on Freedom of Association, the Committee of Experts on the Application of Conventions and Recommendations, the Committee on the Application of Standards, the International Trade Union Confederation, the Fijian Trade Union Congress, the Fijian Teachers' Association and the Fiji Islands Council of Trade Unions. It was anticipated that the labour law review would be completed by the end of February 2013.

223. He confirmed Fiji's commitment to the ILO as a member State and his Government's appreciation for the ILO's role in ensuring the country's compliance with the Conventions that it had ratified. He recalled that the 34 Conventions ratified by Fiji were being written into national law, which was quite a challenge for a small island State in the current global economic crisis. Nevertheless, Fiji was undertaking the reforms already outlined, which would be underpinned by a modern, inclusive and democratic Constitution in early 2013.
224. Turning to the three issues outlined in document GB.316/INS/8 he indicated that his Government had made significant progress on the first and third items. Mr Antony was currently present at the Governing Body as a Worker substitute member. His Government had expressed its willingness to re-engage with the ILO direct contacts mission and had proposed that it take place in early April 2013. Its terms of reference would be finalized in consultations between the Government and the ILO. He noted a suggestion to hold the meeting earlier and would take up that point with his Government.
225. Finally, he insisted that, during the five-month period between 11 April 2012 and 27 September 2012, the Fijian Employment Relations Advisory Board had met three times and its subcommittee had met eight times, contrary to the assertion in the draft resolution that no meetings had been held. Furthermore, he rejected some of the statements made by the Employer Vice-Chairperson, citing in particular the reduction of the minimum wage, which he said had not come about due to pressure from certain employers.
226. *A Worker member from Fiji* expressed his fellow workers' reservations concerning the review process, which was taking place in the absence of freedom of the media, freedom of speech and freedom of assembly, as that effectively prevented the Fijian people from having free and open debates on the Constitution and other issues. He expressed concern about various non-negotiable issues that the Government had included in the new Constitution, such as immunity for all military personnel from 2006 until the first sitting of the new Parliament. The immunity would cover not only those responsible for overthrowing the democratically elected Government, but also those involved in past and future criminal activities, including violations of human rights and freedom of association. The scope of immunity should be determined by the people of Fiji and not by the Government. He also insisted that the new Constitution should be subject to a referendum.
227. With regard to corruption and transparency, he agreed that corruption needed to be eliminated and that there should be transparency in Government. However, he had not seen any evidence of those principles being applied and pointed to the public perception that corruption was now worse than before.
228. Responding to the Government's assurances with regard to labour standards, he pointed out that not only had no action been taken, but more restrictions had been imposed on trade unions and workers in Fiji. He recalled that past assurances and deadlines had not been respected and questioned the seriousness of those undertakings. Nevertheless, he hoped that the latest assurances would bear fruit and reaffirmed the willingness of the trade unions to cooperate with the Government to ensure that core labour standards and the report on Case No. 2723 were respected.
229. Turning to the ILO direct contacts mission, the speaker recalled that it had not been the first time that an international mission had been expelled from Fiji, despite the existence of previously agreed terms of reference and he hoped that the latest invitation would be respected. Furthermore, he insisted that the terms of reference should draw upon the report of the Committee on Freedom of Association and not be decided by the Government. He was in favour of bringing forward the date of the mission so that it could complete its work and present a report at the 317th Session of the Governing Body in March 2013.

230. In conclusion, he concurred with the Employer Vice-Chairperson's statement concerning the reduction of the minimum wage.
231. *Speaking on behalf of the EU*, a Government representative of Cyprus said that Albania, Bosnia and Herzegovina, Croatia, Iceland, Republic of Moldova, Montenegro, Norway, Serbia and The former Yugoslav Republic of Macedonia aligned themselves with the statement. She noted the launch of a political process in Fiji that envisaged a new Constitution by 2013 and parliamentary elections by 2014. Stressing the importance of human rights, freedom of association and the role of the ILO in safeguarding international labour standards, the EU regretted the premature expulsion of the ILO direct contacts mission and encouraged the Government of Fiji to engage with the ILO in organizing a new mission. She concluded by noting that the present resolution should not create a precedent and that the appropriate forum for discussing such cases was the Committee on the Application of Standards.
232. *Speaking on behalf of Australia and New Zealand*, a Government representative of Australia expressed concern over the labour and human rights situation in Fiji and deplored the early departure of the direct contacts mission, which had prevented it from fulfilling its mandate. He appreciated the work of the mission team, the ILO Office in Suva and ILO staff in organizing the mission. He urged the Government of Fiji to accept another mission under the original terms of reference before the 317th Session of the Governing Body in March 2013, and reaffirmed the countries' support for the restoration of core labour rights to the Fijian people. Moreover, he called on the Government of Fiji to take further steps to ensure free and fair elections in order to restore democracy to the country.
233. *A Government representative of India* noted that, until recently, the Government of Fiji and the trade unions had enjoyed a good relationship. He welcomed the relaxation of the travel restrictions on Mr Antony and the steps being taken by the Government to settle pending issues with trade unions.
234. *A Government representative of the United States* expressed deep concern about the ongoing violations of trade union rights in Fiji and the early departure of the direct contacts mission. His Government believed that an important opportunity for finding solutions to the issues raised before the ILO's supervisory bodies had been squandered. He fully supported the establishment of the terms of reference for the mission on the basis of well-established procedures for ILO direct contacts and endorsed their appropriateness for any future mission to Fiji.
235. He expressed reservations as to whether a resolution was the most appropriate means of registering the Governing Body's concerns, but nevertheless fully supported the content of the resolution.
236. *Speaking on behalf of the Africa group*, a Government representative of Kenya regretted that the direct contacts mission had been unable to fulfil its mandate. She encouraged the Government of Fiji and the ILO to remedy that situation as a matter of urgency.
237. *The Chairperson* said that it had been a rich and promising debate and that the Office had taken note of the guidance provided.

## **Outcome**

238. *The Governing Body adopted the following resolution on the trade union situation in Fiji:*

The Governing Body of the International Labour Office,

Noting with great concern that the Government of Fiji stopped the International Labour Organization (ILO) from carrying out a direct contacts mission in September 2012 to verify complaints regarding freedom of association,

Noting that the Government presented the mission with new and unacceptable terms of reference which differed from those agreed prior to the mission and, ultimately instructed the mission to leave Fiji immediately,

Recalling that the ILO direct contacts mission was undertaken pursuant to the recommendations of the ILO Committee on Freedom of Association (Case No. 2723, Interim report, November 2011) as well as the resolution on the trade union situation in Fiji, adopted at the 15th ILO Asia and the Pacific Regional Meeting in December 2011,

Noting that Fijian trade unionists have recently been detained, harassed and continue to be prosecuted on allegedly specious grounds,

Noting that since 2009, the Government has issued executive decrees that sharply curtail trade union and labour rights in both the public and private sectors; have deprived Fijian workers of their fundamental rights guaranteed by ILO Conventions Nos 87 and 98; eliminated access to judicial review and redress for past, present and future violations; and disallowed the right to question the legality of the decrees themselves,

Noting that these were made without consultation with Fijian social partners,

Noting that while the Public Emergency Regulations of 2009 were repealed in 2012, they were replaced with the Public Order Amendment Decree (POAD) of 2012, which continues to require the social partners to seek the consent of the authorities prior to holding meeting,

Noting that the POAD contains additional provisions that trade unions fear could sharply curtail their right to freely associate and to otherwise carry out trade union activity,

Recalling furthermore that the Essential National Industries Decree in 2011 has cancelled union registrations and requires all trade unions in critical corporations (including finance, telecoms, civil aviation, and all foreign banks and public utilities sectors) to be re-registered under the Decree, and that the Decree further prevents trade unions from electing full-time trade union officials into office and only allows for the establishment of bargaining units with the prior approval of the Prime Minister,

Concerned that these decrees have had an impact on trade unions regarding both their membership and finances; and that, following the decrees, union recognition and the continued observation of collective agreements has been questioned,

Regretting that, while the Government invited Fijian trade union representatives to one meeting to discuss potential labour law reforms, since then no meeting has been held,

Considering that the above actions will continue to have adverse consequences for investment and employment in Fiji and further noting the damage already done to its standing in the region and the international community,

Recalling further the deep concern expressed and the actions recommended by the tripartite ILO constituents in the region as reflected in the resolution adopted at the ILO Asia and the Pacific Regional Meeting in Kyoto in December 2011, which has not been implemented by the Fiji Government.

1. Deeply regrets, in view of these serious concerns, the actions of the Fiji Government; and

2. Instructs the Director-General to:

- (a) work with the Fiji Government to seek its acceptance of the direct contacts mission under the previously agreed terms of reference, which are based on the conclusions and recommendations of the ILO Committee on Freedom of Association in Case No. 2723;
- (b) urge that the Government, together with the social partners, find appropriate solutions in law and in practice which are in conformity with freedom of association principles;
- (c) continue to closely monitor the situation in Fiji and work to safeguard the human and labour rights of Fijian workers; and

- (d) report to the Governing Body at its 317th Session (March 2013) on action taken and developments regarding the trade union situation in Fiji.

## Ninth item on the agenda

### Reports of the Committee on Freedom of Association

#### 365th Report (GB.316/INS/9/1)

**239.** *The Chairperson of the Committee* stated that the Committee had taken note of the 365th and 366th Reports which included 181 pending cases, of which 32 had been examined on their merits. Urgent appeals had been made in the following cases: Case No. 2655 (Cambodia), Case No. 2912 (Chile), Cases Nos 2924 and 2933 (Colombia), Cases Nos 2714, 2715 and 2925 (Democratic Republic of the Congo), Case No. 2753 (Djibouti), Case No. 2786 (Dominican Republic), Cases Nos 2684 and 2928 (Ecuador), Cases Nos 2909, 2923 and 2930 (El Salvador), Case No. 2914 (Gabon), Cases Nos 2708, 2811 and 2869 (Guatemala), Case No. 2913 (Guinea) and Case No. 2740 (Iraq). Despite the time that had elapsed, the governments concerned had not provided the requested observations. Therefore, the Committee appealed to the governments in question to submit their observations as a matter of urgency. It noted with satisfaction that there had been developments in five cases, drawing attention to Case No. 2924 (Colombia), where a constitutional court ruling had led to the reinstatement of 50 trade union members and officers. In Case No. 2701 (Algeria), the Committee noted with satisfaction the registration of the National Union of Vocational Training Workers. In Cases Nos 2638 and 2757 (Peru), 12 workers had been reinstated and a constitutional court judgment had given state workers with administrative service contracts the right to organize and strike. Regarding serious and urgent cases, the Committee drew attention to Case No. 2906 (Argentina), involving the murder of four workers and the injury of two others. In such cases, it was essential to institute an independent judicial inquiry in order to determine responsibility, punish those responsible and prevent reoccurrence. In Case No. 2318 (Cambodia), the Committee regretted the absence of further information on the murders of three trade union leaders in 2004 and 2007, including information on the existence of independent investigations. Earlier that day, the Chairperson of the Committee had met with the Director-General of the Labour Ministry of Cambodia and had been promised that the information would be provided as soon as possible. In Case No. 2516 (Ethiopia), the Committee expressed its deep regret that the teachers' organization (NTA) had still not been registered, and urged the Government to do so. In Case No. 2723 (Fiji), the Committee serious concern that while the Government of Fiji had accepted a direct contacts mission to the country, it had not allowed the mission to continue its work and had forced it to leave. The Committee hoped that the Government would rapidly re-establish dialogue so that the mission could return to the country. Independent investigations into allegations of physical assault, harassment and intimidation of trade union leaders and members should be conducted. The Committee further urged the Government to take the necessary measures to ensure that all criminal charges of unlawful assembly brought against Mr Nitendra Goundar and Mr Daniel Urai from the tourism union were dropped. The Committee noted that a subcommittee of the Employment Relations Advisory Board had agreed to repeal the majority of the provisions in violation of Conventions Nos 87 and 98, and the principles of freedom of association and collective bargaining, by taking measures to align them with those principles. Following the adoption of a public service decree in 2011, the Committee requested the Government to provide information on the relevant mechanisms that enabled public servants to file individual and collective

grievances, and to indicate the results of the tripartite review of the government decrees that dealt with freedom of association rights in the public service. In Case No. 2664 (Peru), which concerned the murder of a trade union member in 2008, the Committee expected that further investigations would explain why no arrests had been made.

- 240.** *The Employer spokesperson* said that Employer members had considered 36 cases and had participated in formulating conclusions for 32 of them; the remaining four cases had been deferred due to the late arrival of substantive government replies.
- 241.** In a considerable number of cases, Employer members had addressed serious issues that had only been responded to in part by the government in question. That fact made it difficult to assess the merits of complaints, especially those involving the alleged conduct of an enterprise. He urged governments to submit full reports and enterprises to cooperate when complaints were brought to their attention. Employer members had also considered a number of cases concerning human resources and believed that the majority of those cases should be dealt with at either the local or national level. To that end, he encouraged governments to set up appropriate machinery where none existed and called on complainants to avail themselves of it. He emphasized that the Committee was not an appellate body for local labour disputes and that attempts to invoke the jurisdiction of an international organization for human resource disputes had the effect of diverting resources from major infractions of freedom of association.
- 242.** He took note of a number of serious and urgent cases involving threats and the infringement of personal and civil liberties, human rights and freedom of association. He called for such acts to be remedied with immediate effect.
- 243.** He drew the attention of the Governing Body to Case No. 2820 (Greece) in which the Committee had been able to reach substantive conclusions on a complaint concerning the negative impact of austerity measures on collective bargaining rights. The Committee's mandate did not extend to an assessment of a government's economic or social policy but solely to freedom of association or collective bargaining issues. The Committee had recalled that it was consistent with freedom of association principles to introduce emergency economic stabilization measures, provided that they were temporary, proportionate, necessary and the result of social dialogue. Given that the economic crisis in Greece was set to continue, he hoped that the Committee's conclusions and recommendations would inform any further action taken by the Government. The Government should follow up on the implementation of the Committee's recommendations and keep it informed of developments.
- 244.** Case No. 2723 (Fiji) was also a serious and urgent case, especially following the recent expulsion of the direct contacts mission to the country. The Committee expressed deep concern at the actions of the interim Government of Fiji and continued to call on it to bring its practices and legislation into conformity with freedom of association principles. The Committee urgently sought the re-establishment of dialogue through a direct contacts mission where it could exercise its mandate without hindrance. The appeal to the Government was genuine and had been made in the spirit of independent fact-finding and the restoration of internationally recognized rights.
- 245.** He also drew attention to Case No. 2905 (Netherlands) concerning government decrees. The complaint had been presented by an association of employers and highlighted the risks associated with the Government seeking to use its executive power to interfere in collective bargaining matters. The Committee asked to be kept informed of any legal proceedings resulting from the decrees.

- 246.** The Employer members acknowledged the cases in which governments had cooperated with the Committee by providing replies. However, the Committee continued to face a large backlog. Delayed replies could lead to complaints not being dealt with until two years after the alleged events had occurred. Complainants should provide sufficient detail to enable governments to present relevant and up-to-date replies.
- 247.** *The Worker spokesperson* noted with satisfaction that a trade union in Algeria had finally been registered after ten years. Furthermore, in Case No. 2878 (El Salvador), it had once again become possible to collect members' dues. In Case No. 2356 (Colombia), the 51 workers' union officials who had been dismissed in 2004 had finally been reinstated. Moreover, in Case No. 2086 (Paraguay), a worker who had been imprisoned had been released, albeit temporarily.
- 248.** In Case No. 2820 (Greece), the mandate of the Committee in no way extended to a political or economic debate but to ensuring respect for social dialogue based on the principles of freedom of association and collective bargaining. Unfortunately, that did not appear to be the case in Greece at the present time. However, the situation in the country had not prevented the Committee from drawing upon its jurisprudence to call on the Greek authorities to respect free and voluntary collective bargaining, as had been reflected in its conclusions.
- 249.** In the Republic of Korea and Fiji, the Committee had received reports of governmental interference in the collective bargaining process and the systematic restriction of freedom of association. While the Worker members noted with satisfaction that the trade union officials who had been arrested in Fiji had been released and that the state of emergency had been lifted, they deplored the attitude of the authorities concerning the expulsion of the ILO direct contacts mission to the country.
- 250.** Three cases in Guatemala, Case No. 2648 (Paraguay) and Case No. 2815 (Philippines) concerned dismissals and obstacles to establishing trade unions and to collective bargaining. The Committee had once again examined Case No. 2807 (Islamic Republic of Iran), concerning alleged restrictions on establishing and choosing a trade union. In Case No. 2812 (Cameroon), strikes had been suppressed. Case No. 2902 (Pakistan) concerned serious allegations regarding the use of firearms against demonstrating workers. In Case No. 2851 (El Salvador), trade union members had been arrested and dismissed for participating in a strike.
- 251.** Referring to Case No. 2758 (Russian Federation) and to Case No. 2723 (Fiji), he underlined that freedom of expression was an essential element of trade union rights and that it should be safeguarded.
- 252.** Other serious and urgent cases included Case No. 2906 (Argentina) and Case No. 2664 (Peru), which served to highlight the importance of investigations. In Case No. 2318 (Cambodia), the lack of reply from the Government was unacceptable. He called on the Government to send a reply as a matter of urgency. In Case No. 2516 (Ethiopia), the Committee was to examine serious allegations concerning the violation of freedom of association dating back to 1997.
- 253.** *A Government representative of Cambodia*, referring to paragraph 290 of the report, said that his delegation wished to provide an update on Case No. 2318. Following thorough investigations, the Appeal Court had held a hearing on 7 November 2012 and a verdict would be delivered in the near future. His Government would keep the Committee informed of further developments. As regards Case No. 2655 concerning the authority JASA, the Arbitration Council had taken a legal decision on 29 January 2011. However, the workers had filed a complaint against the employer and so the Arbitration Council

could not implement the decision. Hence, both parties could, in accordance with the established legal procedure, bring the case before a general court. As regards the authority APSARA, on 12 February 2010, the employers lost an appeal against the decision of the Arbitration Council and so both parties could bring the case before a general court. As regards the Angkor Golf Resort, on 19 January 2010, the workers had decided to withdraw their complaint. The Arbitration Council subsequently closed the case without taking a legal decision.

- 254.** His Government wished to reassure the Committee of its commitment to bringing the perpetrator to justice. Legal proceedings were ongoing for all cases in the Court of First Instance, the Appeal Court or the Supreme Court. The Government itself had no influence on the decision taken by the relevant judicial body.
- 255.** *A Government representative of the Republic of Korea*, referring to paragraph 582, subparagraph (h) of the report, expressed concern that the Committee had accepted as fact the complainant's argument that the measures taken by the Government in the public sector had had a serious impact on the trade union movement, even though those measures were aimed at ensuring responsible management. Furthermore, she failed to understand how the Committee had concluded that the issuance of budgetary guidelines and the assessment of the financial soundness of the public sector had had a serious impact on the trade union movement. She drew attention to paragraph 572, which stated that the financial authorities could formulate recommendations that were in line with the Government's economic policy, and to paragraph 574, which stated that the special nature of the public service required some flexibility in the application of the principle of autonomy in collective bargaining.

## **Decision**

- 256.** *The Governing Body took note of the introduction to the report of the Committee, contained in paragraphs 1–194, and approved the recommendations made in paragraphs: 215 (Case No. 2861: Argentina); 235 (Case No. 2870: Argentina); 261 (Case No. 2906: Argentina); 281 (Case No. 2858: Brazil); 290 (Case No. 2318: Cambodia); 301 (Case No. 2808: Cameroon); 314 (Case No. 2812: Cameroon); 356 (Case No. 2863: Chile); 408 (Case No. 2884: Chile); 429 (Case No. 2852: Colombia); 582 (Case No. 2829: Republic of Korea); 602 (Case No. 2851: El Salvador); 623 (Case No. 2871: El Salvador); 634 (Case No. 2878: El Salvador); 646 (Case No. 2879: El Salvador); 667 (Case No. 2903: El Salvador); 692 (Case No. 2516: Ethiopia); 783 (Case No. 2723: Fiji); 1003 (Case No. 2820: Greece); 1024 (Case No. 2709: Guatemala); 1063 (Case No. 2840: Guatemala); 1088 (Case No. 2872: Guatemala); 1100 (Case No. 2807: Islamic Republic of Iran); 1109 (Case No. 2794: Kiribati); 1123 (Case No. 2902: Pakistan); 1132 (Case No. 2648: Paraguay); 1227 (Case No. 2905: Netherlands); 1258 (Case No. 2934: Peru); 1278 (Case No. 2815: Philippines); 1289 (Case No. 2713: Democratic Republic of the Congo); 1300 (Case No. 2797: Democratic Republic of the Congo); 1401 (Case No. 2758: Russian Federation), and adopted in full the 365th Report of the Committee on Freedom of Association.*

(GB.316/INS/9/1.)

## 366th Report (Belarus)

(GB.316/INS/9/2)

257. The Chairperson of the Committee said that the 366th Report had once again reviewed the steps taken by the Government of Belarus to implement the recommendations of the Commission of Inquiry, published in 2004. Regrettably, the Government had not only failed to reply to the Committee's previous recommendations, but also to cooperate regarding new allegations of violations of freedom of association. The Committee urged the Government to be more cooperative, pointing to the difficulties affecting union registration, especially the Belarusian Independent Trade Union which had been unable to set up a union at the "Granit" enterprise, and to amend Decree No. 2, in line with the recommendations of the Commission of Inquiry. The Committee requested the Government to address the new allegations regarding anti-union interference and dismissals, and urged it to intensify social dialogue with all workers' and employers' organizations to ensure that freedom of association was guaranteed both in law and in practice.
258. *The Worker spokesperson* deplored the fact that the Government of Belarus had failed to reply to the Committee's recommendations, especially since there was no evidence to suggest that the situation concerning the numerous violations of freedom of association had improved. The Worker members were of the opinion that the Governing Body should consider specific action at its meeting in March 2013.
259. *A Government representative of Belarus* said that his Government would send comments regarding the company "Granit" to the Committee in the near future. It would also send that information to the Committee of Experts on the Application of Conventions and Recommendations (CEACR). The working group of the tripartite Council for the Improvement of Legislation in the Social and Labour Sphere had only received the documents from the Congress of Democratic Trade Unions (CDTU) in June 2012. As a number of the issues contained therein were unclear, the secretariat of the tripartite Council had requested additional information from the CDTU in the interests of carrying out a more accurate assessment of the situation and taking an objective decision. The process for developing a social partnership system in Belarus was ongoing. Domestic legislation and practices were being improved in accordance with the decision taken by the tripartite Council on 17 May 2012. His Government was currently drafting new legislation aimed at improving collective bargaining agreements. In December 2012, the tripartite Council would meet to examine proposals for amending the law concerning trade unions and the Labour Code. His Government was counting on the assistance of the ILO in that endeavour. During the session, his Government would engage in consultations with a view to further developing social dialogue in Belarus. It would also begin preparing for a new general agreement under the auspices of the national council on labour and social issues in 2013.

### **Decision**

260. *The Governing Body took note of the introduction to the report of the Committee, contained in paragraphs 1–6, and approved the recommendations made in paragraph 28, and adopted in full the 366th Report of the Committee on Freedom of Association.*

(GB.316/INS/9/2.)

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## Tenth item on the agenda

### Report of the Board of the International Institute for Labour Studies

#### 54th Session of the Board (GB.316/INS/10)

261. *The Chairperson* introduced the report and confirmed that the Board of the Institute had held its 54th Session in Geneva on 9 November, and that the Director-General of the ILO had chaired the meeting.

#### **Outcome**

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

(GB.316/INS/10.)

## Eleventh item on the agenda

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

#### 74th Session of the Board (Turin, 1–2 November 2012) (GB.316/INS/11)

263. *A Worker member from South Africa* said that the Turin Centre was not delivering sufficient capacity to its constituents and that the lack of non-earmarked funding in 2012 had led to a reduction in Worker, Employer and Government participants. The Turin Centre needed new donors providing non-earmarked funding in order to play its role as the training arm of the ILO. The private donor approach was not meeting the needs of the workers. He looked forward to the outcome of the meeting of the Director-General with the management in Turin and staff, and hoped that the Staff Union's concerns would be addressed.

#### **Outcome**

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

(GB.316/INS/11.)

## **Twelfth item on the agenda**

### **Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference** (GB.316/INS/12)

#### ***Decision***

*265. The Governing Body accepted the proposed timetable set out in the appendix to document GB.316/INS/12 and requested the Office:*

- (a) to submit to the Governing Body at its 317th Session (March 2013) a detailed plan for the implementation at the 102nd Session (June 2013) of the Conference, on a trial basis, of those options on which a consensus has been reached in the Working Party, together with an assessment of the cost and legal implications of those proposals;*
- (b) to prepare a background document and organize informal tripartite consultations on further measures to be submitted to the Working Party in March 2013.*

(GB.316/INS/12, paragraph 23.)

## **Thirteenth item on the agenda**

### **Report of the Working Party on the Social Dimension of Globalization** (GB.316/INS/13)

#### ***Outcome***

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

(GB.316/INS/13.)

## Fourteenth item on the agenda

### Report of the Director-General

(GB.316/INS/14, GB.316/INS/14(Add.)  
and GB.316/INS/14(Add.2))

### Obituaries

### Decisions

*267. The Governing Body invited the Director-General to convey its condolences to the Government of Brazil and to the family of Mr Arnaldo Lopes Sussekind; to the President of the Association of Lesotho Employers and to the family of Mr Thabo Makeka; to the President of APINDO and the family of Pak Djimanto; to the Federation of Kenya Employers and to the family of Mr Tom Diju Owuor; and to the SNIMCMA and to the family of Ms Anna Da Conceição Pedro Garcia.*

(GB.316/INS/14, paragraphs 6, 12 and 16, and GB.316/INS/14(Add.2), paragraphs 5 and 9.)

### Membership of the Organization, progress in international labour legislation and internal administration

*268. Speaking on behalf of the Africa group, a Government representative of Kenya welcomed the Republic of South Sudan and the Republic of Palau as the 184th and 185th member States of the International Labour Organization, respectively.*

*269. The Worker Vice-Chairperson and a Government representative of Egypt endorsed those remarks.*

*270. The Worker Vice-Chairperson also welcomed the latest ratifications of Conventions, in particular those pertaining to the Maritime Labour Convention, 2006, which would enter into force on 20 August 2013.*

### Outcome

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

(GB.316/INS/14 and GB.316/INS/14(Add.))

**First Supplementary Report: Documents  
submitted for information only  
(GB.316/INS/14/1)**

**Outcome**

*272. The Governing Body took note of the information contained in the documents listed in the appendix.*

(GB.316/INS/14/1, paragraph 4.)

**Second Supplementary Report:  
Follow-up to Governing Body decisions  
(GB.316/INS/14/2)**

*273. The Chairperson* drew attention to the inclusion of an additional column detailing obstacles or delays in the execution of decisions. He invited the Governing body to comment on the report.

*274.* There was broad agreement in the Governing Body that the report was a useful monitoring tool, that the additional column on the implementation status was helpful and that completed items should be removed from the report.

*275. The Worker Vice-Chairperson* expressed concerns about the follow-up action being taken by the Office on several earlier decisions. With regard to GB.313/POL/3 on the ILO–G20 training strategy, he considered that the approach reported in the document was narrow and too focused on the private sector with no apparent interaction with trade unions. He would also have liked to have seen a broader agenda, based on the Human Resources Development Recommendation, 2004 (No. 195). It was disappointing that funding had not yet been secured for the tripartite meeting of experts proposed in GB.312/POL/6, to examine private compliance initiatives in the light of international labour standards. With regard to GB.312/POL/3, he noted that the social partners had raised concerns over the Office strategy in giving effect to the conclusions concerning the promotion of sustainable enterprises which had been adopted at the International Labour Conference in 2007. However, the information in the current document did not adequately reflect those criticisms.

*276. Speaking on behalf of the Africa group,* a Government representative of Kenya proposed that the implementation status should indicate progress by means of required actions and timelines for completion.

**Decision**

*277. The Governing Body requested the Office to prepare for its 317th Session (March 2013) a supplementary report on the follow-up to the decisions adopted since November 2011, taking into account the guidance provided concerning the format of future reports, in particular the presentation of decisions which have been fully implemented.*

(GB.316/INS/14/2, paragraph 7.)

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**Third Supplementary Report: Appointment  
of two Deputy-Directors-General and one  
Assistant Director-General**  
(GB.316/INS/14/3)

**Outcome**

*278. The Governing Body noted the appointments of Mr Greg Vines as Deputy Director-General for Management and Reform, of Ms Sandra Polaski as Deputy Director-General for Policy, and of Mr Yoshiteru Uramoto as Regional Director of the ILO Regional Office for Asia and the Pacific, at the Assistant Director-General level, made by the Director-General after having duly consulted the Officers of the Governing Body, and invited Mr Vines and Mr Uramoto to make and sign the prescribed declarations of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.*

(GB.316/INS/14/3, paragraph 5.)

*279. Pursuant to article 1.4(b) of the Staff Regulations, Mr Greg Vines, Deputy Director-General for Management and Reform and Mr Yoshiteru Uramoto, Regional Director of the ILO Regional Office for Asia and the Pacific, made and signed the prescribed declaration of loyalty.*

**Fourth Supplementary Report: Financial  
arrangements for the Meeting of Experts  
on Forced Labour and Trafficking for  
Labour Exploitation**  
(Geneva, 11–15 February 2013)  
(GB.316/INS/14/4)

**Decision**

*280. The Governing Body decided that the cost of the Meeting of Experts on Forced Labour and Trafficking for Labour Exploitation, estimated at US\$302,000, be financed, in the first instance, from savings in Part I of the budget or, failing that, through Part II, on the understanding that, should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the biennium.*

(GB.316/INS/14/4, paragraph 6.)

## Fifteenth item on the agenda

### Reports of the Officers of the Governing Body

#### **First report: Complaint concerning the non-observance by Bahrain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made by delegates to the 100th Session (2011) of the International Labour Conference under article 26 of the ILO Constitution (GB.316/INS/15/1(Rev.))**

- 281.** *The Chairperson* drew attention to the draft decision in paragraph 17, recommended by the Officers of the Governing Body, to defer a decision on the complaint to the 317th Session of the Governing Body in March 2013.
- 282.** *The Worker Vice-Chairperson* recalled that in November 2011 the Government of Bahrain had undertaken to set up a tripartite structure that would meet weekly and report back to the Office on a regular basis. That had proved a complete failure. In March 2012, at the 313th Session of the Governing Body, the Workers' group had agreed, exceptionally, to defer consideration of the complaint on the basis that the new tripartite structure would be able to resolve the question of the outstanding dismissals. However, several hundred of the workers dismissed from their jobs had not been reinstated, or had not been allowed to return to the same job as before. Arrests and harassment of trade unionists were continuing, and there were new cases of dismissals and continuing reprisals against workers and their representatives. The tripartite agreement must be fully implemented, without further delay, and there must be no new violations of Convention No. 111. At present, there was every indication that the situation was actually deteriorating, with increased discrimination against workers. The personal safety of trade union leaders in Bahrain must be guaranteed and respected. The draft decision, supported by the Workers' group, was intended as a clear and final message to the Government of Bahrain that the situation would no longer be tolerated and that it must take immediate action to fulfil its commitment to respect international labour standards, especially Convention No. 111.
- 283.** *The Employer Vice-Chairperson* said that wide-ranging discussions had taken place in an endeavour to resolve the outstanding problems. Since June 2012, over 90 per cent of the dismissed workers had been reinstated in their jobs. Although the situation was not yet completely satisfactory, the tripartite approach had proved a success, and the Government was cooperating both with the social partners and with the Office. The Employers' group urged it to explore all possible avenues so that the matter could be brought to a satisfactory conclusion by the 317th Session of the Governing Body in March 2013.
- 284.** *A Government representative of Bahrain* said that his Government had been pursuing a stable and evolving relationship with the ILO. It was consolidating the process of social dialogue and was guaranteeing the independence of workers' organizations and the right to freedom of association. It had recently hosted two ILO missions, which had contributed to achieving significant results in the ongoing social dialogue. The events of February and March 2011 had had a severe impact on the economy of the country and on employers and workers, but calm had now been restored, over 95 per cent of the dismissed workers had been able to return to their jobs, and the Government had worked to meet the standards set by the ILO. Some individuals remained dissatisfied because there had been delays in

tackling their problems. However, his Government would continue to support all efforts by the social partners, on the basis of the tripartite agreement, to resolve outstanding issues, promote labour standards and secure decent work for all.

- 285.** *A Worker representative of Bahrain* said that unfortunately, no redress had yet been found for those workers who had been deprived of their employment and, in addition, lacked the rights to social protection enshrined in international conventions, and even the right to citizenship of the country in which they were living and working. The tripartite agreement was not being respected. The workers' organizations of Bahrain welcomed the efforts of the Office and of the ILO to find a way forward and to secure the right of workers to organize, assemble and go on strike. However, workers in Bahrain were being treated like machines. Many were separated from their families, deprived of their wages and of social protection. Even those dismissed workers who had returned to work were faced with discrimination, and the workers' organizations were persecuted. In Bahrain, there was no recognition of workers' rights, especially the right to decent work. The workers' organizations were being told that consultations and dialogue were taking place, but their own experience was of violence and abuse on the streets. They could not express their views without fear. Many young people were losing hope in the future. However, the trade union movement in Bahrain rejected violence and was anxious to pursue dialogue. He called upon the ILO, as a neutral body, to help find a lasting solution to secure the rights of the workers and bring about social justice.
- 286.** *An Employer representative of Bahrain* said the Government had expressed a sincere intention to achieve the reinstatement of the dismissed workers. The report before the Governing Body indicated that progress had been made. An ILO technical mission to Bahrain had met with representatives of the employers and the workers, and had studied the facts on the ground.
- 287.** The Minister of Labour had said that 98 per cent of the dismissed workers had been reinstated, and that was a very positive sign. Further efforts were being promised by the Government, in conjunction with the social partners. He hoped that the work now being done, with the technical assistance of the ILO and through tripartite discussions with the social partners, would bring about a new and better situation by March 2013.
- 288.** *A Government representative of India* observed that the Government of Bahrain had taken a number of steps to address the problem of the workers dismissed from their jobs in the spring of 2011. In March 2012 a tripartite agreement had been signed between the Government, the General Federation of Bahrain Trade Unions (GFBTU) and the Bahrain Chamber of Commerce and Industry (BCCI). Since then the Government had reviewed all the cases brought to it by the GFBTU, and of about 5,000 workers who had been suspended from their jobs or dismissed, about 98 per cent had been reinstated or re-employed, or had received bona fide offers to settle their claims. The cases which still had to be resolved were those pending before the courts or those of workers employed in small and medium-sized enterprises, over which the Government had little influence. He was however encouraged by the progress made by Bahrain in implementing the recommendations of the Bahrain Independent Commission of Inquiry. All countries must respect the rights of workers and promote a climate of trust in which problems could be addressed. In view of the substantial progress achieved in Bahrain, establishing an ILO Commission of Inquiry would duplicate the efforts already under way inside the country.

- 289.** *A Government representative of Thailand* expressed satisfaction at the continued efforts by the Government of the Kingdom of Bahrain to undertake concrete measures to resolve the cases brought forward by the GFBTU. He welcomed the tripartite approach taken by the Government in consultation with the ILO, and the reinstatement of almost 99 per cent of dismissed workers. His delegation believed that the Governing Body should recognize the willingness demonstrated by Bahrain to address the pending issues and saw no need for the Governing Body to take further action related to the complaint. He conveyed his Government's hope that the complaint would be removed from the agenda of the Governing Body.
- 290.** *A Government representative of Egypt* welcomed the positive attitude taken by the Government of Bahrain. While it was important to acknowledge the workers' allegation that some dismissed workers had not yet been reinstated, it was equally important to recognize that 98 per cent of those cases had been resolved. He appealed to all parties to support efforts to continue on the path of social dialogue.
- 291.** *A Government representative of Qatar* endorsed the statement of the Government representative of Egypt recognizing the willingness of the Government of Bahrain to cooperate with other parties in supporting ILO mechanisms and instruments. The reinstatement of 98 per cent of the dismissed workers was proof of that. She expressed gratitude to the ILO for its untiring efforts to provide advisory and technical services to the stakeholders. She urged the ILO to consider the progress made, the goodwill and sincerity shown by the Government of Bahrain, and urged that more time be given to Bahrain to settle the conflict. She also expressed support for Bahrain's request to have the complaint withdrawn.
- 292.** *Government representatives of Algeria, China, Pakistan, Sudan, Sri Lanka and the United Arab Emirates* welcomed the efforts and goodwill of Bahrain to find a solution. Convinced that the Government of Bahrain was on the right path, their delegations also supported the Government of Bahrain's appeal to turn the page on the issue. They stressed the need for national reconciliation and emphasized the importance of pursuing tripartite dialogue, regardless of the difficulties.
- 293.** *A Government representative of Sri Lanka* said that due to the complex nature of the remaining cases, and in recognition of the efforts to address them, his delegation believed that it was not appropriate for the Governing Body to appoint a Commission of Inquiry at that time. He called upon the Government of Bahrain to resolve the remaining cases.
- 294.** *A Government representative of the United States* noted for the record that his delegation fully endorsed the proposal of the Officers of the Governing Body, that a decision on the pending article 26 complaint against Bahrain should be deferred until the 317th Session of the Governing Body in March 2013.
- 295.** *A Government representative of Bahrain* expressed his gratitude to all those who had recognized his Government's efforts and the progress made. Emphasizing his country's commitment to workers' rights and its achievements in the area of labour law, he declared unacceptable all that had been said about the suffering of individual workers in Bahrain.
- 296.** Concerning the allegations by the Worker representative that there were 700 irregular or non-regularized cases, he said that that could be checked against the findings of the mission that had visited Bahrain in October. He affirmed that it would take only one such case for the Government of Bahrain to be concerned. His Government was committed to ensuring that any problem between employers and workers would be dealt with fairly. He urged all parties to come together in an enabling environment, with open hearts and outstretched arms, and assured all workers that their rights would be respected.

297. He expressed gratitude to the ILO for its cooperation and determination to be fair and candid in its assessment of the state of progress with regard to the case.
298. *The Employer Vice-Chairperson* said that, without entering into the substance of the issue nor the document before the Governing Body, which his group supported, his group had concerns of a technical nature regarding paragraph 13. His group wished to withhold its views on that aspect, for discussion at an appropriate time in the future.
299. *The Chairperson* highlighted the goodwill and willingness shown by all sides, which, if it continued, could lead to the swift resolution of the situation. He noted the concerns of the Employers' group, which did not challenge the adoption of paragraph 17. The draft decision was adopted.

## **Decision**

### **300. *The Governing Body, on the recommendation of its Officers:***

- (a) *requested the Government to provide a report on the effective implementation of the Tripartite Agreement concerning the complaint signed by the tripartite constituents of Bahrain on 11 March 2012 and to report to the Governing Body at its 317th Session (March 2013) on the progress made to implement fully its provisions;*
- (b) *requested the Office to take the necessary measures to provide all the technical assistance necessary to the tripartite constituents, if requested by the Government or the organizations that signed the Agreement, the GFBTU or the BCCI, to ensure the effective implementation of the Tripartite Agreement, to take measures to promote a climate of genuine industrial relations, and to report to the Governing Body at its 317th Session on the progress made; and*
- (c) *on that basis, deferred its decision on the complaint to its 317th Session (March 2013).*

(GB.316/INS/15/1(Rev.), paragraph 17.)

## **Second report: Complaint concerning non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 101st Session (2012) of the International Labour Conference under article 26 of the ILO Constitution (GB.316/INS/15/2)**

301. *The Ambassador of Guatemala* said that the new Government that had taken office in January 2012 was implementing an agenda of change, revitalizing the 1996 peace accords that only 16 years previously had brought an end to an internal armed conflict of almost four decades. Its commitment to fundamental labour principles and rights had already produced significant results. In October, tripartite agreement had been reached with the support of the ILO on a Memorandum of Understanding and Implementation Plan for the

Decent Work Programme 2012–15, the top priority of which was to improve the labour justice system, give effect to international labour standards with a special focus on freedom of association and collective bargaining, and combat impunity. The budget of the Ministry of Labour had been increased by 30 per cent for the purpose of implementing the new labour policy. Coordination mechanisms had been set up between the executive and judicial branches, the budget of the Public Prosecutor's Office had been increased by 20 per cent to tackle as a matter of priority the acts of violence that afflicted the whole population, including some trade union members, and an agreement on cooperation and information exchange between the Public Prosecutor's Office and the ILO had been signed. Those measures made it possible to conduct more investigations and to settle more cases of violence against trade union members, which, in turn, had led to a drop in such violence.

- 302.** Her Government would have liked the Officers of the Governing Body to have given it more time to develop its labour policy by waiting a year before declaring the complaint receivable, or by establishing an alternative cooperation mechanism, requests that had been supported by its regional group. The Government would nevertheless continue to implement its policy and report to the supervisory bodies and would provide the information requested by the Office, in accordance with the mandate conferred upon it by the Governing Body. It reiterated the open invitation by the President of Guatemala to the Director-General and the Director of the International Labour Standards Department (NORMES) to visit the country to support the Government's efforts to secure full compliance with Convention No. 87 on the basis of tripartite commitment and participation.
- 303.** *The Worker Vice-Chairperson* said that although a new Government had taken office, the situation had not changed for workers, because trade union members were still being murdered. The persons responsible for the violations of Convention No. 87 were still evading justice. The Memorandum of Understanding for the implementation of the ILO Technical Cooperation Framework should not be used as an excuse for delaying the complaint process. The Workers therefore supported the draft decision.
- 304.** *The Employer Vice-Chairperson* said that while he welcomed the Guatemalan Government's readiness to cooperate with the ILO, Convention No. 87 embodied fundamental principles that had to be respected. The violations of that Convention which formed the subject of the complaint were of a serious nature and therefore had to be dealt with accordingly. He hoped that by March 2013, the Government would have taken steps to ascertain the facts, to ensure full compliance with Convention No. 87 and to respond to workers' concerns with regard to past events. The Employers supported the draft decision.
- 305.** *Speaking on behalf of GRULAC*, a Government representative of Colombia regretted that the request for deferral of consideration of the complaint's admissibility and the proposal for an alternative mechanism had been rejected. Guatemala should have been allowed enough time for technical assistance to bear fruit. Its Government had already taken a number of steps that sought, as a matter of priority, to promote and protect fundamental principles and rights at work, especially freedom of association and collective bargaining, as well as to combat impunity. GRULAC asked the Office to provide the Guatemalan Government with the requisite assistance in order to achieve the objectives set in tripartite consultations. GRULAC recognized the Guatemalan Government's efforts to promote social dialogue and it called on the ILO to help the Government and the social partners to move forward on the basis of mutual trust and good labour relations.
- 306.** *A Government representative of the Russian Federation* said that the measures taken by the Guatemalan Government showed that it was addressing the issues raised in the complaint.

307. *The Ambassador of Guatemala* said that her Government had taken note of the decision adopted by the Governing Body and of the fact that the events mentioned in the complaint presented by union leaders had taken place starting some 20 years previously. She reiterated the political will of the Government of Guatemala to ensure justice and to continue to take action and work tirelessly to eradicate the causes of the complaint. She also spoke of the importance of continuing to count on the support of the ILO and of governments and employers' and workers' organizations.

### **Decision**

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

- (a) *requested the Director-General to transmit the complaint to the Government;*
- (b) *invited the Office to obtain relevant information from the Government and employers' and workers' organizations of Guatemala, including the Memorandum of Understanding signed on 10 October 2012 and the report of the high-level mission conducted in May 2011, and to report to the Governing Body at its 317th Session (March 2013); and*
- (c) *placed that issue on the agenda of its 317th Session in order to decide whether further action on the complaint was required in the light of the information provided by the Office in connection with paragraph (b).*

(GB.316/INS/15/2, paragraph 8.)

### **Third report: Closing date of the International Labour Conference** (GB.316/INS/15/3)

### **Decision**

309. *On the recommendation of its Officers, the Governing Body decided that as from the next session of the International Labour Conference in June 2013, the closing ceremony be scheduled on the evening of the third Thursday of the session.*

(GB.316/INS/15/3, paragraph 4.)

## **Fourth report: Meeting of Experts on Forced Labour and Trafficking for Labour Exploitation**

(Geneva, 11–15 February 2013)

(GB.316/INS/15/4)

### **Decisions**

#### **Composition**

**310.** *On the recommendation of its Officers, the Governing Body approved the composition formula for that Meeting of eight experts nominated after consultations with Governments, eight experts nominated after consultations with the Employers' group and eight experts nominated after consultations with the Workers' group.*

**311.** *The Governing Body noted that, in order to obtain the Government nominations, the Director-General intended, after consultation with the Regional Coordinators, to approach the governments of eight countries. A reserve list would also be established which would include the governments of eight other countries.*

(GB.316/INS/15/4, paragraph 7.)

#### **Agenda**

**312.** *On the recommendation of its Officers, the Governing Body approved the agenda of the Meeting, which was to formulate recommendations to the Governing Body as to whether there was scope for standard setting to complement the ILO's Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). The topics to be covered had been identified in the Framework for Action, namely: (i) prevention of forced labour; (ii) victim protection, including compensation; and (iii) human trafficking for labour exploitation.*

(GB.316/INS/15/4, paragraph 9.)

#### **Invitation of intergovernmental organizations**

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

- *Council of Europe;*
- *International Organization for Migration (IOM);*
- *Office of the United Nations High Commissioner for Human Rights (OHCHR); and*

- *United Nations Office on Drugs and Crime (UNODC).*

(GB.316/INS/15/4, paragraph 11.)

### **Invitation of non-governmental organizations**

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

- *Anti-Slavery International (ASI); and*
- *Global Alliance against Traffic in Women (GAATW).*

(GB.316/INS/15/4, paragraph 13.)

**Fifth report: Representation alleging non-observance by Spain of the Termination of Employment Convention, 1982 (No. 158), submitted under article 24 of the ILO Constitution by the Trade Union Confederation of Workers' Committees (CC.OO.) and the General Union of Workers (UGT)**  
(GB.316/INS/15/5)

### ***Decision***

**315.** *The Governing Body decided that the representation was receivable.*

(GB.316/INS/15/5, paragraph 5.)

**Sixth report: Representation alleging non-observance by the Netherlands of the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Occupational Safety and Health Convention, 1981 (No. 155), submitted under article 24 of the ILO Constitution by the Netherlands Trade Union Confederation (FNV), the National Federation of Christian Trade Unions (CNV) and the Trade Union Confederation of Middle and Higher Level Employees' Unions (MHP) (GB.316/INS/15/6)**

***Decision***

**316.** *The Governing Body decided that the representation was receivable.*

(GB.316/INS/15/6, paragraph 5.)

**Seventh report: Status of developments in relation to the International Organization for Standardization (ISO) (GB.316/INS/15/7(Rev.))**

**317.** *The Worker Vice-Chairperson* stressed that the ILO was the international agency competent to deal with international labour standards, and that the ISO should not trespass in that area. As decided at the 310th Session of the Governing Body, the two organizations should establish a clear and concise understanding of their respective competencies. The Office should set up a tripartite team to safeguard its interests: a small committee of selected Government representatives, along with Employer and Worker representatives, should consider options in that connection. ACT/EMP and ACTRAV should also be involved in that endeavour.

**318.** *The Employer Vice-Chairperson* said that the two organizations should collaborate, avoiding superposition and without ISO interference in ILO matters. The Workers' proposal should be considered and analysed, and the Office should put forward other ideas for consideration at the 317th Session (March 2013) of the Governing Body. An agreement that would protect the ILO's interests was needed.

**319.** *A Government representative of India* pointed out that the issue at hand could have implications at the national level in India and certainly in other countries where national standard bodies administered standards under different ministries. All aspects of the issue required debate.

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**Outcome**

**320. *The Governing Body provided guidance on elements necessary for pursuing a general cooperation agreement with the International Organization of Standardization.***

(GB.316/INS/15/7(Rev.), paragraph 3.)

**Sixteenth item on the agenda****Composition and agenda of standing bodies and meetings**

(GB.316/INS/16)

**Tripartite Meeting of Experts on Labour Statistics on the Advancement of Employment and Unemployment Statistics**

(Geneva, 28 January–1 February 2013)

**Decisions****Composition**

**321. *On the recommendation of its Officers, the Governing Body approved that Australia be added to the reserve list for Government nominations for that Meeting, in order to reflect a greater regional balance.***

(GB.316/INS/16, paragraph 2.)

**Invitation of international non-governmental organizations**

**322. *On the recommendation of its Officers, the Governing Body authorized the Director-General to invite Women in Informal Employment Globalizing and Organizing (WIEGO) to be represented at the Meeting as an observer.***

(GB.316/INS/16, paragraph 4.)

**Global Dialogue Forum for the Promotion of the  
Work in Fishing Convention, 2007 (No. 188)**  
(Geneva, 15–17 May 2013)

***Decision***

**Invitation of international non-governmental  
organizations**

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

- *International Association of Classification Societies (IACS);*
- *International Christian Maritime Association (ICMA);*
- *International Collective in Support of Fishworkers (ICSF);*
- *International Committee on Seafarers' Welfare (ICSW);*
- *International Confederation of Water Transport Workers' Union (ICWTWU);*
- *International Co-operative Alliance (ICA);*
- *International Federation of Agricultural Producers (IFAP);*
- *International Maritime Health Association (IMHA);*
- *International Organisation of Employers (IOE);*
- *International Transport Workers' Federation (ITF);*
- *International Trade Union Confederation (ITUC);*
- *Organization of African Trade Union Unity (OATUU);*
- *Pan-African Employers Confederation (PEC); and*
- *World Federation of Trade Unions (WFTU).*

(GB.316/INS/16, paragraph 7.)

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**Meeting of Experts to Adopt Guidelines  
on the Training of Ships' Cooks**  
(Geneva, 23–27 September 2013)

***Decision***

**Invitation of international non-governmental  
organizations**

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

- *International Association of Classification Societies (IACS);*
- *International Christian Maritime Association (ICMA);*
- *International Co-operative Alliance (ICA);*
- *International Confederation of Water Transport Workers' Unions (ICWTWU);*
- *International Committee on Seafarers' Welfare (ICSW);*
- *International Federation of Agricultural Producers (IFAP);*
- *International Federation of Shipmasters' Associations (IFMSA);*
- *International Maritime Health Association (IMHA);*
- *International Organisation of Employers (IOE);*
- *International Shipping Federation (ISF);*
- *International Trade Union Confederation (ITUC);*
- *International Transport Workers' Federation (ITF);*
- *Organization of African Trade Union Unity (OATUU);*
- *Pan-African Employers Confederation (PEC); and*
- *World Federation of Trade Unions (WFTU).*

(GB.316/INS/16, paragraph 9.)

**Nineteenth International Conference  
of Labour Statisticians**  
(Geneva, 2–11 October 2013)

***Decision***

**Invitation of international non-governmental  
organizations**

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

- *General Confederation of Trade Unions (GCTU);*
- *Women in Informal Employment Globalizing and Organizing (WIEGO).*

(GB.316/INS/16, paragraph 11.)

**326.** *The Worker Vice-Chairperson* wished to draw the Governing Body's attention to the Officers' statement on the crisis. He then highlighted the plight of Mr Basile Mahan Gahé, Secretary-General of the "Dignité de Côte d'Ivoire" national trade union and former Governing Body member. Mr Gahé had been incarcerated in Bundiali prison, 800 km from Abidjan, for over 18 months. Despite efforts by international institutions, including the ILO, the Government refused to free him. Conditions in the prison were poor, and his health was suffering. The legal authorities remained vague as to the reasons for his detention and no date had been fixed for his trial. In its 2012 report, the Committee of Experts had requested his release, labelling his arrest as a serious violation of freedom of association. In view of that situation, and the aggression suffered by Mr Gahé and his family, the Workers called on the Director-General to intervene to secure his immediate release.

## Policy Development Section

### Employment and Social Protection Segment

327. The Employment and Social Protection Segment was held on Wednesday, 7 November 2012. It was chaired by Mr Shahmir (Government, Islamic Republic of Iran), as appointed by the Chairperson of the Governing Body. The Employer spokespersons were Mr Anderson on agenda item 1 and Ms Goldberg on agenda items 2 and 3. The Worker spokesperson was Ms Kelly on all agenda items.

#### First item on the agenda

##### Labour migration (GB.316/POL/1)

328. *A representative of the Director-General (Officer-in-Charge, Social Protection Sector)* introduced the paper and the draft decision.

329. *The Employer spokesperson* supported subparagraphs (a) and (b) of the draft decision in paragraph 20, as they sought to increase the visibility of the issue of labour migration; to engage the ILO and its social partners in the necessary dialogue; and to feed ILO constituents' inputs into global processes. He accorded full respect to the sovereignty of governments on matters of migration, while recognizing the complexity of the issues, which were multifactorial, context-specific and, in certain cases, sensitive. Real gains could be made through a well-structured system of labour migration that met the needs of workers and enterprises and enjoyed the communities' support. Properly structured labour migration would add to the efficiency of labour markets and create jobs. The intensity of labour migration had increased since the 2004 International Labour Conference (ILC) general discussion and new global dialogue processes had been created. It was now important to highlight the role of social dialogue in those processes, which did not automatically include social partners. As beneficiaries of migrant labour, businesses could help advance dialogue on labour migration where it tended to be polarized. Migration was not only an issue for ministries of the interior since ministries of labour also added considerable value to deliberations. The ILO had a role in producing the required information, in assessing data and case studies, and in building capacity and exchanging information with its constituents.

330. The ILO should continue to engage in dialogue with its constituents on the Private Employment Agencies Convention, 1997 (No. 181), as unethical practices did exist and could undermine support for an orderly system of migration. The promotion of the ILO Multilateral Framework on Labour Migration was important. Overall, implementing the 2004 Plan of Action had proven a challenge due to insufficient resources. Regarding the Labour Migration Academy held at the International Training Centre of the ILO (Turin Centre), he called for the increased involvement of social partners therein. The Employers' group wished to amend subparagraph (a) of the draft decision in paragraph 20 by inserting the words "effectively operating labour markets offering" before the words "decent work".

331. *The Worker spokesperson* said that the Office had paid insufficient attention to the subject of labour migration, and regretted the lack of ILO visibility in international migration debates. Labour supply drove a large part of migration and the ILO had both the mandate and the instruments to play an important role in that area. Attention should be drawn to the fundamental principle that migrants should be treated as workers rather than as factors of

production, and to the four areas of the ILO's response. The Office should step up its work to achieve more ratifications, especially of the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), since its ratification could play a role in reducing anti-immigrant sentiment and allow trade unions to facilitate the integration of migrant workers into their host countries. The ILO should also take up the rotating chair of the Global Migration Group. The 2013 United Nations High-level Dialogue on International Migration and Development should recognize that most migration flows were motivated by the search for employment, and focus on promoting decent work for both migrant and local workers, as well as on human rights issues. The United Nations (UN) agencies, and the ILO in particular, should play a role in the governance of migration and should promote the role of social partners in drafting and implementing labour migration laws and policies.

**332.** Regarding subparagraph (a) of the draft decision in paragraph 20, she requested the Office to take into account the worker priorities identified supra in relation to the United Nations High-level Dialogue on International Migration and Development. Regarding subparagraph (b) of the draft decision in paragraph 20 and the proposed tripartite forum, given the availability of resources in the current budget, a tripartite meeting should be organized in November 2013 after the United Nations High-level Dialogue on International Migration and Development in order to discuss its outcome and follow-up. Possible modalities for convening the tripartite meeting should be presented to the Governing Body in March 2013 and future work priorities on labour migration should be submitted to the Governing Body in March 2014. Consideration should be given to a regular review of, and exchange on, labour migration in the ILO, including the possibility of bringing back the discussion to the ILC.

**333.** *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Cyprus said that Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, Serbia, The former Yugoslav Republic of Macedonia, the Republic of Moldova and Ukraine aligned themselves with the statement. She explained that well-managed mobility was one of the pillars of the EU Global Approach to Migration and Mobility, which was aimed at achieving mutually beneficial cooperation and policy coherence. Integrating migrants into the labour market, identifying its needs, and combating irregular migration were among the central elements of EU policy. Regarding subparagraph (a) of the draft decision in paragraph 20, the EU had identified a number of priorities: the need to broaden the migration–development nexus in order to address the social and economic implications of considerable South–South migration flows for development; and the need to give more consideration to synergies between migration and other development strategies, such as employment policy and trade, and the recognition of links between migration and development in the post-2015 development framework. Regarding subparagraph (b) of the draft decision in paragraph 20, the EU believed that the ILO, with its long-standing experience in labour-related issues, had a privileged role to play in international discussions on labour migration. The EU encouraged the promotion of the ILO Multilateral Framework on Labour Migration and supported the Office's commitment to raising its profile in global discussions, including in existing inter-agency coordination mechanisms such as the Global Migration Group, where the ILO should seek the chairmanship.

**334.** The EU suggested that subparagraph (b) of the draft decision in paragraph 20 be amended as follows: “The Governing Body: (b) requests the Director-General to conduct an in-depth evaluation of the ILO's response to the changing landscape of international labour migration, including the Office's progress on the promotion of its Multilateral Framework on Labour Migration, with a view to better offer an informed contribution to the High-level Dialogue on International Migration and Development;” and that a further subparagraph, (c), be added: “further requests the Director-General to submit an oral written report on the

outcome of the High-level Dialogue to the October 2013 session of the Governing Body, and to submit for adoption at the March 2014 session of the Governing Body a plan of work for future action of the Office in this field, on the basis of the above evaluation”.

- 335.** *Speaking on behalf of the Africa group*, a Government representative of the Congo stated that the persistent economic crisis made it difficult for the ILO to attain its protection objectives, particularly since irregular migration was on the rise and compromised workers’ training perspectives, thereby exposing them to exploitation. A notable increase in migration raised questions of migrant workers’ treatment, as well as brain drain in African countries. Bilateral and regional cooperation, social dialogue, social security coordination, and mainstreaming employment and labour rights in national migration policies were valuable mechanisms and the ILO should continue working in those areas with regional African institutions. The Africa group endorsed the draft decision contained in paragraph 20, as amended by the Workers’ group.
- 336.** *The Worker spokesperson* presented a subamendment to the EU’s amendment, summarizing that subparagraph (a) of the draft decision in paragraph 20 had been amended by the Employers; that subparagraph (b) had been amended by the EU; and that a new subparagraph, (c), had been added by the EU. The Workers’ group suggested adding two further subparagraphs to the draft decision in paragraph 20: “further requests the Director-General to organize a tripartite meeting, within the existing resources, enabling the Organization to assess the outcome of the High-level Dialogue on International Migration and Development and consider possible areas for ILO follow-up” and “further requests the Director-General to make a proposal for the modalities for the abovementioned tripartite meeting to the March 2013 session of the Governing Body”; and adding the words “and the tripartite meeting” to the end of the EU’s new subparagraph (c), which would become subparagraph (e).
- 337.** *Speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC)*, a Government representative of Colombia noted that increased ILO visibility in international forums would serve to highlight migrant workers’ contributions to development and to call attention to their rights, thereby protecting them from unethical recruiters, exploitative criminal networks and discriminatory forms of temporary migration. GRULAC welcomed the participation of the Director-General in the Principals’ meetings of the Global Migration Group. The Global Forum on Migration and Development, while a state-led process, had a civil society component that allowed the ILO’s tripartite voice to be heard. Regional mechanisms such as the South American Conference on Migration were appropriate forums for openly discussing migration issues, including core ILO themes, and it would be important for the ILO to participate in such deliberations via its regional and subregional offices. GRULAC called on the international community to implement the necessary measures to guarantee the protection of migrant workers’ rights and prevent them from being stigmatized as a result of their regular or irregular status. GRULAC agreed that the Office should identify key priorities for substantive follow-up to the 2013 United Nations High-level Dialogue on International Migration and Development.
- 338.** *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of the Islamic Republic of Iran stated that ASPAG countries were among the world’s largest sending and receiving countries. He encouraged the ILO to work with UN treaty bodies to promote its legal instruments on migrant workers. Based on demand, the Office should further strengthen technical cooperation. The close collaboration between the ILO and the Association of Southeast Asian Nations (ASEAN), in particular, its Forum on Migrant Labour, was laudable. The 2013 United Nations High-level Dialogue on International Migration and Development and its follow-up provided an important opportunity for the ILO to exercise its constitutional mandate. It was also important to use

ILO tools in the context of the UN's "Delivering as One" initiative. ASPAG endorsed the amended draft decision.

- 339.** *Speaking on behalf of the Southern African Development Community (SADC)*, a Government representative of Zambia endorsed the statement of the Africa group. The ILO should influence labour migration discourses in global forums and establish partnerships with other agencies at the highest level to ensure that labour migration was mainstreamed into the development agenda. In the past, labour migration had been a central theme in southern Africa and presently its dynamics in the region were rapidly changing. He supported the establishment of a global tripartite forum, which would bring together all ILO constituents in broader discussions on labour migration, as the current structures did not adequately accommodate social partners. He approved the draft decision contained in paragraph 20, as amended.
- 340.** *A Government representative of the Republic of Korea* underscored the urgency of mainstreaming decent work into the global debate on international migration. Protecting migrant workers' rights, supporting their integration while in their host countries and curbing illegal stay were important issues for discussion and could benefit from ILO technical cooperation.
- 341.** *A Government representative of India* said that migrant workers made huge contributions to economic and social development in both their host and home countries. India was a major contributor to current global migration flows and had launched initiatives to protect migrants' rights, such as bilateral labour agreements, social security agreements and the Indian Community Welfare Fund. Steps should be taken to develop a comprehensive multilateral framework on the international movement of people and there should be a greater focus on promoting employability, skills portability and the global harmonization of qualifications. He supported the proposed draft decision contained in paragraph 20, as amended.
- 342.** *A Government representative of Japan* expressed his appreciation for the dual policy focus of the ILO on the protection of migrant workers' rights and the efficiency of labour markets. He supported the proposed tripartite meeting, which would be useful for sharing information and experiences, but also noted the importance of avoiding duplication, while stressing the sovereign right of nations to determine their own migration policies.
- 343.** *A Government representative of the Islamic Republic of Iran* said that labour migration was often addressed in isolation from the labour market and economic considerations. Regional integration would result in the progressive harmonization of the recognition of skills, professional qualifications and social security. Moreover, access to reliable information on the world of work could help reduce vulnerability. The Islamic Republic of Iran, as a major host country, was ready to share its experience. He endorsed the proposal to establish a global tripartite forum for periodic discussions on labour migration.
- 344.** Aligning himself with the statement made by ASPAG, *a Government representative of Viet Nam*, lauded the intention of the ILO to raise its profile in global debates. Viet Nam had developed a legal framework for migration, including a code of conduct for recruitment agencies. ILO support in building the capacity of tripartite constituents through technical cooperation was appreciated. The ILO's tripartite knowledge and experience could make a unique contribution to shaping international migration policies. He supported the draft decision contained in paragraph 20, as amended.
- 345.** Supporting the statement made by ASPAG, *a Government representative of Indonesia*, agreed that the ILO tripartite structure was a rich source of perspectives and experiences, particularly in relation to labour markets and workers' protection. Indonesia, as a country

of origin, transit and destination, would like to see the integration of ILO instruments on the protection of migrant workers into the UN's "Delivering as One" initiative.

- 346.** Aligning herself with the statements made by the Congo on behalf of the Africa group, and by Zambia on behalf of the SADC, *a Government representative of Zimbabwe*, noted that the debates on migration and development were largely pursued in forums where not all ILO constituents were represented. The three pillars of labour migration, namely development, protection and governance, were all embodied in the Decent Work Agenda. The SADC had mainstreamed labour migration in regional employment and labour policies. She endorsed the draft decision contained in paragraph 20, adding to subparagraph (b) that the envisaged tripartite forum should ensure the involvement of all ILO constituents at the policy level of labour migration.
- 347.** *A Government representative of Switzerland* said that her Government supported the proposal submitted by the EU and that the United Nations High-level Dialogue on International Migration and Development provided a good opportunity for the ILO to share its expertise.
- 348.** *A Government representative of the United States* stated that the ILO, with its mandate, expertise and experience, had a unique and significant contribution to make and an important role to play, especially in protecting migrant workers' rights. Her Government strongly supported continued and strengthened ILO work on labour migration and the tripartite consideration of the issue, as that could inform ILO contributions to existing global migration forums. The suggested amendments to the decisions were acceptable. However, there was no support for a recurrent forum, as that would be costly and divert resources from other important work undertaken by the Office. It would suffice to use existing forums, such as periodic discussions in the Governing Body.
- 349.** *A representative of the Director-General (Deputy Director-General for Policy)* noted the growing demand from constituents for the ILO to influence global efforts on migration. She confirmed that funding had been earmarked for a tripartite meeting, and thanked the Governing Body for the amendments proposed, which were very clear. She added that the work of existing forums would not be duplicated, and that the Office had already expressed interest in chairing the Global Migration Group in 2014.
- 350.** *The Worker spokesperson* said that the discussion had reinforced constituents' almost completely unanimous understanding of the role of the ILO in relation to labour migration, as well as the importance of its work and of increasing the commitment of constituents at the national level to playing a legitimate role in the debate. The Workers would have liked to go faster and further, but were conscious of the value of tripartite consensus.
- 351.** *The Employer spokesperson* saw a strong consensus that it was appropriate for the ILO to work with governments and constituents in helping to bring about a greater capability in dealing with labour migration issues within the framework of its principles. He supported the amendments, as subamended, and observed that they provided a more targeted basis to move forward with a global tripartite forum.

## **Decision**

### **352. The Governing Body:**

- (a) called on the Office to identify key priorities for substantive follow-up to the United Nations 2013 High-level Dialogue on International Migration and Development, and to ensure that the promotion of effectively operating*

*labour markets offering decent work becomes a central element in the discussions on migration and development;*

- (b) requested the Director-General to conduct an in-depth evaluation of the ILO's response to the changing landscape of international labour migration, including the Office's progress on the promotion of its Multilateral Framework on Labour Migration, with a view to better offering an informed contribution to the High-level Dialogue on International Migration and Development;*
- (c) requested the Director-General to organize a tripartite meeting, within the existing resources, enabling the Organization to assess the outcome of the High-level Dialogue on International Migration and Development and consider possible areas for ILO follow-up;*
- (d) requested the Director-General to make a proposal for the modalities for the abovementioned tripartite meeting to the 317th Session (March 2013) of the Governing Body;*
- (e) further requested the Director-General to submit an oral report, available in writing, on the outcome of the High-level Dialogue to the 319th Session (October 2013) of the Governing Body and to submit for adoption by the 320th Session (March 2014) of the Governing Body a plan of work for future action of the Office in this field, on the basis of the above evaluation and of the results of the tripartite meeting.*

(Document GB.316/POL/1, paragraph 20, as amended by the Governing Body.)

## **Second item on the agenda**

### **Disability inclusion**

(GB.316/POL/2)

- 353.** The Office's senior specialists in disability and disability inclusion introduced the paper and the suggested points for discussion and decision.
- 354.** *The Employer spokesperson* noted that giving effect to the goal of disability inclusion required an understanding of the criteria and conditions for decisions to employ disabled persons. She acknowledged the importance of the focus on rights and anti-discrimination strategies, and recommended that the Office promote anti-discrimination regulations and other laws that were balanced, proportionate and transparent for employers. However, while equity was important, it was equally important to promote the business case – the commercial and operational benefits of employing a more diverse workforce – so as to stimulate interest among small and large employers in hiring people with disabilities. In addition, the Office should become a source of data and information to highlight the strengths that persons with disabilities often brought to enterprises, helping to challenge stereotypes, address perceptions of risk, and promote good practices. Regarding the business case, there were commercial and economic arguments for employing more disabled persons. They included the fact that a more diverse workforce brought valuable skills, ideas and perspectives to the workplace, and also that persons with disabilities were productive and often had better attendance rates, along with excellent safety records and exemplary job retention rates. Referring to the Global Business and Disability Network

(the Network), she welcomed the proposal to expand and strengthen that initiative, in partnership with the Bureau for Employers' Activities (ACT/EMP). She recognized the challenges ahead in making the Network financially sustainable, though she was confident that the Network model was sound. She concluded by saying that the Employers' group supported the proposed decision, subject to the incorporation of the broader approach reflected in her intervention.

- 355.** *The Worker spokesperson* affirmed that disability inclusion should be grounded in a rights-based approach and that actions to promote it needed to address institutional barriers such as discrimination and social attitudes and the promotion of decent jobs for disabled people. Greater attention must be given to double-discrimination issues faced by some groups of workers, including women with disabilities. The Workers' group wished to see Office action include activities to promote adequate infrastructure for people with disabilities such as accessible workplaces. She stressed the importance of the role of governments, legislation, access to education and work, and representation in workers' and employers' organizations. She noted the need for capacity building aimed at addressing discriminatory practices at the workplaces and added that the Office should strengthen its activities in this regard. She welcomed the work of the Office in promoting the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), but stated that other standards should be taken into account, including the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168); the Equal Remuneration Convention, 1951 (No. 100); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Human Resources Development Convention, 1975 (No. 142); instruments related to social protection including the Social Protection Floors Recommendation, 2012 (No. 202). She stressed the importance of collective agreements in fostering inclusion of people with disabilities, citing examples where collective bargaining at the national level was creating opportunities for disabled persons. She suggested that the Office collect and disseminate those examples of good practice and arrange capacity building for trade unions, employers and people with disabilities. She agreed with the next phase of the Office's work to promote disability inclusion and suggested that other Office units be involved, in particular those dealing with standards, occupational safety and health, and cooperatives. She urged the Office to integrate the promotion of fundamental rights at work in the ILO Global Business and Disability Network. Attention should also be given to promoting the increased ratification of Convention No. 159, assisting member States in drafting labour legislation from a disability perspective and raising awareness on the value of collective bargaining to improve disabled people's working conditions. Regarding the draft decision, she asked for clarification on where resources to support a wider disability inclusion initiative would come from, particularly in light of the forthcoming budget discussions. In conclusion, she said that the Workers' group suggested that disability should be included in the programme and budget discussions at the 317th Session of the Governing Body.
- 356.** *Speaking on behalf of ASPAG*, a Government representative of Australia said that the Office should ensure that any new strategies complemented rather than duplicated existing efforts. She proposed that the Office integrate its work on disability inclusion with its four-year action plan regarding the elimination of discrimination in employment and occupation. She suggested that the Office's work be guided by the following four priority areas of action: (i) promoting the ratification and effective implementation of relevant ILO Conventions; (ii) developing and sharing knowledge on the elimination of discrimination; (iii) developing the institutional capacity of ILO constituent; and (iv) strengthening international partnerships with the relevant actors.
- 357.** *Speaking on behalf of GRULAC*, a Government representative of Colombia stressed the importance of the ILO aligning its strategy with the work carried out by the UN High-Level Meeting on Disability and Development. She invited the Office to complement

the proposed global strategy with an action plan to increase disability inclusion and reduce discrimination. She also stressed the need to promote the ratification and implementation of Convention No. 159. Her group supported the draft decision on the understanding that the constituents would participate in the process of developing the documents referred to in subparagraph (a).

- 358.** *Speaking on behalf of the EU and its Member States*, a Government representative of Cyprus said that Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Republic Moldova, Montenegro, Serbia, The former Yugoslav Republic of Macedonia and Ukraine aligned themselves with the statement. She remarked that, in line with Article 32 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the European Disability Strategy, the EU was implementing concrete actions to empower people with disabilities. She urged the Office to integrate disability inclusion into its own human resources policies and acknowledged the Network as an excellent example of public–private partnership (PPP). She concluded by supporting the draft decision, provided the following were included: promoting the acquisition of transferable skills, ensuring access to quality and inclusive education and training, improving workplace accessibility and consulting with stakeholders, including persons with disabilities.
- 359.** *Speaking on behalf of the Africa group*, a Government representative of the Congo stated that ILO member States should consider the inclusion of people with disabilities as a matter of fundamental human rights. He suggested that employers needed to understand the UNCRPD and requested that the Office promote further ratification of Convention No. 159. He also expressed support for the strategy outlined and the draft decision.
- 360.** *A Government representative of the Bolivarian Republic of Venezuela* noted that in his country the rights of people with disabilities were enshrined in the Constitution, in a special law and in labour law. He requested the Governing Body to evaluate the feasibility of the Office employing a greater number of workers with disabilities, as an unequivocal sign of the principles and values that shape the Organization. It would be setting an example for the rest of the world. He concluded by supporting the draft decision.
- 361.** *A Government representative of India* supported the initiative to promote decent work for all, in particular for people with disabilities. He believed that promoting disability inclusion and tackling discrimination was central to the achievement of fundamental principles and rights at work.
- 362.** *A Government representative of Australia* stressed that the removal of barriers for the participation of people with disabilities could make a significant contribution to a nation’s social and economic prosperity. She encouraged the Office to work on four priority areas: (i) capacity building for constituents; (ii) developing disability-related tools and resources to be mainstreamed in ILO publications; (iii) facilitating knowledge sharing; and (iv) strengthening research and data collection.
- 363.** *A Government representative of Egypt* supported the draft decision. He asked the Office for guidance on how to continue working on disability inclusion.
- 364.** *A Government representative of the United States* suggested that the Office should include monitoring and evaluation initiatives in its proposed research strategy. She suggested that research could focus on identifying best practices in legislation and policies including effective strategies that combined social protection benefits with transition to work policies. She also recommended improved data collection on disability at country level. She requested the Office to provide further information on the ILO’s role in the UN Partnership to Promote the Rights of Persons with Disabilities (UNPRPD). She also

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requested clarification on the extent to which funds from the UNPRPD could help the Office carry out its work. She concluded by supporting the draft decision.

- 365.** *A Government representative of Zimbabwe* supported the statement made by the Africa group. She welcomed the Office's initiative to advance social justice for persons with disabilities. She concluded by supporting the draft decision.
- 366.** *A Government representative of the Islamic Republic of Iran* stressed that progress was needed in areas such as discrimination and retention in employment, promotion of flexible work arrangements, and reasonable accommodation and career development measures. He highlighted the importance of conducting surveys to capture the views of people with disabilities and considered that the Disability Inclusion Initiative was a good basis for moving forward.
- 367.** *A Government representative of Argentina* fully supported the statement made by the representative of the Government of the Bolivarian Republic of Venezuela and the suggestion that the Office should have a minimum percentage of people with disabilities on its staff to demonstrate its commitment to their employment.
- 368.** *A Government representative of Mexico* said that Mexico had a comprehensive legal framework to promote disability inclusion. She indicated that strong collaboration had been established with the private sector. She emphasized that a change of paradigm was necessary to advance the inclusion of people with disabilities, with a particular focus on human rights. She encouraged the Office to continue analysing good practices.
- 369.** *A Government representative of Brazil* supported the statement made by GRULAC and the Government representative of the Bolivarian Republic of Venezuela regarding the establishment of an internal Office policy for the inclusion of workers with disabilities. He supported the draft decision.
- 370.** *A representative of the Director-General (Deputy Director-General for Policy)* referred to the Network as a model for involving firms in promoting disability inclusion. She noted that the Office could incorporate the business case for disability inclusion Office-wide and in its promotional materials and initiatives. She acknowledged questions raised about the budgetary implications with respect to the following five-year Strategic Policy Framework. She emphasized the Office's commitment to ensure coherence between planning, programming and strategy development.
- 371.** *A representative of the Director-General (Senior Specialist in Disability, Skills and Employability Department)*, responding to a question concerning the UNPRPD, said that the ILO had signed a Memorandum of Understanding with the UNPRPD and was a member of both its policy board and management committee. The ILO had benefited from funding in six of eight proposals to undertake country-level activities.
- 372.** *A representative of the Director-General (Senior Specialist in Disability Inclusion, Skills and Employability Department)* explained that the Network's long-term plan was to fund activities using membership fees, but as work was in progress some additional funds would have to be sourced. She noted that the Network promoted the human rights and business cases related to disability inclusion and that the formal membership agreement referenced the ILO code of practice on managing disability in the workplace.
- 373.** *The Worker spokesperson* raised two issues that prevented her group from endorsing the draft decision. First, she had proposed that disability inclusion be moved to the 317th Session of the Governing Body and, second, she had expressed concern about the funding of activities, and the Office had not adequately addressed that issue.

- 374.** *The Employer spokesperson* said that the objective of greater inclusion was important, but that standards were only one of the means available to achieve that objective and that the Office needed to take a pragmatic approach. She agreed with the Workers' group on the issue of financing the Network. She pointed to the importance of maintaining the recommended action for the Director-General to report back to the Governing Body in 12 months. She suggested that the Screening Group agree on the timing and the modality of that report.
- 375.** *A representative of the Director-General* (Executive Director, Employment Sector) clarified that the intention of the Office was to inform rather than to discuss the topic in 12 months. He suggested removing the reference in the draft decision in paragraph 35(a). The Director-General and the Office would take the guidance received into account.
- 376.** *A representative of the Director-General* (Deputy Director-General for Policy) clarified that the Office was not suggesting that there was a single path for disability inclusion and that it recognized the roles played, not only by employers, but also by governments and trade unions.
- 377.** *The Worker spokesperson* agreed to adopt the amendments proposed to the draft decision and welcomed further discussion within the Screening Group.
- 378.** *The Employer spokesperson* supported the proposal by the Workers' group to discuss the issue in the Screening Group. She stressed that a report must be presented to the Governing Body by the Director-General and requested that the draft decision be amended accordingly.

## **Decision**

**379. *The Governing Body:***

- (a) welcomed the Office's initiative to develop a strategy statement and implementation plan on disability that will include broadening the Disability Inclusion Initiative and reflect the guidance provided, and requested the Director-General to report back as deemed appropriate by the tripartite screening group;*
- (b) supported the continuing work of the Office with other United Nations agencies, regional and intergovernmental bodies and multinational companies, as well as with governments and employers' and workers' organizations, in order to promote decent work for persons with disabilities.*

(GB.316/POL/2, paragraph 35, as amended by the Governing Body.)

## Third item on the agenda

### Discussion about the effect given to the decision adopted in November 2011 on the item entitled **Green jobs, decent work and sustainable development, with a focus on the implication for the ILO's programme of work of the outcome of the UNCSD 2012 (Rio +20)** (GB.316/POL/3)

- 380.** *A representative of the Director-General* (Director, Job Creation and Enterprise Development Department) introduced the paper and the draft decision.
- 381.** *The Worker spokesperson* welcomed the strong recognition of the social dimension of sustainable development in the Rio +20 outcome with references to the value of decent work to achieve sustainability and expressed satisfaction with the role attributed to the social partners in the institutional framework. She was pleased with the numerous references to core issues of the ILO's mandate, including the importance of just transition and fundamental rights at work. However, it was regrettable that the ILO had not also been assigned a lead role on the latter issues as part of the follow-up by the UN system. The ILO should play a key role in advocacy for quality jobs underpinned by rights. She endorsed the priorities for follow-up but stressed that it should fully reflect the standards relevant for promoting green and decent jobs and a just transition including core labour standards. Greater efforts should be made to promote social dialogue as a means to ensure a just transition. The Office should further strengthen the capacity of workers' and employers' organizations to engage in discussions about achieving a just transition and sustainable development.
- 382.** She underlined that, to the extent possible, employment assessment should be disaggregated by gender. As green jobs must be decent jobs, the job quality dimension of greening the economy needed to be addressed – including safety and health. The promotion of social protection floors was another priority. The ILO should work towards two sustainable development goals: full employment and decent work for all, and universal social protection. The formulation of indicators for those goals should build on the decent work indicators already endorsed by the Governing Body. Lastly, she suggested rephrasing paragraph 19(i) so that the implementation of the suggested priorities would reflect the contributions made during the discussion. The forthcoming report on sustainable development, decent work and green jobs for the ILC 2013 general discussion should not be limited to the topics and priorities dealt with in the current report, but deal with a range of issues related to just transition and green and decent jobs.
- 383.** *The Employer spokesperson* referred to the overlap between the discussions in the Policy Development and Institutional Sections. Mindful of the earlier suggestions by the Workers' group, she proposed amending the draft decision in paragraph 20 as follows: "The Governing Body: (a) approved priorities (i), (ii), (iii), (v) and (vi), as identified in paragraph 19 of document GB.316/POL/3, and requested the Director-General to take account of the views expressed by the constituents in the debate when giving effect to the agreed priorities; (b) referred the consideration of and decision on the priority suggested in paragraph 19(iv) to the discussion on decent work in the post-2015 development agenda (document GB.316/INS/6) in the Institutional Section; (c) requested the Director-General to reflect the suggested priorities, among others issues, in the forthcoming report on sustainable development, decent work and green jobs for the ILC 2013 general discussion;

and (d) recommended that account be taken of the financial implications of the adopted priorities in the Programme, Financial and Administrative Section when preparing the Programme and Budget for 2014–15.”

- 384.** She welcomed the lead role for follow-up on key outcomes of Rio +20 assigned to the ILO within the UN system. She supported adopting a “job lens” in development and growth strategies. She stressed the important role of sustainable enterprises in job creation and the need to green all jobs and make them sustainable. She underlined the importance of employment assessments as the first priority for ILO follow-up. Research, knowledge management and resource mobilization should be geared to that work.
- 385.** *Speaking on behalf of ASPAG*, a Government representative of Australia congratulated the Office on its role in Rio +20 and expressed ASPAG’s support for the amended draft decision in paragraph 20. The Office should develop a detailed plan of action for follow-up. He underlined the importance of capacity building for social dialogue, support for sustainable development goals, research and knowledge management. The ILO should work closely with the United Nations Environment Programme (UNEP), the World Bank and other relevant agencies on topics such as social protection.
- 386.** *Speaking on behalf of the Africa group*, a Government representative of the Congo said that, while sustainable development was at the heart of development policy for African governments, they had received too little support to reduce poverty through green economy strategies. He encouraged the Office to reinforce its strategy as outlined in the document and to provide concrete support to constituents to apply the outcomes of Rio +20 at the national level with multi-stakeholder participation. He stressed the need to map the impact of climate change as part of employment assessments.
- 387.** *Speaking on behalf of GRULAC*, a Government representative of Colombia reaffirmed the importance of promoting decent work in the context of sustainable development. The Rio +20 outcome document should serve as the framework for future ILO work in that field. She called on the Office to support greater participation by the social partners in the follow-up to the Rio +20 outcomes. ILO technical assistance to assess the employment dimension of the transition was an important contribution. The Office should also explore the positive linkages between national social protection floors, economic development, poverty reduction and environmental protection. Any work on indicators and measurement by the ILO should be coherent with overall UN work and should avoid duplication. The Office inputs should follow the guidance provided by constituents. She emphasized that participation in a possible Office-wide working group on the matter should be open. Office research and knowledge management should focus on the creation of decent work in the promotion of sustainable development, including through small and medium-sized enterprises, and the protection of migrant workers.
- 388.** *Speaking on behalf of the EU and its Member States*, a Government representative of Cyprus stated that the follow-up process had to be open and inclusive, with the full participation of civil society, the private sector, employers’ organizations, trade unions and local authorities. She welcomed the agreement reached at Rio +20 to pursue a just, global transition to an inclusive green economy. The Office should enhance education and training systems to provide people, in particular women and youth, with the required skills, and should promote the Social Protection Floors Recommendation, 2012 (No. 202). She expressed support for the suggested priorities and committed to working with the ILO to actively follow up on the Rio +20 outcome.
- 389.** *A Government representative of the Republic of Korea* noted that many countries were making efforts to create green jobs and to green existing ones. She said that the green

economy was the right direction to take and that the Office should support the transition through practical and realistic approaches.

- 390.** *A Government representative of India* said that the approach to poverty eradication and sustainable development should allow for flexibility, taking into account national circumstances and priorities. The emphasis should be on job creation and economic growth, recognizing that green jobs were a means of promoting decent work. Employment assessments and social protection floors should be nationally defined.
- 391.** *A Government representative of Trinidad and Tobago* noted that a well-defined transition plan would result in green jobs, green enterprises and a green economy. He called for action on the challenges posed by the impact of climate change, which was causing job losses and displacement. Addressing the impact of climate change on labour markets should be a priority. The role of the ILO had to go beyond rebuilding infrastructure and address the welfare of workers.
- 392.** *A representative of the Director-General* (Director, Job Creation and Enterprise Development Department) thanked all speakers for their valuable and enriching contributions. The proposed amendment had helped provide clarity regarding what the Office should offer to constituents in support of decent work for sustainable development. Employment assessments were indeed the starting point, shedding light on both opportunities for new jobs and businesses and potential job losses due to climate change or new technologies. The Office was already undertaking work on small and medium-sized enterprises and would pay more attention to labour migration induced by climate change. He subscribed to the importance given to social protection as a means of achieving social and environmental objectives simultaneously.
- 393.** *A representative of the Director-General* (Deputy Director-General for Policy) added that the informal working group on indicators was part of the Office follow-up and not a body to be established at the level of the Organization. There would be an opportunity to continue discussing goals and indicators in the later session on the post-2015 development agenda. She acknowledged the importance of short-term response mechanisms to deal with the immediate impact of climate change.

## **Decision**

### **394. The Governing Body:**

- (a) *approved priorities (i), (ii), (iii), (v) and (vi), as identified in paragraph 19 of document GB.316/POL/3, and requested the Director-General to take account of the views expressed by the constituents in the debate when giving effect to the agreed priorities;*
- (b) *referred the consideration of and decision on the priority suggested in paragraph 19(iv) of the document to the discussion on decent work in the post-2015 development agenda (document GB.316/INS/6) in the Institutional Section;*
- (c) *requested the Director-General to reflect the suggested priorities, among others issues, in the forthcoming report on sustainable development, decent work and green jobs for the ILC 2013 general discussion; and*

- (d) recommended that account be taken of the financial implications of the adopted priorities in the Programme, Financial and Administrative Section when preparing the Programme and Budget for 2014–15.*

(GB.316/POL/3, paragraph 20, as amended by the Governing Body.)

## Social Dialogue Segment

395. The Social Dialogue Segment was held on Thursday, 8 November 2012. It was chaired by Ambassador Major (Government, Hungary), as appointed by the Chairperson of the Governing Body. Mr Woolford and Ms Fox were the Employer and Worker spokespersons.

## Fourth item on the agenda

### Sectoral activities programme 2012–13

(GB.316/POL/4(&Corr.))

396. *A representative of the Director-General* (Director, Sectoral Activities Department) presented the first section of the paper, outlining the recommendations adopted by the Global Dialogue Forum on Conditions of Personnel in Early Childhood Education and reminding the Governing Body that the joint FAO/ILO/IMO work in the fishing sector was directly linked with the Work in Fishing Convention, 2007 (No. 188), and its accompanying Recommendation (No. 199).
397. *The Employer spokesperson* (approved the draft decision in relation to the first section of the paper (paragraph 14(a) to (e) of GB.316/POL/4(&Corr.)).
398. *The Worker spokesperson* expressed her group's regret at the lack of substantive agenda items for that session of the Social Dialogue Segment. Social dialogue was at the heart of the ILO's work and needed to be more comprehensively addressed by the Governing Body. She pointed out that there was no shortage of important issues relevant to tripartism, social dialogue and collective bargaining and asked the Office to present substantive proposals to the screening group for each session of the segment in the future. She endorsed paragraph 14(a) to (e), recalling the existence of various initiatives on early childhood education that were taking place at the international level and stressing the urgent need to develop guidelines.
399. Speaking on behalf of the Africa group, *a Government representative of Togo* expressed her satisfaction at the results of the sectoral meetings held. A child's first years were decisive. In that light, statistics on young children in Africa were alarming. Efforts to establish the basis for quality education were, therefore, of capital importance for her continent and required a critical and methodological analysis of existing policies, based on results and problems encountered. The group welcomed the recommendations of the Global Dialogue Forum on Conditions of Personnel in Early Childhood Education and called on the ILO to draw up guidelines and convene a meeting of experts, as proposed. The group also welcomed the initiative to organize the Global Dialogue Forum for the promotion of the Work in Fishing Convention, 2007 (No. 188), and the Meeting of Experts to Adopt Guidelines on Training of Ships' Cooks. It, therefore, supported the draft decision under paragraph 14. Given that the Governing Body had not adopted the proposal under paragraph 9 of document GB.313/POL/4/2 at its 313th Session, her group wondered why that item had not been included on the agenda again.

400. *The representative of the Director-General* introduced the second section of the paper, explaining that a corrigendum had been required, following consultations with the World Intellectual Property Organization (WIPO), which had indicated the need to postpone the next session of the Intergovernmental Committee of the Rome Convention until significant progress had been made, either in relation to the ratification of the newly adopted Beijing Treaty on Audiovisual Performances or in relation to the development of a WIPO instrument on the protection of broadcasting organizations. A new proposal to hold the 21st Session of the Intergovernmental Committee would be submitted to the Governing Body once such progress had been made. In closing, she drew attention to the Appendix, presenting selected highlights of sectoral work undertaken in the first half of 2012, and to work that had been conducted since the time of writing the paper. She referred to document GB.316/POL/INF/1 on sector-specific tools that had been submitted for information only and informed the Governing Body of upcoming sectoral meetings on the oil and gas and the civil aviation sectors.
401. *The Employer spokesperson* supported the draft decision.
402. *The Worker spokesperson* supported the draft decision and thanked the Sectoral Activities Department for the document on sector-specific tools (GB.316/POL/INF/1). Her group noted with satisfaction that work on the promotion of sectoral standards between 2008–12 had led to 66 new ratifications of sectoral Conventions.
403. *The representative of the Director-General* responded to the query made by the Africa group, explaining that during the March 2012 session no consensus had been reached on the proposal in document GB.313/POL/4/2. It had been suggested that the issue be discussed again, but the screening group had not included it on the agenda for the current session.

## **Decision**

### **404. *The Governing Body:***

- (a) *authorized the Director-General to communicate the final report of the Global Dialogue Forum on Conditions of Personnel in Early Childhood Education to governments, requesting them to communicate the text to the employers' and workers' organizations concerned, as well as to communicate the report to the international employers' and workers' organizations and other international organizations concerned;*
- (b) *requested the Director-General to convene in the second half of 2013 a meeting of experts which would consider, with a view to adopting, draft policy guidelines on early childhood education personnel;*
- (c) *took note of the guidelines to assist competent authorities in the implementation of Part B of the Code of Safety for Fishermen and Fishing Vessels, the FAO/ILO/IMO Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, and the safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels (implementation guidelines);*
- (d) *approved the publication by the IMO of the implementation guidelines as a joint FAO/ILO/IMO publication;*

- (e) *authorized the Director-General to communicate the above decisions to the Secretary-General of the IMO and the Director-General of the FAO; and*
- (f) *approved the proposals made in section II in relation to the holding of the Global Dialogue Forum for the promotion of the Work in Fishing Convention, 2007 (No. 188), and the Meeting of Experts to Adopt Guidelines on the Training of Ships' Cooks.*

(GB.316/POL/4(&Corr.), paragraph 14.)

## Technical Cooperation Segment

- 405. The Technical Cooperation Segment was held on Thursday, 8 November 2012. It was chaired by Mr Okio (Government, Congo). Mr Traore, Mr Mattar and Mr Echavarría Saldarriaga were the Employer spokespersons. The Worker spokesperson was Mr Gómez Esguerra.
- 406. *The Chairperson* invited the Directors of the ILO Regional Offices to give an overview of technical cooperation in their respective regions.
- 407. *A representative of the Director-General* (Director of the ILO Regional Office for Africa) mentioned three developments in the ILO's growing technical cooperation programme in the African region. First, an increasing share of resources had been mobilized locally. By the end of October new approvals totalled nearly US\$100 million, significantly higher than the US\$50 million mobilized in 2011. Nearly half of that amount had been mobilized locally. Engagement with new donors and with joint UN programmes, as well as the EU, had been strengthened. Second, in the wake of the Arab Spring, the ILO's technical cooperation portfolio in North Africa had increased from around US\$11 million to over US\$70 million in 2012. Third, thematic imbalances in the ILO's technical cooperation portfolio were observed, with employment and, to a lesser extent, labour standards absorbing the most resources.
- 408. The Regional Office would redress those imbalances, as requested by the Governing Body in March 2012. For instance, the Office was working on a strategy to introduce the Social Protection Floors Recommendation, 2012 (No. 202). Moreover, in view of the pressure on delivery due to increased funding, the Office was giving top priority to monitoring the issue from a quantitative and qualitative perspective.
- 409. *A representative of the Director-General* (Director of the ILO Regional Office for Latin America and the Caribbean) highlighted the structural heterogeneity of the region, with considerable differences between and within countries. In addressing that reality, the Office faced a decline in technical cooperation resources and the need to balance diverging interests with regional priorities. Together with the constituents, the Regional Office had established seven priority areas for the current biennium: freedom of association, sustainable enterprises, labour administration and inspection, youth employment, occupational safety and health, promotion of social protection floors and, lastly, inequality, poverty and gender, including child labour.
- 410. In order to leverage resources, the Office was moving forward on the development of a short-and long-term strategy based on the following pillars: (i) linking technical cooperation with ILO priorities, in the framework of the Decent Work Country Programmes (DWCPs); (ii) designing innovative technical cooperation models, strengthening South-South cooperation, PPPs and trust funds, as well as engaging with other UN agencies; and (iii) stepping up efforts to disseminate and enhance the visibility of

impacts achieved through ILO technical cooperation in the context of crisis, change and reform.

- 411.** *A representative of the Director-General* (Director of the ILO Regional Office for Asia and the Pacific) stressed that although Asia had achieved unprecedented economic growth, several challenges remained, such as the pursuit of inclusive growth, the vast informal economy and widening income gaps and inequality in access to employment and social services. The priorities of the Asian Decent Work Decade 2006–15 guided programming decisions and regional resource mobilization efforts. Extra-budgetary resources for technical cooperation in the region continued to increase and equalled regular budgetary resources. Nevertheless, those resources were inadequate to meet the needs of the region, and the use of the limited resources should be evaluated.
- 412.** Some 90 per cent of the region’s technical cooperation programmes were country-focused. However, new modalities were emerging, such as South–South cooperation, direct trust fund arrangements and partnerships with regional organizations. He underlined the importance of “value for money” and the need for the ILO to be more focused, cost-effective, transparent, impact-oriented and visible. Results-based management was integrated in the design of ILO technical cooperation projects, and continuous investment in the training of constituents and staff was undertaken, including on project design, monitoring and evaluation. ILO visibility had also been increased. The growing scale and importance of technical cooperation in the region required the ILO to invest in better oversight processes to maintain the high quality and impact of ILO programming.
- 413.** *A representative of the Director-General* (Director of the ILO Regional Office for the Arab States) stated that the Arab Spring represented a historic moment for the ILO’s efforts to foster an inclusive economic model involving decent work opportunities through sustainable enterprises, higher productivity and growth with equity. The ILO’s objectives for the region were fourfold. First, the ILO should seize the opportunity for democratic reform: the opening up of political systems offered opportunities for respecting workers’ rights and pursuing social justice. Independent, democratic and representative workers’ and employers’ organizations were critical to that process. Second, the ILO should underscore the need for markets that were better regulated, supported by inclusive PPPs, cooperative dialogue between the social partners, and strong labour market institutions. Third, the ILO must tap into the region’s youthful potential and revitalize the UN commitment in that regard. Lastly, the ILO should advocate for the establishment of a social protection floor.
- 414.** Delivering on those commitments required addressing the impact of transition, notably on governments, on parliaments and on the constitutions being drafted. As a result of regional turmoil, the development and implementation of DWCPs had been stalled or delayed in several countries (Bahrain, Syrian Arab Republic). New and ongoing DWCPs (Jordan, Oman) were being revisited. Furthermore, the Regional Office was currently more dependent on resources raised by headquarters; and access to resources for countries which had not initiated the transition to democracy was becoming challenging in a context of reduction of donor resources and phasing out of large multi-donor trust funds.
- 415.** Thematic funding was a new feature. The capacity to leverage resources by strengthening partnerships with the UN and promoting collaboration with the private sector was critical in that regard. Expanding collaboration with specialized civil society organizations would be an important feature of future initiatives.
- 416.** The Regional Office had to boost its response capacity by ensuring greater agility in programming processes to address moving targets, and sound internal management and knowledge systems to support the identification of priorities and strategic decision-making.

- 417.** *A representative of the Director-General* (Director of the ILO Regional Office for Europe and Central Asia) pointed out that the common assumption that Europe was a rich region was misguided. Eighteen of the 51 countries belonging to the European and Central Asian region were listed as official development assistance countries. Europe was the centre of the protracted crisis, with increasing negative effects on the labour market, especially for youth. In the eastern part of the region the ILO had to address youth unemployment and the mismatch between skills and labour market needs, as well as labour market segmentation and declining compliance with international labour standards. Labour market institutions and social dialogue needed to be improved; and the seven priority areas submitted to the PFA Section were highly relevant to the European region.
- 418.** The historic peaks in youth unemployment demonstrated the need for additional funds for technical cooperation. Resource mobilization had been challenged by: (i) the assumption that Europe was rich despite the crisis; (ii) funding cuts among traditional donors and the push to fund least developed countries; and (iii) political instability and changing governments in the region, which hampered delivery. The European Commission was the largest donor in the region and its decentralization of funding required, in addition to liaising with the ILO Office for the EU and the Benelux countries at the central level, increased efforts for local resource mobilization and investment in human resources trained for the purpose.
- 419.** The region had also embarked on PPPs and looked forward to signing an agreement with the Russian state enterprise Lukoil and the Spanish multinational Inditex. Furthermore, a funding agreement with the Russian Federation was under negotiation. Lastly, the Regional Office was strengthening cooperation with other UN agencies by mainstreaming the Decent Work Agenda in UN Development Assistance Frameworks (UNDAFs) and joint projects.
- 420.** *The Employer spokesperson* took note of what had been said by the Regional Directors on technical cooperation and PPPs in their regions.
- 421.** *The Worker spokesperson* expressed appreciation for the usefulness of the background information on ILO's work in various parts of the world.
- 422.** *A Government representative of Lebanon* thanked the ILO for its cooperation, and the Regional Director for Arab States, Ms Al-Nashif, in particular, for her capacity to enhance activities in Lebanon with regard to domestic workers, social dialogue, freedom of association and the creation of a decent work environment, as well as combating the worst forms of child labour.
- 423.** *A Government representative of Brazil* expressed his appreciation for the presentations, in particular the presentation by the Regional Director for the Americas. He suggested that in the future this exercise be part of the agenda, given that constituents were not aware in advance of the presentations by Regional Directors. He argued that such an approach would result in a fruitful dialogue with the Governing Body on the regional perspective of the work of the Office.

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## Fifth item on the agenda

### **South–South and triangular cooperation: The way forward – Revised indicators for the Strategy adopted in March 2012 (GB.316/POL/5)**

424. *A representative of the Director-General* (Director, Partnerships and Development Cooperation Department (PARDEV)) thanked partners from the global South for their support to the ILO's South–South cooperation programme, and partners from the North for supporting such cooperation through triangular arrangements. He highlighted the special nature of South–South cooperation as a partnership that went beyond funding arrangements, as it was aimed at sharing expertise and solutions between countries and organizations. The ILO played a facilitating role to make that happen. South–South and triangular cooperation was considered a complement to, not a replacement for, the traditional forms of development cooperation, as cooperation between the industrialized and developing world remained indispensable.
425. In March 2012 the Governing Body had endorsed the proposed ILO Strategy on South–South and Triangular Cooperation (SSTC), while requesting a more results-based formulation of the indicators for the two outcomes of the Strategy. In reformulating the indicators, the Office had taken account of the ILO's experience in implementing SSTC during the past decade and of the UN operational guidelines on SSTC. He read out the proposed new and revised indicators and expressed his desire for the Governing Body to support the decision point in paragraph 4.
426. *The Employer spokesperson* welcomed the fact that the recommendations of the Governing Body made in March 2012 had been taken into account in the document submitted.
427. *The Worker spokesperson* stressed the importance of training the constituents and the Bureau for Workers' Activities (ACTRAV) participation in designing technical cooperation proposals. He supported the two new indicators proposed for outcome 1 and proposed an amendment to the indicator for outcome 2 with the aim of emphasizing that South–South and triangular cooperation should contribute to promoting the four areas of the Decent Work Agenda.
428. *Speaking on behalf of ASPAG*, a Government representative of Viet Nam pointed out that given the current economic crisis, some advanced and emerging countries from his region were seeking opportunities to play a more active role and were exploring new avenues for fostering development cooperation, particularly in the framework of regional, subregional and interregional cooperation. He highlighted the fact that more than ever, South–South cooperation had a key role to play, especially in the context of the ILO's mandate, and that it could make a vital contribution towards mitigating the consequences of the crisis for the most vulnerable workers in the informal sectors in the developing countries.
429. ASPAG strongly supported the identification, validation and dissemination of innovative experience and good practices, supporting skills development and sensitizing ILO constituents to the importance of SSTC outcomes. The revision of the indicators in question would eventually strengthen the results-based approach. ASPAG recognized the commitment of the ILO to play an important role in fostering such partnerships and encouraged the Office to engage constructively with relevant processes of integration and cooperation, to work closely within the multilateral system and with regional organizations, to strengthen and develop partnerships with partners from the global South

and the global North, private and public, so as to advance decent work goals around the globe.

- 430.** He particularly welcomed the references in the paper to the recommendations made by the UN Joint Inspection Unit in early 2011 as guidance on the way forward for SSTC and the establishment and expansion of an initiative on SSTC in the ILO. ASPAG supported the decision point in the Office paper.
- 431.** *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Italy noted with appreciation the two new indicators presented for outcome 1 and the revised indicator for outcome 2. She considered them meaningful and qualitative in the context of a results-based programme and budget. The indicators would give clearer evidence of the impact of the ILO's activities during future discussions on programme implementation.
- 432.** She recalled that at the March 2012 session of the Governing Body, IMEC had favoured the enhancement of SSTC through the involvement of interested governments and partners in key areas such as the promotion of employment generation, social protection floors, the elimination of child labour, green jobs, knowledge sharing and capacity building. She encouraged the Office's efforts in the field of SSTC also beyond the biennium 2012–13 in the framework of the Programme and Budget for 2014–15. IMEC supported the point for decision.
- 433.** *Speaking on behalf of GRULAC*, a Government representative of Colombia highlighted the importance of the SSTC in seeking shared solutions and in recognizing that the developing world had innovative and useful experience to offer. The Strategy should help diversify the partners engaged in South–South cooperation, and would contribute to increasingly global participation in such cooperation. GRULAC requested the Office to keep the constituents informed of discussions on the subject held in other UN forums. The ILO, through its tripartite structure, had a key role to play. Participation by the social partners made it possible to set up a network of expertise on the Decent Work Agenda. GRULAC considered it necessary for the programme and budget proposals to be submitted in March 2013 to give South–South cooperation the place it deserved in order to promote ILO objectives.
- 434.** The speaker concluded by saying that the adoption of the Strategy was the first step towards achieving that goal, and that it would then be necessary to establish a specific programme and assign resources to promote that form of cooperation.
- 435.** *Speaking on behalf of the Africa group*, a Government representative of Zambia welcomed the fact that the indicators would enhance the results-based management approach. The Africa group valued the SSTC initiatives and believed that the proposed indicators would adequately measure the progress made. He supported the decision point in paragraph 4.
- 436.** *A Government representative of Japan* recognized the effectiveness of SSTC, as it provided an opportunity for developing countries to disseminate their expertise to recipient countries. Several multi-bilateral projects were being implemented in cooperation with the ILO Regional Office for Asia and the Pacific, for instance on promoting social dialogue.
- 437.** He supported the proposed indicators, but emphasized that the indicator for outcome 2 made it difficult to evaluate SSTC activities by governments. He requested the Office to evaluate those activities. The Government of Japan wished to take an active part in implementing technical cooperation in partnership with the ILO in creating SSTC.

438. *A Government representative of India* stated that economic growth and development in the South would shape the global economy in the coming decades and could only be sustained through SSTC. Countries of the South had several commonalities, such as a huge informal sector, similar levels of development and shared problems. Through SSTC, innovative solutions developed by countries of the South could be shared in order to tackle the challenges presented by the informal economy. Success stories could be found in South Africa, India and Brazil. Close interaction between developing countries would provide guidance for designing policies and programmes. SSTC initiatives for 2012–13 would be effective only when commensurate with national needs, circumstances and policies. Broadening SSTC was important in helping to attain the Millennium Development Goals (MDGs), in particular poverty eradication. He reiterated that South–South cooperation was not a substitute for North–South cooperation, and encouraged efforts to support SSTC and ILO initiatives for promoting decent work through SSTC. He commended PARDEV for its excellent work. For example, the India–Brazil–South Africa (IBSA) International Conference on South–South Cooperation held in New Delhi in March 2012, organized by the Government of India and the ILO, was a good example of sharing good practices and ideas.
439. The speaker supported the new indicators for outcome 1. He was also in favour of the Decent Work Agenda under the revised indicator for outcome 2, but pointed out that the successful involvement of social partners and non-state actors would be possible only through the national government. A holistic and flexible approach towards the Decent Work Agenda would be more successful.
440. *A Government representative of China* noted that the ILO SSTC had entered a new and practical development stage. The revision of indicators reflected the progress made in SSTC. She reiterated her Government’s support for SSTC, which was different from the traditional North–South cooperation model. It should take into account the real situation in developing countries, fully engage social partners and explore new features of SSTC for project management and implementation. She supported the decision point in paragraph 4.
441. *The representative of the Director-General*, noting the call from ASPAG to work more closely with the multilateral system, asserted that the ILO was already working closely in partnership with the Special Unit for South–South Cooperation of UNDP. The ILO was also an active partner in the third Global South–South Development Expo to be held in Vienna the following week. He took note of the call to continue SSTC throughout 2014–15. The ILO would make relevant proposals in that respect. Concerning the call by the Government of Japan to evaluate South–South cooperation experiences, he announced that that would be done in cooperation with the Evaluation Unit.
442. Noting the amendment to the indicator relating to outcome 2, proposed by the Workers’ group, he read out the amended indicator: “Number of additional or renewed partnerships with governments, social partners, UN agencies and non-state actors in which SSTC contributes to advance the Decent Work Agenda and its four pillars”, and emphasized the addition: “and its four pillars”.
443. *A Government representative of Canada* asked the Workers’ group if its proposed change of the indicator meant that partnerships had to advance all four pillars in order to be counted in the indicator.
444. *The Worker spokesperson* stated that his group’s proposal to amend the indicators was aimed at reaffirming the decent work policy, with the four strategic pillars as objectives.
445. *The Government representative of India* asked the Office to define the term “non-state actors”.

446. *The Government representative of Canada* suggested changing the amendment to “..., which consists of four pillars”, as it was not intended to limit partnerships to those contributing to the four pillars.
447. *A Government representative of Trinidad and Tobago* suggested an amendment to the indicator to include not only UN agencies, but also “other international bodies/agencies”. Referring only to UN agencies would exclude, for instance, the Organization of American States.
448. *The representative of the Director-General* proposed deleting the list of possible partnerships from the indicator, and only referring to “partnerships in which SSTC contributes (...)”. Replying to the request of the representative of the Government of India, he clarified the meaning of “non-state actors”, explaining that while there was no ILO definition of non-state actors, in the ILO’s understanding, the term included civil society, non-governmental organizations (NGOs), academia and groups of parliamentarians.
449. *The Employer spokesperson* expressed his agreement with the new proposal.
450. *The Worker spokesperson* insisted on the need to refer explicitly to the four pillars in the point for decision.
451. *The representative of the Director-General* repeated the new wording of the indicator: “Number of additional or renewed partnerships in which SSTC contributes to advance the Decent Work Agenda, which consists of four pillars.”

## **Decision**

452. *The Governing Body endorsed the new indicators for outcome 1 and the revised indicator for outcome 2 of the ILO Strategy on South–South and Triangular Cooperation, as reflected in the discussion.*

(GB.316/POL/5, paragraph 4, as amended.)

## **Sixth item on the agenda**

### **Public–private partnerships: The way forward (GB.316/POL/6)**

453. A short video on PPPs was shown.
454. *A representative of the Director-General* (Director, PARDEV) introduced document GB.316/POL/6, entitled “Public–private partnerships: The way forward”, which had been prepared in response to requests made by the Governing Body at its 301st Session (March 2008). These were to: (i) establish the necessary guiding principles and operational guidelines; (ii) develop and disseminate promotional materials for PPPs; and (iii) report on the progress made in the area of PPPs at subsequent sessions.
455. It was asserted that the role of the private sector in international development was increasingly recognized, that private companies and foundations could further international development through financial contributions, expertise, in-kind support and advocacy, and that the private sector had the potential to offset declines in official development assistance as a result of the global economic crisis.

456. Between 2008 and 2011, the Office had approved 50 PPPs for technical cooperation, totalling US\$33.2 million, which equalled 3.4 per cent of the total amount of extra-budgetary funding over that period. The PPPs in question had supported projects contributing to 13 of the 19 programme and budget outcomes.
457. Three examples were given of how PPPs had promoted decent work and how PPPs could create mutually beneficial situations for target countries and populations, the enterprises and foundations involved, and the ILO, as implementing partner.
458. In July 2009, the Office had issued an internal governance document to ensure that the formulation and implementation of PPPs adhered to the core values and principles of the ILO. PPPs had been incorporated into the enhanced technical cooperation strategy adopted by the Governing Body at its 306th Session (November 2009) and were recognized as a means of action in the Strategic Policy Framework 2010–15. The Office intended to carry out three tasks in relation to PPPs: (i) undertaking an Office-wide consultation on a PPP outreach strategy to guide efforts by the Office to conclude innovative and results-oriented PPPs, which would be finalized before the end of 2012; (ii) developing promotional material, such as a web page on PPPs, factsheets and an updated brochure; and (iii) mapping the corporate social responsibility priorities of the world's largest companies against the various dimensions of decent work, so as to identify areas of common interest and complementary expertise. The ILO's existing PPP portfolio covered various sectors, themes, partners and countries and consisted of a few large, thematic projects and many small-scale, very specific partnerships. The number of partnerships with private companies was relatively small compared with the number of those with foundations and other non-state actors.
459. An internal review of the PPP portfolio had concluded that: (i) partnership with the private sector yielded positive results for all parties involved; (ii) there was a need to streamline the internal PPP procedure, while at the same time ensuring that workers and employers, as well as ACTRAV and ACT/EMP, were consulted at the initial stages of partnership development; and (iii) the Office needed to improve its capacity to better identify areas of common interest between the ILO and the private sector, and to “speak the language of business”.
460. The point for decision in paragraph 14 of document GB.316/POL/6 proposed that the Office should continue concluding PPPs and report back to the Governing Body in 2014.
461. *The Employer spokesperson* recalled that the issue of PPPs in the context of the ILO's technical cooperation activities had been proposed by his group. The private sector could help the ILO to achieve its decent work objectives by contributing not only financial resources, but also its expertise and its capacity to innovate and to create jobs and wealth. For preference, that should take place through win-win partnerships.
462. The role of the private sector had been recognized at the Fourth High-Level Forum on Aid Effectiveness, held in Busan, Republic of Korea, in December 2011, as well as in the conclusions of the Rio +20 Conference, as a means of achieving development objectives, particularly for sustainable development. Furthermore, the report of the Global Compact Labour Working Group, established at the request of the Secretary-General of the United Nations, had recommended that varied and sustainable partnerships should be promoted. Establishing a special unit for collaboration between the United Nations and the private sector should contribute to achieving that aim. The reference made to ILO fundamental declarations in the Guiding Principles on Business and Human Rights adopted in 2011 was also underlined. In the same spirit, the Governing Body had recommended that the ILO should integrate the Tripartite Declaration on Multinational Enterprises and Social Policy into PPPs and technical cooperation mechanisms.

- 463.** In order to increase its cooperation with the private sector, the ILO should take the concerns of enterprises into account and promote voluntary, flexible partnerships. The Employers' group suggested that efforts should focus on overarching priority issues, while limiting the number of small, ad hoc projects. Successful experiences with PPPs in the areas of disability, child labour and youth employment should be replicated.
- 464.** The Employers' group hoped that employers' organizations would serve as a point of entry for dialogue with the private sector. The International Organisation of Employers and ACT/EMP should be consulted systematically from the outset in discussions to establish any new partnership. Similarly, ACT/EMP and the ILO International Training Centre in Turin should be involved in compiling an inventory of large enterprises and in developing training materials for ILO staff.
- 465.** The Employers' group supported the directions proposed by the Office, on the understanding that there should be shared action and a clear strategy. PPPs had added value for the ILO, but were only one aspect of wider collaboration with business.
- 466.** With regard to the point for decision set out in paragraph 14 of the document, the Employers' group proposed that a new subparagraph (c) be added, requesting the Office to define the term PPP precisely and to report to the Governing Body at a time to be determined by its Screening Group.
- 467.** *The Worker spokesperson* said that the ILO's tripartism should be reflected in the Office's PPP strategy, and that that form of cooperation should not lead to a process of privatizing either the ILO or its funding, which should be provided by member States. He added that the principles and procedures for PPPs adopted by the Governing Body in 2008 should be maintained as the frame of reference for the Office's work.
- 468.** He noted that the majority of resources under PPPs had been allocated to a few areas of work and requested the Office to pursue a more proactive approach to diversification. In addition, he requested more work on internal governance issues in the selection of private enterprises and greater coherence between PPPs, the Decent Work Agenda and the promotion of international labour standards. He emphasized the importance of bearing in mind both the quality of labour relations and trade union participation in the process of selecting enterprises for PPPs. He added that the promotion of PPPs should include social dialogue against a backdrop of freedom of association. He also asked for the decision taken in March on the promotion of the MNE Declaration in new PPPs to be implemented.
- 469.** With regard to the point for decision, he requested a review of the PPP governance procedure and asked for the proposed report to the Governing Body to be brought forward to 2013. In relation to subparagraph (b) of the point for decision, he requested that a progress report should be submitted in 2013, including detailed country-level information, thematic coverage and information on enterprises participating in PPPs with the ILO, as well as engagement with trade unions.
- 470.** *Speaking on behalf of IMEC*, a Government representative of Italy stated that IMEC shared the view that PPPs could promote the sharing of knowledge and expertise and help to pool resources, with the aim of contributing to sustainable development with mutually beneficial gains for those involved. Furthermore, PPPs could act as a catalyst for reform and innovative practices at the ILO. Given the ILO's tripartite structure, it was well placed, by comparison with other UN agencies, to exploit PPPs, and it was therefore disappointing that the ILO had concluded fewer PPPs than other UN agencies. Private sector expertise was essential in assisting the ILO to achieve its mission. Through PPPs, the ILO could facilitate the incorporation of its values and goals directly into business and the economic

sphere, and the introduction of corporate social responsibility principles in the private sector.

- 471.** In view of economic and financial conditions in many member States, PPPs could help to achieve resource diversification. She supported the steps suggested in paragraph 13 of the document and agreed with the proposal to report back to the Governing Body on PPPs in 2014.
- 472.** Over the coming two years, the Office should: (i) provide a clearer understanding of the measures the ILO was taking to engage in promoting PPPs; (ii) deliver more data on resources invested and the return given or expected from PPPs; (iii) provide a more extensive description of the number and scope of PPPs, including their geographical scope; and (iv) clarify further the criteria that would be adopted in creating a more targeted approach to establishing PPPs, and how that approach related to the seven areas of critical importance. She urged the ILO not to lose sight of its core values and strategic priorities in an attempt to make itself more attractive to potential partners and, in that respect, encouraged it to undertake an impact assessment evaluation, as suggested in paragraph 8 of the document. Recent developments within the UN system should be taken into account in acting on the suggested steps forward, as they could have an implication for the ILO's framework on PPPs. A "one-size-fits-all" approach should not be adopted, as individual companies had different needs, and the Office should be able to address the demands of the private sector in terms of quick and timely responses and non-bureaucratic processes. Lastly, she expressed support for the involvement of the ILO International Training Centre in Turin, as suggested in paragraph 13(e) of the document, in developing training materials and delivering training programmes.
- 473.** She expressed support for the point for decision set out in paragraph 14 of the document, taking into account her suggested guidance above, while reserving the right to consider the proposals made by the Employers and Workers.
- 474.** *Speaking on behalf of ASEAN*, a Government representative of Viet Nam welcomed the Office's paper on PPPs and noted the potential of PPPs for mobilizing resources and technical cooperation in various areas. PPPs were a relatively new concept in the ASEAN region, where lack of capacity in the public sector in many countries was an obstacle to establishing them. Enterprise culture needed to be better understood by the public sector so as to make PPPs more attractive. The ILO could take a more systematic approach to assessing potential partners, sharing its experience on PPPs and compiling an inventory of the world's largest companies so as to better facilitate the creation of results-orientated PPPs. Future PPP arrangements should be planned and carried out on the basis of international best practices. ASEAN supported the point for decision in paragraph 14 of the document.
- 475.** *Speaking on behalf of the Africa group*, a Government representative of Zambia commended the Office on the action taken since the matter had been discussed by the Governing Body in 2008. He noted the progress made to incorporate PPPs into the enhanced technical cooperation strategy and the appointment of a specialist to deal with public-private partnerships. PPPs contributed not only to infrastructure development, but also to labour market management with the aim of enhancing decent work. He urged the Office to take proactive action to increase the relatively small number of partnerships with private companies. He also requested the Office to exert more efforts to develop relevant PPPs, in line with the Governing Body's 2008 discussion. The need to further increase social dialogue and promote labour standards in PPPs could not be overemphasized. He supported the draft decision set out in paragraph 14 of the document.

476. A *Government representative of the Republic of Korea* highlighted the increasing importance of the private sector, not only financially, but also in advancing innovation, creating wealth, income and jobs, mobilizing domestic resources and, in turn, contributing to poverty reduction. He requested the Office to pursue efforts to follow up on the action suggested in the report, as a 3.4 per cent share of PPPs in total voluntary contributions seemed relatively low. In addition to building internal ILO capacity on PPPs, further efforts were needed to spread cooperation models of PPPs for decent work and to explore the expansion of PPPs to areas such as migrant workers and social enterprises.
477. Following the Busan high-level forum, his Government had launched the Development Alliance Korea in August 2012, composed of stakeholders from businesses, NGOs and academia. The Alliance would seek partnerships with multilateral organizations, international NGOs and countries. The Ministry of Employment and Labour of the Republic of Korea would promote PPPs in the field of employment and labour, in collaboration with the ILO.
478. A *Government representative of France* associated herself with the statement made on behalf of IMEC. PPPs were an operational means for the ILO to work with all those involved in business, raise awareness more effectively of its fundamental principles and increase its technical cooperation resources. It was necessary to preserve respect for the priorities and values of the ILO while adapting programmes to the specific nature of enterprises. In that area, promotional and training materials should be prepared with support from the International Training Centre in Turin.
479. A *Government representative of India* acknowledged that poverty eradication and sustainable development should be the overarching goals, in line with the outcomes of the United Nations Conference on Sustainable Development (Rio +20). He stressed the usefulness of PPPs in the areas of skills development and employment generation in countries with a large youth population. He emphasized that the eradication of poverty and the provision of employment and basic services to a large section of the population still remained a big challenge. In India, 70 per cent of workers were in the informal sector and 50 per cent were self-employed. PARDEV should work with the cooperative and microfinance units of the ILO with the aim of promoting PPPs in the informal economy. Rather than develop standards for PPPs, there was need for a more flexible approach, because one size would not fit all.
480. A *Government representative of China* agreed that there was a need to establish PPPs and endorsed the five suggestions outlined in the document. The ILO had further potential to enhance PPPs, taking into account the role of employers' organizations in countries, and the ILO should encourage enterprises to provide the necessary resources to train young people through internships and apprenticeships.
481. A *Government representative of Ghana* supported the statement made on behalf of the Africa group. The financial crisis had renewed interest in PPPs among developed and developing countries, and exploring PPPs as a way of providing better public services through improved operational efficiency was crucial for development. Ghana had forged different forms of PPPs, including on eliminating child labour in the cocoa sector, as depicted in the video shown at the beginning of the discussion. With assistance from the World Bank, a US\$30 million PPP project had begun to address the lack of a clear and comprehensive policy framework for PPPs in Ghana. She welcomed the guidance in paragraph 13 of the document and supported the draft decision in paragraph 14.
482. *The representative of the Director-General*, after summarizing the different interventions, acknowledged the Employers' request to present a clearer strategy, which was already in progress, and referred to the decision point in that regard. The strategy would prioritize

themes, rather than the conclusion of many small PPPs. The programme and budget and areas of critical importance would guide PPPs. ACT/EMP was involved in the early stages, and the strategy would be subject to the revised internal procedure governing PPPs.

- 483.** In reply to the concerns expressed by the Workers, he stressed that respect for workers' rights and mainstreaming the Tripartite Declaration on Multinational Enterprises and Social Policy were already part of the PPP procedure and strategy. ACTRAV and ACT/EMP were being consulted on PPPs and would be involved at an earlier stage under the revised procedure.
- 484.** In response to the points raised on behalf of IMEC, he explained that the ILO probably had fewer PPPs than other UN agencies because of its more rigorous selection process. The revised procedure would address further prioritization in line with new priorities, as well as providing a faster and less bureaucratic response to private partners. More detailed information would be available by 2013. He agreed that the Office needed to report on value for money with regard to PPPs, and referred to the section of the PARDEV website covering PPPs and to factsheets. Assessing the impact of PPPs would be discussed with the Evaluation Unit of the ILO. On the role of the International Training Centre in Turin, he added that the Centre had concluded several PPPs and expressed the hope that future PPPs could also benefit from the Centre's expertise and facilities.
- 485.** The imbalance in the distribution of PPPs was explained by the fact that, during the previous biennium, two very large PPPs had been concluded with the Bill and Melinda Gates Foundation and with The MasterCard Foundation, in the areas of microinsurance and youth employment, respectively. The ILO was therefore already working with the Social Finance Programme to respond to the needs of the informal economy. In 2012, a period on which the document did not report, more PPPs had been concluded with companies than with foundations. He confirmed that the Office would analyse the PPP experience of other UN bodies through the Global Compact and the new United Nations Office for Partnerships. Knowledge sharing on PPPs would be incorporated into the Office's strategy. The share of PPPs in the total volume of voluntary contributions to the ILO was set to rise from 3.5 per cent in the 2008–11 period to around 7 per cent in 2012.
- 486.** He read out the point for decision, amended as follows: "The Governing Body requests the Office to: (a) complete an analysis of PPP selection criteria results and lessons learned to support its effort in developing relevant and qualitative PPPs by 2013; (b) refine its strategy with regard to PPPs by 2013; and (c) report back to the Governing Body with information on the geographical and thematic scope and on the participation of ILO constituents in PPPs at a time to be determined by the Office of the Governing Body."
- 487.** *The Employer spokesperson* proposed that subparagraph (b) should be reformulated as follows: "to make proposals in order to clarify and refine its strategy with regard to PPPs for the Governing Body at its October 2013 session".
- 488.** *The Worker spokesperson* highlighted the importance of adding a reference to the guiding principles on PPPs approved by the Governing Body to the draft decision. For his group, it would be preferable to hold the discussion in March 2013.
- 489.** *The Employer spokesperson* agreed to align his group's position on the timing of the discussion with that of the Workers' group, and proposed March 2013 instead.
- 490.** *Speaking on behalf of IMEC*, a Government representative of Italy asked for the reference to October 2013 to be retained, because the Governing Body's agenda for March 2013 would already be overloaded by the Programme and Budget for 2014–15. IMEC would prefer to have a more in-depth discussion in October 2013.

491. *A Government representative of India* requested clarification of the meaning of the terms “relevant” and “qualitative” in subparagraph (a) of the draft decision.
492. *The representative of the Director-General* explained that the term “relevant” referred to the relevance of PPPs to the Decent Work Agenda and to the ILO’s area of work. The term “qualitative” referred to PPPs not just as funding partnerships, but also as strategic ones.
493. *A Government representative of India* replied that the meaning of the two terms should be clear in the decision. He asked why the Decent Work Agenda was not mentioned.
494. *The representative of the Director-General* suggested deleting the words “relevant and qualitative”, in order to avoid having too long and complicated a text.
495. *Speaking on behalf of IMEC*, a Government representative of Italy reiterated that she would prefer to hold the discussion in October 2013, as it would allow more time for discussion by the Governing Body. Concerning subparagraph (c) of the draft decision, she pointed out that, in accordance with the new compendium, the words “to be determined by the Office of the Governing Body” should read “to be determined by the Screening Group of the Governing Body”.
496. *The Worker spokesperson* reiterated that the date should be determined by the Screening Group, and that subparagraph (a) of the draft decision should be based on the conclusions adopted in 2006 by the ILC.
497. *The Employer spokesperson* suggested the following wording for subparagraph (b), following consultation and agreement with the Workers’ group: “to make proposals in order to clarify and refine its strategy with regard to PPPs at a time in 2013 to be determined by the Screening Group”.
498. *Speaking on behalf of IMEC*, a Government representative of Italy agreed with the suggestion not to refer to a specific month in the draft decision.
499. *The representative of the Director-General* read out the point for decision, as amended: “The Governing Body requests the Office to: (a) complete an analysis of the PPP selection criteria, results and lessons learned to support its effort in developing PPPs by October 2013; (b) to make proposals in order to clarify and refine its strategy with regard to PPPs to be submitted to the Screening Group for a date to be fixed in 2013; and (c) report back to the Governing Body with information on the geographical and thematic scope and on the participation of ILO constituents and PPPs at a time to be determined by the Screening Group of the Governing Body.”
500. *A representative of the Director-General* (Deputy Director-General for Management and Reform) questioned the proposed amendment to subparagraph (b). If the issue was to be submitted to the Screening Group, it would be for the Screening Group to determine a date for the Governing Body’s discussion. He suggested that it would be more practical for the Governing Body to decide at its present session to discuss the issue in October 2013, as discussing it at the March 2013 session would entail completing preparations by the end of December 2012. A discussion in October 2013 would be more informative and would allow for a more consolidated paper to be prepared, reflecting an extra six months of experience. If the Governing Body wished to request the Screening Group to determine specifically when in 2013 the issue would be discussed, subparagraph (b) should reflect that clearly.
501. *The Employer spokesperson* suggested maintaining the formulation that had been agreed upon by the Employers, the Workers and IMEC.

502. *The Worker spokesperson* agreed that the date should be decided by the Screening Group, and reiterated that a reference to the guiding principles on PPPs should to be inserted in subparagraph (a) of the draft decision.
503. *A representative of the Director-General* (Director of PARDEV) observed that it would be useful to use the same formulation in subparagraphs (b) and (c), i.e. to refer in both cases to the year 2013: “At a time to be determined by the Screening Group of the Governing Body in 2013”. Regarding subparagraph (a), he suggested adding a reference to the Strategy adopted in 2006, in order to make clear that the subparagraph was in line with the 2006 Strategy.
504. *The Worker spokesperson* agreed to his suggestion.

## **Decision**

### **505. *The Governing Body requested the Office:***

- (a) *to complete an analysis of the public–private partnership (PPP) selection criteria, results and lessons learned, to support its efforts in developing PPPs, in line with the guiding principles approved by the Governing Body at its 301st Session (March 2008), at a time in 2013 to be determined by the Screening Group;*
- (b) *to make proposals in order to clarify and refine its strategy with regard to PPPs at a time in 2013 to be determined by the Screening Group;*
- (c) *to report back to the Governing Body with information on the geographical and thematic scope and on the participation of ILO constituents in PPPs at a time in 2013 to be determined by the Screening Group.*

(GB.316/POL/6, paragraph 14, as amended.)

## **Seventh item on the agenda**

### **Enhanced programme of technical cooperation for the occupied Arab territories**

(GB.316/POL/7)

506. *A representative of the Director-General* (Director of the Regional Office for the Arab States) explained how analyses by research institutes and the World Bank underscored the continuing hardship in the occupied Arab territories. The illusion of an economic boom between 2007 and 2010 had been exposed. Although real GDP did increase, jobs were created, and wage employment went up, the rate of increase had not been fast enough to absorb new entrants into the job market, and poverty had actually increased. One in two Palestinians was now considered to be poor. The benefits of growth were unevenly shared, the restrictions on movement continued, aid flows had slowed, and this was combined with dramatic fiscal constraints. Consultations with constituents had started with a view to building a strategy, which would include: (i) labour rights, governance and standards; (ii) the promotion of a sustainable economic environment; and (iii) the development of an integrated social security system which was to be extended to all.

- 507.** Social dialogue and capacity-building work had yielded progress in the region, and among other successes a national wage committee had been established. Future work would involve a second phase of social dialogue promotion, continued support for labour migration, gender mainstreaming and work to combat child labour. Work towards sustainable economic development would need to focus on skills development, including in the construction sector and in other areas targeting women. In the area of social and economic vulnerability, there would be a focus on a national social security system, which would hopefully lead to the progressive establishment of a social protection floor. The funding situation was precarious, and there was a need to diversify funding sources.
- 508.** *The Employer spokesperson* expressed the hope that the ILO would secure further technical cooperation and practical inputs for the Arab territories. Many reports had made clear that the economic situation had contributed to the turn of events, and the situation in Palestine and the Arab States was difficult. In March 2012, the ILO Commission of Inquiry had reported that it was unlikely there would be any real improvement in the territories unless discrimination was tackled and obstacles to economic development were removed. He urged the ILO to step up support for technical cooperation programmes in the occupied Arab territories, with particular emphasis on social protection, employment and basic freedoms that would restore human dignity in the region as a whole. The conclusions of the thematic Arab region donor meeting held in 2010 should be implemented.
- 509.** *The Worker spokesperson* acknowledged the work the Office had done in very complicated circumstances. However, the situation of continued occupation, the desperate realities on the ground and the incapacity of the Palestinian authorities to govern under these circumstances seemed not to be sufficiently reflected in the ILO response. There should be more analysis of the impact of the occupation and the realities experienced by Palestinians, to make ILO interventions more effective and relevant to the needs of Palestinian workers and their families. The ILO should further work to institutionalize inclusive and equitable dialogue. He regretted the lack of concrete progress on the minimum wage.
- 510.** The Workers' group took note of the three priorities outlined in the report, although it was concerned about the viability of the initiatives under the second, because its undue emphasis on the means of creating a labour supply would have only a limited impact in the absence of demand in the economy. As for the third priority, it should not be confined to private sector workers. He concluded with the observation that the promotion of decent work would require the independence of the Palestinian people and that the ILO initiatives in the short term should be in line with those longer term objectives.
- 511.** *Speaking on behalf of the Africa group*, a Government representative of Zambia expressed his concern that little progress had been made with regard to the economic indicators outlined in paragraph 3. Poverty, unemployment and precarious work continued to dominate. He welcomed the ILO's support for the objectives of the Palestinian National Development Plan, and the strengthening of the tripartite system, explained in paragraphs 4 and 7, respectively. He appreciated the finalization of the overarching Decent Work Strategic Framework for the Occupied Palestinian Territory, which he expected would hasten progress towards the goal of achieving decent jobs. The Africa group was concerned at the inconsistency between the present report and the one produced for the Governing Body in November 2011 (GB.312/POL/11, paragraph 6), according to which the Decent Work Strategy had been formulated and validated by the Palestinian stakeholders. He requested clarification of the status of the Strategy. The work to enhance the role of employers in policy development, social and policy dialogue and advocacy by the ILO was commendable. He also commended the work of the Office in supporting an economic environment conducive to greater access to employment and livelihood opportunities. He noted the success of the pilot project promoting an entrepreneurship culture and self-employment for youth, and welcomed the initiative to establish a national

social security strategy for the people of the Occupied Palestinian Territory. He urged the Office to continue to use its multilateral influence in supporting a lasting solution to the crisis in the occupied Arab territories.

- 512.** *A Government representative of Qatar* stressed that the Office paper demonstrated the extent of the suffering of people in the occupied Arab territories. Alleviating that suffering presented a challenge for the Organization. Some progress had been made through the efforts of different parties, as explained in paragraph 2. As the Palestinian authority was facing a financial crisis, the various parties concerned must provide more assistance. In spite of slight improvements in growth in 2011, the situation remained fragile, and there was a need to revitalize the economy of the occupied Arab territories. Qatar had provided US\$400 million for reconstruction in the Gaza Strip, along with the building of 1,000 dwellings. Other services were planned, including the construction of cultural centres and roads and the creation of jobs. He encouraged the ILO to strengthen its technical cooperation efforts and provide support to the Regional Office and other ILO offices. His Government wished to be kept informed of the results of the Strategy and other issues related to Decent Work. The ILO's efforts to revitalize the national social security fund were appreciated and should be pursued. Devoting more funds to promoting gender equality was socially and economically important, and he would welcome more information on that subject, such as figures on entrepreneurship among women, at the next session. He would also be glad to have a calendar of current and future projects. A table or graph showing ILO activities would help to clearly identify different programmes, projects and indicators.
- 513.** *A Government representative of Egypt* pointed out that the situation in the occupied Arab territories was endangering the creation of an independent Palestinian state. The ILO mission in 2012 had stated that there was no real progress on the social rights of Palestinian workers. At the Governing Body meeting in March 2012 the financial crisis in Palestine had been described as so severe that not even civil servants could be paid. Given the deterioration in Gaza in the humanitarian and labour situation, in addition to the economic situation, illustrated by falling incomes, enhanced technical cooperation was to be welcomed, particularly in respect of workers' rights and improvements in the labour market and in the economic situation, leading to better work opportunities and social security. The slight improvement in the situation of some workers did not reflect the overall situation of Palestinian labour, and did not mean that there was growth in the economy. Growth would only occur when an independent Palestinian state existed. He called on the ILO to make even greater efforts to step up funding for Palestine at a time of crisis.
- 514.** *The representative of the Director-General* agreed to include a timeline and matrix of available funding in the next report. Inconsistencies in the language on decent work were due to the fact that initially, the Palestinian Authority had developed its own national strategy, from which the ILO had identified possible areas of cooperation. The Office had a total of only US\$800,000, including US\$500,000 from Kuwait, on which to draw to deliver a very ambitious programme. The limited resources, as well as the situation of occupation, made it difficult to tackle the underlying root causes, and the Regional Office was now endeavouring to recalibrate. The area of social protection was new, and child labour had been one of the most pressing issues. Portable skills development was one way of tackling the situation of economic growth without jobs in the long run. Although there were not so many results in the area of social dialogue, she felt the agenda had developed well.

## **Outcome**

- 515.** *The Governing Body took note of the report and invited the Office to take account of the observations and guidance provided during the discussions.*

## **Eighth item on the agenda**

### **Implementation of the Tripartite Agreement on Freedom of Association and Democracy in Colombia (GB.316/POL/8)**

- 516.** *A representative of the Director-General (Director, PARDEV) introduced the report, updating the ILO's technical cooperation programme in Colombia in response to the Tripartite Agreement on Freedom of Association and Democracy.*
- 517.** *The Employer spokesperson described a number of changes that had taken place in recent years in Colombia, resulting in considerable improvements to the purchasing power and quality of life of its citizens. Workers' rights were now being respected, and although there was still work to be done employers were determined to pursue those improvements on the road to peace.*
- 518.** *The Worker spokesperson noted that although some progress had been made in recent years in complying with international standards, Colombia was still one of the most unequal countries in the world, and there were still serious labour problems, affecting both the stability in the world of work and the quality of life of the workers.*
- 519.** *He acknowledged the efforts by the Government to protect trade unionists, and appealed to it to guarantee effective enjoyment of freedom of association. More needed to be done to guarantee effective freedom of association, collective bargaining and social dialogue. Finally, he urged the ILO to continue accompanying Colombia through its process of peace and development.*
- 520.** *The Government representative of Colombia said compliance with the 2006 Tripartite Agreement on Freedom of Association and Democracy was illustrated in three ways: (i) improved social dialogue by means such as the setting up of the Standing Negotiation Committee on Labour and Wage Policies, in which the proposal for restructuring the Ministry of Labour had originated; (ii) the enhancement of the system of labour inspection, monitoring and control; and (iii) the promulgation of the law on hazards at work. There was still much to be done, and budget provision would accordingly be made for the year 2013. He was anxious to continue working with the ILO, which had acted as a guide on the way towards growth in the economy and in employment. Support in the form of technical or economic assistance from Canada, Switzerland and Norway, and the ongoing project funded by the Department of Labor of the United States, were essential for continuing to make progress towards a society in which all the rights of workers, employers and civil society were respected.*

## **Outcome**

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

(Document GB.316/POL/8.)

## Legal Issues and International Labour Standards Section

522. The Legal Issues and International Labour Standards Section was held on Friday, 9 November 2012. It was chaired by Mr Corres (Government, Argentina), as assigned by the Chairperson of the Governing Body. Ms Horvatic and Mr Cortebeeck were the Employer and Worker spokespersons.

### Legal Issues Segment

#### First item on the agenda

#### Composition of the International Labour Conference: Proportion of women and men on delegations (GB.316/LILS/1)

523. *A representative of the Director-General* (the Deputy Legal Adviser) introduced the document, stressing that the promotion of equality between women and men was one of the fundamental principles and core values of the ILO. The specific issue before the Governing Body was how the ILO and its Members could work together to promote gender parity at ILO meetings, particularly in delegations to the International Labour Conference (ILC).

524. *The Employer spokesperson* appreciated the statistics provided by the Bureau for Gender Equality (GENDER), but noted that they did not permit an assessment of the long-term trends which would demonstrate an increase in the proportion of women in ILC delegations over time and permit other conclusions to be drawn, such as the impact of the economic crisis on the issue. The responsibility for attaining gender balance in delegations fell to governments and social partners in selecting delegates from among the competent, qualified and experienced persons available. Where women were lacking in governments or in employers' and workers' organizations, the broader issue of gender imbalance in the member State also had to be addressed. Regarding the proposals in the document, the Employers fully supported the proposal in paragraph 13(c), which was the most important. They also supported paragraph 13(a) of the decision point in relation to information specifying the number of women and men among substitute delegates by regional grouping, but considered that individual member States should not be identified; she thus proposed wording for the end of paragraph 13(a) to take into account the views expressed in the discussion. However, her group had serious reservations regarding paragraph 13(b) due to the additional work that it implied for the Office and governments. Consequently, she proposed that paragraph 13(b) of the document be amended to read as follows: "request the Director-General to collect relevant information with the aim to better understand the issue and what the Office could do in order to help improve the representation of women in International Labour Conference delegations, and to report on this regularly to the Governing Body".

525. *The Worker Vice-Chairperson* regretted that the proportion of women on Conference delegations had worsened recently, citing figures and noting that the ILO was still very far from the United Nations (UN) target mentioned in the document. Recognizing that his group had the worst record, he called for strong measures for change within the trade union

movement. Put in a broader context, the issue related to Article 21 of the Universal Declaration of Human Rights, which recognized the right of every person to take part in the government of his or her country. Equal participation of men and women in political affairs made governments more representative, accountable and transparent and ensured that the interests of women were taken into account in policy-making. That also applied to workers' and employers' organizations. Urgent measures needed to be taken to ensure gender balance in Conference delegations, which would require a real and renewed tripartite commitment at country level. As to the specific proposals in the document, he suggested that the Director-General could initially send letters to Members that had not reached a 30 per cent level of female participation in their Conference delegations. Office measures should include associating workers' and employers' organizations in any relevant activity carried out by the Office, and the Office should develop specific proposals on childcare arrangements during the ILC, especially for women with very young children. The Workers supported the draft decision with a change to paragraph 13(b) to request the Director-General to "send letters after every Conference to Members that have not reached the 30 per cent level of participation of women in ILC delegations ..." and also wished to add a new paragraph to address Regional Meetings and other ILO tripartite meetings in the same way.

- 526.** *Speaking on behalf of the Africa group*, a Government representative of Angola referred to article 3, paragraph 2, of the ILO Constitution and to the relevant resolutions of the Conference and regretted that the UN target of at least 30 per cent of women in delegations had never been met. His group endorsed action by the Credentials Committee of the Conference, by the Governing Body on the basis of inquiries carried out by the Director-General and by the Office, as proposed in the draft decision.
- 527.** *Speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC)*, the Government representative of Colombia recalled the importance of the subject in question, including the need to maintain gender parity in tripartite delegations to ILO meetings. Noting the "deep concern" expressed by the Credentials Committee at the 2012 ILC, she highlighted that the responsibility for attaining gender balance in delegations rested with both the governments and the social partners and that GRULAC governments were committed to achieving that goal in a tripartite manner. In relation to paragraph 12, she suggested that any information pamphlets be principally distributed to constituents that still needed to make efforts. Her group supported the draft decision in paragraph 13. Regarding paragraph 13(b), she proposed that any questionnaires be sent solely to those constituents that still needed to make particular efforts.
- 528.** *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, the Government representative of Canada regretted that the ILO was not managing to meet the UN target and welcomed initiatives to improve participation of women at the ILC. Referring to the statistics, it appeared that governments on their own sometimes achieved the UN target, but that employers' and workers' organizations were not in the same position. Therefore, any concrete measures suggested should address the three groups equally. While she supported action by the Credentials Committee and the Office, real improvements could only be achieved if countries pursued a meaningful gender equality policy at the national level. The long duration of the ILC required a national climate that was conducive to female participation and that ensured reconciliation of work and family responsibilities. IMEC did not support the high-level colloquia proposed in the document, which could result in costly exercises with low attendance. In addition, while measures at the national level would not be helpful in relation to tripartite technical meetings, the Office could encourage female participation in its invitations to such meetings. The group did not support any new reporting as proposed in paragraph 10; rather, resources should be directly allocated to assist Members with no or low female participation. The point for decision was supported, subject to amendments to paragraph 13(b), as follows: "further

invite the Credentials Committee to consider direct contacts with ILC delegations with consistently low female participation in order to consider the reasons and include the results in its report, with a view to improving the situation”.

- 529.** *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of the Islamic Republic of Iran stated that gender equality was not only about economic empowerment, but was a moral imperative. Gender equality, which included many political, social and cultural dimensions, was essential for protecting universal human rights and fundamental freedoms and should be mainstreamed at all policy levels. Despite a general reduction, gender differentials persisted in the majority of ILO member States. ASPAG was concerned that, despite numerous UN and ILO instruments, the problem of low female representation was still present in ILO meetings and in almost all UN meetings. The responsibility for attaining gender balance in delegations rested with both the governments and the social partners, since article 3, paragraph 5, of the Constitution established that governments should accept the most representative organizations' choice regarding the persons to be nominated as the Employers' and Workers' delegates. ASPAG supported the proposals in the document, but cautioned that the proposed regular mechanism for data collection should not overburden governments. As reflected in the GENDER 2012 statistics publication, there were multiple causes for the low participation of women in ILO events and future Office papers should target specific problems.
- 530.** *A Government representative of El Salvador*, endorsing the statements made on behalf of the members of GRULAC, considered that the agenda item highlighted the chasm between women's rights at national and international levels and the actual situation of existing disparities between men and women in the world of work, and in particular the additional responsibilities borne by women with respect to their family obligations. The current situation should signal to the ILO the need to adopt measures that would foster shared responsibilities and permit the reconciliation of work and family. The ILO should support such sharing of responsibilities, for example by requiring that more gender-balanced delegations attend relevant meetings. Her Government had not only been obedient but radical and sent an exclusively female delegation. She supported the draft decision.
- 531.** *The Employer spokesperson* stated that her group could not support the amendment put forward by IMEC in so far as it invited the Credentials Committee to consider direct contacts with ILC delegations with consistently low female participation. Based on her experience, the Credentials Committee would not have sufficient time and resources to take on additional direct contacts with governments due to its already heavy workload in relation to objections to credentials and complaints. Besides, certain governments would not reply to the communications of the Committee and others would reply that gender balance in their delegation was not their problem but that of the social partners.
- 532.** The Employers' group, the Workers' group and IMEC agreed on a new version of the point for decision as follows:

***The Governing Body:***

- (a) *invited the Credentials Committee of the International Labour Conference (ILC) to consider more detailed reporting on the proportion of women and men accredited in Conference delegations, taking into account the views expressed in the discussion by the Governing Body at its 316th Session (November 2012);*
- (b) *further invited the Credentials Committee to consider contacts with ILC delegations with consistently low female participation in order to receive information about the reasons and include the results in its report, with a view to improving the situation;*
- (c) *requested the Director-General to send letters after every Conference to Members which have not reached a 30 per cent level of participation of women in ILC*

*delegations, and to periodically report to the Governing Body on any obstacles encountered as well as any measures taken to achieve gender parity;*

- (d) *invited the Office to continue to collect relevant information and encourage and give assistance to concrete measures to be taken by governments, employers' and workers' organizations with a view to achieving gender parity in delegations to ILO meetings.*

**533.** *A Government representative of the Islamic Republic of Iran reiterated ASPAG's view that the increase in reporting obligations arising from the new draft decision and its implications for the Credentials Committee should be considered with caution. Given that, in 2012, out of 186 member States, only 22 met the target of 30 per cent of women in their delegations, the Credentials Committee would be expected to review reports of 162 member States, in addition to the 25 objections and complaints that it received on average at every session of the Conference. He concurred with the Employers that it would represent too heavy a burden on the Credentials Committee, and also on the governments already overburdened with ILO reporting obligations.*

**534.** *A Government representative of India, endorsing the statement by the Islamic Republic of Iran, emphasized that countries were at different stages of development and should be encouraged rather than be called before the Credentials Committee.*

**535.** *A Government representative of Trinidad and Tobago questioned the role proposed for the Credentials Committee in paragraph 13(b) of the proposed new decision point. While the Director-General could contact Members to ensure that they improved their level of female representation in ILO meetings, he wondered what the constitutional basis would be for the Credentials Committee to reprimand Members.*

**536.** *The representative of the Director-General explained, in relation to the comments from the Government of the Islamic Republic of Iran, that the 30 per cent level of female participation was not necessarily the indicator that the Credentials Committee would use in its considerations; the 30 per cent indicator was proposed to determine the Members to which the Director-General would send letters. In relation to the question and comments from Trinidad and Tobago and India, she understood that the contacts of the Credentials Committee with delegations, called for in the suggested draft decision, would not involve new submissions in the form of objections, complaints or monitoring, for which an extension of the mandate of the Credentials Committee would be needed. Rather, they would be based on the constitutional principle of promotion of gender equality, which applied to all the constitutional obligations of ILO Members, including those involved in composing delegations to the Conference. That had also been emphasized by the Conference itself in its 1981 resolution, referenced in the document, when it determined that the promotion of gender equality directly applied to the Members' composition of delegations for the Conference.*

## **Decision**

**537. The Governing Body:**

- (a) *invited the Credentials Committee of the International Labour Conference (ILC) to consider more detailed reporting on the proportion of women and men accredited in Conference delegations, taking into account the views expressed in the discussion by the Governing Body at its 316th Session (November 2012);*

- (b) *further invited the Credentials Committee to consider contacts with ILC delegations with consistently low female participation in order to receive*

*information about the reasons and include the results in its report, with a view to improving the situation;*

- (c) requested the Director-General to send letters after every Conference to Members which have not reached a 30 per cent level of participation of women in ILC delegations, and to periodically report to the Governing Body on any obstacles encountered, as well as any measures taken to achieve gender parity;*
- (d) invited the Office to continue to collect relevant information and encourage and give assistance to concrete measures to be taken by governments, employers' and workers' organizations with a view to achieving gender parity in delegations to ILO meetings.*

(GB.316/LILS/1, paragraph 13, as amended by the Governing Body.)

## **International Labour Standards and Human Rights Segment**

### **Third item on the agenda**

#### **Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART): Report on allegations submitted by teachers' organizations**

(GB.316/LILS/3)

- 538.** *A representative of the Director-General* (Director, Sectoral Activities Department) recalled that the 11th Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) had been held from 8–12 October 2012 in Geneva. In line with past practice, the allegations examined by the CEART had been submitted to the Governing Body's Legal Issues and International Labour Standards Section for its review, with a view to communicating the results in a timely manner to the concerned governments and teachers' organizations. The full report of the 11th Session of the CEART would be submitted to the March 2013 session of the Governing Body.
- 539.** *The Worker Vice-Chairperson* noted that the CEART had closed the cases from Australia and Ethiopia as no further information had been supplied by the parties. The Workers' group remained concerned by the situation in Ethiopia and called upon the Government to give effect to the recommendations made the previous year by the Committee on Freedom of Association, which related to the case dealt with by the CEART concerning serious violations of the right of teachers to form joint trade unions. In the case from Denmark, the Workers' group supported the CEART's recommendation to invite the Government of Denmark to make efforts to address the remaining concerns of the Dansk Magisterforening. With regard to the allegation concerning Portugal, the Workers' group welcomed the conclusions of the CEART to the effect that austerity measures were not an excuse to violate the principles of the Recommendation concerning the Status of Teachers. In the case concerning Japan, the Workers' group noted the progress that had been made

and hoped that the reforms introduced would result in more effective social dialogue, which would resolve the problems addressed in the case.

- 540.** The Workers' group also noted that the Joint Committee had discussed general developments concerning social dialogue and had expressed concern that social dialogue had not been employed extensively in preparing responses to the financial crisis in the education sector. That was an important question not only in the education sector, and should be addressed as part of the preparatory work for the 2013 recurrent item discussion on social dialogue. The speaker concluded by noting that the CEART was a very good example of UN collaboration, and he supported the draft decision.
- 541.** *The Employer Vice-Chairperson* noted that the present session of the Governing Body examined extracts of the CEART report on allegations submitted by teachers' organizations and that the whole report would be examined in March. She inquired whether it would not be more efficient to discuss the allegations together with the full report in March 2013, as that would allow the Governing Body to better understand the work carried out by the CEART.
- 542.** The Employers' group also stressed that the CEART's examination of allegations resulted in non-binding recommendations addressed to the ILO member States. The recommendation on the case from Portugal, however, contained the term "violate", which in the context of non-binding recommendations appeared to be inappropriate. In terms of substance, the Employers' group did not believe that it was within the CEART's mandate to make recommendations regarding government action on austerity without really knowing the context in which the measures had been introduced in the country.
- 543.** With regard to the draft decision, the Employers' group proposed to add in paragraph 5(b), after the words "communicate the report", the words "along with the record of the discussions on this point of the agenda at the Legal Issues and International Labour Standards Section of the 316th Session of the Governing Body". She supported the rest of the draft decision.
- 544.** *The Worker Vice-Chairperson* agreed with the proposed amendment.
- 545.** *Speaking on behalf of the Africa group*, a Government representative of Botswana noted the Joint Committee's recommendation in the case from Portugal that even though austerity measures might be taken for economic recovery, such measures could not be used as a reason for violating the principles of the Recommendation concerning the Status of Teachers. The Africa group, therefore, urged parties to resolve the issue in accordance with the principles of the Recommendation. It also encouraged the Government of Denmark to discuss issues raised by the CEART with the relevant parties and noted progress in the case of Japan. She supported the draft decision.
- 546.** *The representative of the Director-General* noted the query by the Employers' group as to why allegations examined by the CEART were being discussed at the present session of the Governing Body when the whole report was to be discussed in March 2013. She stated that past practice had been to immediately bring allegations examined at a CEART session to the attention of the Governing Body to expedite communication to the relevant parties. The report of the entire CEART session, which was considered to be a sectoral meeting, was usually presented to the Social Dialogue Segment of the following Governing Body, which discussed the outcomes of sectoral meetings.

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**Decision****547. The Governing Body:**

- (a) *took note of the relevant parts of the report of the 11th Session of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel relating to allegations on the non-observance of certain provisions of the ILO–UNESCO Recommendation, 1966, or of the UNESCO Recommendation, 1997, in Australia, Denmark, Ethiopia, Japan and Portugal or both as applicable; and*
- (b) *authorized the Director-General to communicate the report, along with the record of the discussions held on this point of the agenda at the Legal Issues and International Labour Standards Section of the 316th Session (November 2012) of the Governing Body, to the Governments of Australia, Denmark, Ethiopia, Japan and Portugal and to the National Tertiary Education Union (NTEU) of Australia, the National Teachers’ Association (formerly Ethiopian Teachers’ Association (ETA)), the Dansk Magisterforening (DM), Education International, the National Teachers’ Federation (FENPROF) of Portugal and the All Japan Teachers’ and Staff Union (ZENKYO), and to invite them to take any necessary follow-up action as recommended in the report.*

(GB.316/LILS/3, paragraph 5, as amended by the Governing Body.)

## Programme, Financial and Administrative Section

548. The Programme, Financial and Administrative Section of the Governing Body met on 5 and 6 November 2012. It was chaired by the Chairperson of the Governing Body, Mr de Robien. Mr Julien and Ms Sundnes were the Employer and Worker spokespersons.

549. The order of discussion proposed in document GB.316/PFA/TOB was agreed.

## Programme, Financial and Administrative Segment

### First item on the agenda

### Preview of the Programme and Budget proposals for 2014–15 (GB.316/PFA/1)

550. *The Director-General*, in his introductory remarks, provided an overview of the context of change and reform in which the programme and budget proposals were presented, and elaborated on the emphasis placed on prioritization of key issues and the process guiding their achievement (Appendix II).

551. *The Employer spokesperson* emphasized the importance of the Programme and Budget for 2014–15 in the light of the current economic and social situation in many countries. The new biennium also provided an opportunity to make a lasting impact on the life of the Organization, its effectiveness, its governance and its working methods. The speaker welcomed the new tone set in the document and approved the idea of setting priorities before taking a decision on the budget. However, he did not support the proposed key areas, and he referred to the proposals put forward by the Employers in a document drafted following an informal meeting on 16 October. The speaker pointed out that those proposals were intended as a contribution to the discussion, and he wished to see an open debate with a view to reaching political agreement on the priorities of the Organization. While they supported the focus on priorities and the Director-General's intention to strengthen ILO action, the Employers nonetheless considered that the priorities should be equal in importance, but distinct from one another, which was not the case of those put forward in the Office document.

552. For the Employers, employment was the central focus around which the priorities for 2014–15 should be set. It should be a priority in itself. In that regard, the speaker cited section 2 of the abovementioned Employers' document, which advocated a coherent framework for jobs. He then highlighted the Employers' proposals presented in the document in response to each of the seven key areas outlined by the Office. The first key area should be reworded to read: "Promotion of fundamental principles and rights at work". The Employers did not understand the concept of "unacceptable forms of work", which was not normally used in the ILO, and which would lead to confusion if it were introduced in the ILO priority areas. The Employers agreed on the whole with the Office approach with regard to the second and third key areas. However, considering that the fourth area lacked clarity, they put forward a counterproposal aimed at tackling the employment issue head-on, focusing on the promotion of sustainable enterprises. The

following key area, on productivity and working conditions in small and medium-sized enterprises (SMEs), overlapped with other areas and should therefore be refocused on the promotion of social dialogue. The concepts of rural economy and informal economy were combined in the title of the sixth proposed area, which was confusing. The Employers considered that it would be more appropriate to refer to the formalization of the economy, as informal work represented a major challenge for all of the constituents. The speaker felt that the last area, on labour inspection, was already included in the first priority: enterprises needed to be proactive in ensuring compliance with fundamental principles and rights at work, before the labour inspectorate became involved. Recalling the need to reduce the number of priorities of the Organization, the speaker emphasized that the role of ACT/EMP could not be limited to upholding ILO objectives without putting forward the concerns of local employer constituents.

- 553.** Turning to the subjects of ILO governance and internal management of the Office, which were closely interrelated, the speaker referred to the three points set out in section 3 of the Employers' document: empowerment and accountability of managers; a modern and efficient human resources strategy; and a rationalized knowledge strategy. The Employers supported the objective of breaking down silos, provided that it did not lead to bureaucratic procedures that would paralyse the Organization. More coordination posts were certainly not the solution to tackle the lack of coordination in the Organization. Further information was needed with regard to the mandate of the proposed "task teams" and the 19 outcomes.
- 554.** Concerning ILO reform, the speaker regretted that the document did not set out clearer and more ambitious objectives supported by concrete measures. The Employers requested clarification on the timeframe of the reform process and the manner in which it was to be implemented, in particular with regard to the field offices and technical cooperation.
- 555.** Turning back to the areas of critical importance for the Organization, the speaker said that the Employers would favour eliminating the 19 outcomes and adopting only six or seven priorities, provided that the list of policy priorities was acceptable to everyone following the discussion in the Governing Body. The outcomes should be phased out gradually, with due account being taken of everyone's concerns. The speaker concluded by reaffirming that the following biennium was a unique opportunity for the ILO to undertake in-depth reform, to be more attuned to the private sector and to keep pace with current economic and social change.
- 556.** *The Worker spokesperson* outlined the challenges for the ILO in the context of the prevailing global economic crisis. The crisis had hit workers particularly hard: many had lost their jobs, income inequality was growing, working conditions had deteriorated and trade union and workers' rights were under attack. The Workers' group fully supported the ILO's role in rebalancing the global economy to promote strong and sustained growth alongside social justice. The ILO had to become more proactive in promoting an alternative model in policy discussions. The speaker expressed support for continued work on the 19 outcomes but also for limiting the number of areas of critical importance and for encouraging joint work and collaboration across sectors and regions. The group also called for the full implementation of the ILO Declaration on Social Justice for a Fair Globalization. Work in the areas of critical importance had to be rooted in international labour standards.
- 557.** The first area on unacceptable forms of work was strongly supported by the group. It should cover those forms that denied fundamental principles and rights at work as well as those that were in violation of international labour standards. The area on social protection floors had the support of the Workers' group. With regard to the area on jobs and skills for youth, the 2012 Conference discussion had demonstrated that ILO work had traditionally focused on skills development and youth entrepreneurship with limited results in terms of

addressing the youth employment crisis. As youth unemployment was closely related to aggregate unemployment addressing youth unemployment should be part of general strategies to resolve the economic crisis as well as the employment crisis. For this reason, the group was of the view that work on youth should be integrated under the fourth area of critical importance. The fourth area, which was key for the group, should be reformulated as follows: “Promoting strong, sustained and balanced economic growth” and should entail a combination of expansionary macroeconomic policies, industrial and wages policies and investment in people through social protection provisions, education and training. Office support in this area should address the challenges of building a resilient recovery in decent jobs and strengthening labour market institutions. The fifth area on productivity and working conditions in SMEs needed to include work on fair wages. The sixth area should be retitled “Decent work in the rural sector and formalizing the informal economy”, with formalization being pursued through labour law coverage, rights, labour inspection, the expansion of social protection, minimum wages and appropriate economic policies, including industrial policies. Regarding the rural economy, the description and the focus on compliance with international labour standards were welcomed. The Workers’ group supported the area on strengthening workplace compliance through labour inspection, emphasizing the need to reinforce public labour administration and inspection and collective agreements. Building on the Employers’ proposal, the group also supported an area on “Promoting social dialogue and sound industrial relations”. Fair industrial relations were key to finding joint solutions to the crisis at international, national and company level. The focus should be on analysing and researching developments in industrial relations and the promotion of collective bargaining.

**558.** Turning to the section of the document on organizing and managing for focus, the speaker underscored the need to assure critical mass and staff with the necessary expertise in the task teams related to the areas of critical importance. The field structure review was equally critical and should focus on addressing the disconnect between headquarters and the regions, strengthening technical capacity in the regions and rebalancing the ratio between technical and administrative staff. The Workers’ group had expectations that in the lead-up to March the Office would provide more details on the reform and the reorganization and that staff and the Staff Union would be involved in that process. Clarifications were also warranted on resource allocations between the 19 outcomes and the areas of critical importance. The group supported the identification of indicators for those areas and requested information on how they would be developed, including their linkages to existing indicators under the 19 outcomes.

**559.** With regard to the organizational reform, the speaker endorsed the components identified in the paper, specifically underscoring support for: upgrading of statistical, research and analytical capacities of the Office; a better link between technical cooperation and capacity development of constituents; and solid integration of the International Training Centre of the ILO (Turin Centre) as a result of the reform based on the notion of “One ILO” in delivering the Programme and Budget for 2014–15 through capacity-building activities in Turin and the regions. The proposed review of technical cooperation activities was welcomed but more information was warranted on its modalities and on the International Aid Transparency Initiative. The Workers’ group concluded by stressing that the reforms should result in a stronger focus on standards and social dialogue.

**560.** *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of the United Kingdom emphasized the unique role of the ILO in the world of work and drew attention to the challenges inherent to the ILO’s mandate given the current economic and financial circumstances faced by constituents, and governments in particular. The focus of the preview document on prioritization, efficiency and value for money was welcomed. IMEC was eager to see provisional figures in order to do a proper analysis of the budget proposals. The intention to focus on key areas was

equally appreciated, but care must be taken to be mindful of not adding another layer of complexity to the existing 19 outcomes. The Office might consider revising or updating the Strategic Policy Framework 2010–15 in line with the approach outlined in the preview document. On the specific areas of critical importance, IMEC raised four points. First, the area on unacceptable forms of work was too broad and required clarifications as to the Office's priorities. A key priority should be support for the ILO supervisory mechanism and for standards more generally. Second, the Office should ensure that its work on creating and extending social protection floors complemented that of other organizations. Third, two separate strands of work on rural economies and informal economies, respectively, should be defined, highlighting the different strategies required for each of them. Fourth, in relation to strengthening workplace compliance through labour inspection, ILO support should focus on developing inspection regimes that supported implementation and enforcement of national legislation.

- 561.** Turning to the organizational reform, the speaker welcomed proposals for more collaborative working methods, streamlining of structures and greater accountability of senior managers, and the full integration of the Turin Centre in the reform process. She commended efforts to further the work of the Expenditure Review Committee with regard to cost efficiencies, to upgrade human resources management, and to improve the quality and relevance of the Office's statistical, research and analytical work, including measures to strengthen its macroeconomic expertise.
- 562.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe noted with appreciation the reform proposals, particularly as they related to efforts to maintain the relevance of the Organization and have greater impact within countries. The review of both the structure in the regions and its relation with headquarters was critical to that end. Decent Work Country Programmes (DWCPs) should remain the main vehicle to channel ILO assistance to member States. The speaker expressed support for the areas of critical importance, while noting that the elimination of child labour should be added to the list. He also raised the following points: (i) clarifications were needed on the exact scope of the term “unacceptable forms of work” and on how public–private partnerships and other cooperative undertakings would assist in the implementation of that area; (ii) work on jobs and skills for youth should focus on operational interventions to create jobs, and therefore should not be limited to research; (iii) social protection floors should be mindful of migrant domestic workers and other vulnerable groups; (iv) work on crisis response should not exclude countries that had not been directly affected by the financial crisis; (v) with respect to productivity and working conditions in SMEs, it was not clear whether work would go beyond mere research, nor was it clear how the ILO intended to facilitate the formalization of informal undertakings; and (vi) workplace compliance through labour inspection was a priority for the Africa group, as was decent work in the rural and informal economies. The Office's work should be guided by the Conference decisions on those matters, as well as by the outcomes of regional meetings and agendas. Specifically on the organization of work, the Africa group welcomed the proposal to create task teams and workplans for each area of critical importance, but requested clarifications on the coexistence of the 19 outcomes and the need for focus.
- 563.** *Speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC)*, a Government representative of Colombia expressed support for ongoing efforts to restructure the ILO and called upon the Director-General to engage in dialogue with Governing Body groups in the process. The current crisis context underscored the need to reform existing structures and to optimize resource allocation mechanisms. Greater transparency was warranted in staff recruitment, with due regard to merit and to regional and gender balances. Concerning the areas of critical importance, the speaker stressed the benefits of drawing on good practices from the developing world and the value of South–South and triangular cooperation to that end. GRULAC hoped that the programme and

budget proposals reflected that reality and devoted specific resources to the technical cooperation agenda. Referring specifically to the social protection floors, work in that area should be geared towards the establishment of wide and inclusive floors, and should not be limited to formal employment. The Office should carefully assess the working methods for the areas of critical importance to avoid any increased bureaucracy. GRULAC recommended that management arrangements for each area should fall under the leadership of a single official. GRULAC also concurred on the need to review the operations of the field offices and their relations with headquarters, as well as to foster greater mobility of staff. Clarifications were warranted on how the Office planned to comply with the requirements of the International Aid Transparency Initiative, especially in relation to its mandate and the specific nature of tripartism.

- 564.** *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of the Islamic Republic of Iran welcomed the process of internal reform launched at headquarters and in the regions. The need to systematically review senior management practices and the Office structures, along with the development of ILO knowledge and research, were top priorities. Constituent-led reforms, such as changes to decision-making and budgeting practices and procedures and a tripartite review of the Organization's mandate were also needed, as were reforms of the culture of the Office and the code of conduct of staff. ASPAG appreciated the proposed approach based on team work and the concentration of resources to achieve greater efficiency, quality and impact and supported the seven areas of critical importance. Special emphasis should be placed on the promotion of SMEs with the aim of generating employment and furthering their productivity. Areas requiring attention and resources in the context of the Programme and Budget proposals for 2014–15 also included: the delivery of quality technical cooperation in response to natural disasters in the Asia and the Pacific region; the situation of workers in Palestine and other occupied Arab territories; and the standards review mechanism. The Office should also fully engage with the UN system to ensure that its mandate on full employment, the extension of social security and fair globalization was duly reflected in the Post-2015 Development Agenda.
- 565.** *Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)*, a Government representative of Viet Nam welcomed the ongoing process of reform and supported its objective of enhancing the ILO's role and its results. Recalling that the ILO budget would not be increased, the speaker underscored the need to concentrate ILO action on a limited number of areas in order to increase impact. Unemployment, social protection, poverty, inequality and work safety were to be given priority by the ILO in the medium to long term in response to the adverse impact of the economic downturn and the crisis. In 2014–15 the ILO should focus on four main areas: youth employment, national social protection floors, decent work in the rural and informal sectors, and labour migration.
- 566.** *Speaking on behalf of the European Union (EU)*, a Government representative of Cyprus underscored the ILO's role in promoting the social dimension of globalization and ultimately peace. The EU would continue to lend its support to ensure that the ILO was an influential actor, building on shared values and principles and working collectively on issues such as conditions for job creation, reform of the labour markets and investments in skills to match jobs and jobseekers and to get youth back to work. The EU would also support ILO efforts to engage constituents and multilateral partners in national and international strategies, particularly in the context of the crisis response highlighted among the proposed areas of critical importance.
- 567.** *Speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden)*, a Government representative of Denmark subscribed to the IMEC statement and welcomed the ongoing efforts to reorganize and rationalize the ILO, whose ultimate assessment had to be related to impact at the country level. He expressed support for the

areas of critical importance, as well as for the proposed approach to teamwork and focused methods of work. Substantial progress was needed in the Conference reform and in the standards review mechanism. The speaker called upon constituents to find a rapid solution to the current situation of the ILO's standards supervisory system.

- 568.** *A Government representative of France* commented on the relevance of the ILO and its tripartism in the context of the crisis and its impact on employment. The ILO should further its participation in global governance debates, with its own message and proposals based on robust expertise and true value added. In that context, the speaker expressed support for the ongoing reform, welcoming in particular efforts to overcome internal fragmentation and to make the Organization a recognized centre of excellence on the world of work. To that end, the ILO should focus on a few simple objectives, with indicators of performance and a clear timeline. The current framework, with 19 outcomes and seven areas of critical importance, remained complex and should be simplified.
- 569.** *A Government representative of Germany* aligned himself with the IMEC and EU statements. International labour standards and their implementation were central to the ILO's mandate, as was the goal of decent work. His Government would continue to support efforts to place decent work at the centre of the international policy debate, as done in the past particularly in the context of the G20. The outcome of a recent meeting hosted in Berlin of the five most important international financial institutions, with the participation of the ILO's Director-General, had acknowledged the Decent Work Agenda as an important basis for raising economic standards and reducing unemployment. The speaker supported the reform agenda, underscoring the need for the ILO to maintain and improve efficiencies and to adapt to new challenges. He also stressed the need to resolve the situation in the Committee on the Application of Standards.
- 570.** *A Government representative of Switzerland* aligned himself with the IMEC statement, underscoring that the programme and budget proposals should be based on reforms and new methods of work. He expressed support for the seven areas of critical importance and formulated the following recommendations in that regard: the area relating to unacceptable forms of work should be reformulated in positive terms consistent with ILO standard practice; the area relating to productivity and working conditions in SMEs should make reference to competitiveness; the area relating to crisis responses, reform and dialogue should include the term "social dialogue" in the title; and workplace compliance should be assured not only through labour inspection but also through the social partners. The priorities having been established, the Office should present their budgetary implications to constituents as soon as possible and in advance of the March 2013 session.
- 571.** *A Government representative of Qatar* supported the ASPAG statement and welcomed the proposed reform and change process as outlined in the paper, underscoring the importance of reforms relating to knowledge, structures of the Office and managerial responsibilities and practices. In expressing support for the areas of critical importance, he emphasized the following points: (i) specific attention should be given to the situation of Arab Spring countries; (ii) more clarity was needed on the content of the areas; (iii) emphasis should also be placed on green jobs and sustainable development; and (iv) the areas relating to unacceptable forms of work and to workplace compliance could be merged as they both related to the promotion of international labour standards.
- 572.** *A Government representative of Japan* supported the ASPAG and IMEC statements. He welcomed the Office's efforts to prioritize its work around the areas of critical importance, drawing particular attention to decent work in rural and informal economies, social protection floors and jobs and skills for youth. More resources should be allocated to the regions to follow up on those areas. Clarifications were needed on the role and working methods of the proposed task teams, as was greater clarity on the synergetic effect between

regular budget and extra-budgetary resources. His Government was in favour of a zero nominal growth budget.

- 573.** *A Government representative of the Netherlands* endorsed the EU and IMEC statements and welcomed proposals to clarify roles and responsibilities, strengthen management and administrative performance and develop the ILO human resources policy. He highlighted two specific points: (i) the need for concrete deliverables and goals for the Organization beyond the mere Programme and Budget proposals for 2014–15, which should be specific, measurable, realistic and time bound; and (ii) the importance of standard setting and the need for a clear vision in taking that area of work forward, including in relation to the seven areas of critical importance.
- 574.** *A Government representative of India* commended the internal reform process and underscored the need for the ILO to focus its work on core issues related to labour at the heart of its mandate. Areas of critical importance should be chosen rationally and the ILO should be equipped with a programme that could impact the lives of millions. Emphasis should be placed on employment generation, social protection, youth employment, skills development and the informal economy. With regard to the seven areas of critical importance, the speaker made the following comments: (i) social protection floors should be nationally determined; and (ii) in the area of labour inspection, the involvement of private agencies should not be encouraged and ILO assistance should be directed at strengthening national inspection machinery. The Office should consider a more proportionate resource distribution to the ASPAG region, along with a more balanced deployment of experts and senior staff. The ILO knowledge base should be strengthened through technical cooperation and capacity building, and the sharing of good practices should be fostered, including through South–South and triangular cooperation.
- 575.** *A Government representative of the United States* supported the IMEC statement and the seven areas of critical importance. Her Government attached particular importance to two of the areas, which were considered as mutually reinforcing: protection of workers from unacceptable forms of work and strengthening workplace compliance through labour inspection. The former covered both fundamental principles and rights at work and other working conditions and related ILO standards. The ILO’s long-standing standards work would be an essential component of that area, which should be properly resourced in the Programme and Budget proposals for 2014–15. The speaker commended efforts to strengthen the knowledge base, and welcomed the increased emphasis on rigour, cost-consciousness and plans to pursue organizational and management reforms in an effective and efficient manner.
- 576.** *A Government representative of Trinidad and Tobago* supported the GRULAC statement. He welcomed the holistic approach to the reform agenda and the focus on the areas of critical importance as a way to “do more with less”. There was need for continued progress on the 19 outcomes, with due regard for the special needs of small island economies in designing and implementing programmes. Closer alliances and working relationships with regional and subregional organizations should be established to that effect.
- 577.** *A Government representative of China* pointed to the challenges in employment, social protection and labour standards in the post-crisis context as the most urgent issues on which the ILO should focus its assistance to member States. She expressed support for concentrating efforts on key areas of critical importance, with emphasis on the extension of social protection, productivity, working conditions in SMEs and youth employment. In relation to the reform of regional structures, a greater role should be given to regional institutes as far as research, statistics and technical cooperation were concerned. More financial resources and technical experts should also be directed to the ASPAG region, where 60 per cent of the world’s population lived.

- 578.** *The Director-General* responded to the issues raised by Governing Body members during the debate (see Appendix III).
- 579.** *The Worker spokesperson* commented on the Director-General's response, specifically on three of the proposed areas of critical importance. On jobs and skills for youth, there was a need to go beyond supply-side measures and to address macroeconomic issues associated with the overall unemployment situation, of which the high youth unemployment rate was merely a symptom. On the protection of workers from unacceptable forms of work, her group awaited a clearer definition from the Office. With respect to workplace relations and social dialogue in conditions of change and reform, the ILO's work should: (i) go beyond workplace relations and encompass industrial relations at all levels; and (ii) not be limited to situations of change and reform, even though it was crucial that the ILO played a role in crisis response, along with other UN entities and economic institutions. It was her group's expectation that the Director-General's proposals in March 2013 would take those points into account, in particular those relating to workplace relations and crisis response.
- 580.** *The Employer spokesperson* thanked the Director-General for his reply, which was an attempt to take due account of the viewpoints of the various groups. The speaker wished to specify his position on certain aspects of the programme. The Employers deplored the fact that employment as such was not among the Office's priorities and hoped that that situation could be reconsidered. There was no problem with respect to the subject of labour inspection, and the theme of SMEs was acceptable, subject however to agreement within the group. With regard to the matter of decent work in rural and urban areas, the Employers welcomed the information provided by the Office on action to address the informal economy in urban areas. With respect to unacceptable forms of work, the Employers would be engaging in consultations within their group as certain elements, such as dignity, were subjective, unlike the protection of workers' health or lives, which made the Director-General's reply somewhat difficult. With regard to the counter-proposal on reforms and social dialogue, the Employers' group would give its views in due course, as that was a broad issue. The explanations on standards policy given by the Director-General were acceptable, and did not warrant any particular comment, subject, once again, to consultations within the Employers' group. With respect to matters relating to the reform, the Employers particularly appreciated the Office's new approach to communication. Lastly, the Employers were of the view that wishing to tackle seven areas of critical importance and 19 outcomes would lead to complications, but if that was what the constituents wanted they promised to collaborate fully.
- 581.** *A Government representative of the Netherlands* expressed appreciation for the Director-General's response, especially with regard to developments in the ILO's normative work. As underscored by the Employers, that issue might be more policy and legally oriented than programmatic in the first place. However, work towards an agreed vision on that matter might have resource implications. The speaker called on the Director-General to keep the Governing Body members abreast of the framework and the time schedule of that discussion.
- 582.** *A Government representative of El Salvador* referred to previous comments on social protection. Access to quality employment should not be considered merely from the viewpoint of income levels or working conditions. It should also include access to social protection to reduce risks associated with unemployment, underemployment, sickness and income reduction during old age. Those considerations should be taken into account when revising those concepts.

## **Decision**

**583.** *The Governing Body requested the Director-General to take into account, when preparing the Programme and Budget proposals for 2014–15 for submission to the 317th Session in March 2013, the views expressed and guidance provided during the discussion of the preview.*

(GB.316/PFA/1, paragraph 38.)

## **Second item on the agenda**

### **Matters relating to the Joint Inspection**

#### **Unit (JIU): Reports of the JIU**

(GB.316/PFA/2)

**584.** *The Employer spokesperson* welcomed the enhanced collaboration with the JIU. As the Office had accepted 36 of the 45 recommendations, the Employers wished to know whether it considered them to be more useful than in previous years. The Employers welcomed the structure of the document. The Office's comments on the JIU recommendations relating to a sufficient level of audit staff, the use of electronic systems to capture and archive staff members' medical records, and the information communicated to staff on disciplinary measures adopted by the Director-General seemed reasonable and had the support of the Employers. The Employers' group did not support the JIU's recommendation concerning regular budget and extra-budgetary resource arrangements for South–South and triangular cooperation in the UN system, as that was a Governing Body prerogative. Lastly, the Employers wished to know how the Office envisaged pursuing its collaboration with the JIU.

**585.** *The Worker spokesperson* supported the Office's position in relation to the JIU reports and the related recommendations addressed to the ILO. The Workers' group underscored the heavy volume of work required by the Office to follow up on JIU recommendations, some of which were sometimes problematic in that they did not reflect appropriately the tripartite nature of the ILO. The recommendations on South–South and triangular cooperation were a case in point. A mechanism should be discussed to align the cost of follow-up to JIU recommendations with the human and financial resources of the ILO.

**586.** *Speaking on behalf of IMEC*, a Government representative of the Netherlands thanked the Office for the summary of the JIU recommendations addressed to the ILO, which provided a useful complement to the ILO oversight mechanisms and contributed to UN system-wide coherence. The Office should consider and implement all relevant recommendations. The reference document on the status of follow-up actions taken by the Office was helpful, even though an analysis of costs associated with the implementation of recommendations would have made it more useful. Turning to specific recommendations IMEC made six points: (i) on the ILO's audit function, the value of proper and well-financed internal controls should be underscored, as they contributed to transparency, accountability and effectiveness; (ii) on a smooth transition to the International Public Sector Accounting Standards (IPSAS), the Office should elaborate on the phased approach used to implement the recommendation and should pay due attention to the IPSAS compatibility of budget documents in preparing the Programme and Budget proposals for 2014–15; (iii) on cost-recovery policies, those were important for the sustainability of ILO operations and their attractiveness to donors; (iv) on the medical service in the UN system, the Office should appoint a focal point for occupational safety and health (OSH) procedures and consider the option of outsourcing staff counselling services; (v) on South–South and triangular

cooperation, IMEC supported the ILO approach not to set aside a fixed percentage of regular budget and extra-budgetary resources; and (vi) the Office should enhance transparency on offences and disciplinary measures. The reform agenda presented by the Director-General provided an opportunity to review established procedures and implement the remaining JIU recommendations.

- 587.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe commended the Office on the report. The speaker recalled previous discussions on the need to implement JIU recommendations, and acknowledged that in most thematic areas recommendations addressed to the ILO were being implemented or were under consideration. He would welcome more information on how some of the recommendations were being implemented, including the review of the ILO Independent Oversight Advisory Committee (IOAC), the phased approach chosen by the Office in relation to IPSAS, and the internal rules on the treatment of candidates from other UN organizations. The speaker urged the Office to implement recommendations for the appointment of a focal person on OSH policies and procedures. The Office should be setting an example in that respect. The Office should also expedite consideration of the two recommendations on South–South and triangular cooperation in the UN system, and report to the Governing Body at its next session. The Africa group agreed with the Office that it would not be desirable for the Director-General to publicize disciplinary measures imposed on staff through a list of offences and measures taken.
- 588.** *A Government representative of the Islamic Republic of Iran* underscored the importance of JIU within the UN system, and the added value of its recommendations for the proper functioning of the Office. He welcomed the Office’s follow-up of JIU recommendations and the posting of a JIU web link on the Governing Body website. He urged the Office to engage with the JIU in seeking solutions to its concerns about benchmarks proposed by the JIU, particularly in relation to enterprise risk management, and to jointly review recommendations addressed to the ILO.
- 589.** *A Government representative of Japan* expressed his appreciation of the report. He welcomed the fact that the Office had already responded to most of the JIU’s recommendations. It should continue to build upon its collaboration with the JIU, bearing in mind the unique tripartite structure of the ILO.
- 590.** *A Government representative of India* expressed his satisfaction with the report and with the measures taken by the Office to improve its collaboration with the JIU. Regarding the audit function in the UN system, the independence of the IOAC was paramount, and could be best ensured through its appointment mechanism. He welcomed the phased approach taken by the Office to implementing recommendations on IPSAS, but more discussion was needed of the concerns expressed by the United Nations System Chief Executives Board (CEB) members about the relevance or feasibility of some of the 16 proposed best practices. Policies and procedures for the administration of trust funds should also be thoroughly discussed by the Governing Body to ensure that available funds were used effectively. An internal mechanism to develop South–South and triangular cooperation would ensure internal and inter-agency coordination. The Office should allocate extra resources for that purpose. Concerning the reports of the JIU, if they were discussed by the Governing Body they would offer valuable insights into the functioning and achievements of the organizations in the UN system. However, efforts to achieve coherence among the organizations should not result in their encroaching on one another’s fields of competence, or any dilution of the ILO’s knowledge base and leadership in the field of labour.
- 591.** *A Government representative of Brazil* supported the two recommendations on South–South and triangular cooperation. She welcomed the support of CEB members for the recommendations. Work in that area throughout the UN system was hampered by the

unpredictability of funds, and the JIU recommendations should be seen as a call to the Governing Body to address that problem.

**592.** *A representative of the Director-General* (Director, Bureau of Programming and Management) pointed out that since the Governing Body had last discussed the item, the Office had agreed with the JIU on the production of a reference document to track the status of each recommendation. That report was available on the ILO's website. Funds for South–South and triangular cooperation had been made available in 2012–13 from the regular budget. When it considered the Programme and Budget proposals for 2014–15, the Governing Body should decide whether that arrangement should continue. As for JIU recommendations that ignored the tripartite structure of the ILO, the Office had already explained to the JIU the resulting difficulties in dealing with them, and was confident that matters would improve.

**593.** *Another representative of the Director-General* (Director, Financial Services Department and Treasurer and Financial Comptroller) commented on the ILO's phased approach to IPSAS standards and its aim of complying with all 28 standards by the end of 2012. He emphasized the challenge of preparing the Programme and Budget for 2014–15 in line with the IPSAS standard, because that standard was based on full accrual budgeting, contrary to the current UN-wide practice based on modified-cash budgeting, and that could have a significant impact on assessed contributions. However, the same challenge was being faced by all the UN organizations and it was initially being addressed by a UN-wide task force.

## **Outcome**

**594.** *The Governing Body took note of the paper and invited the Office to take into account the observations and guidance provided during the discussion.*

## **Third item on the agenda**

### **Building questions: Headquarters building renovation project (GB.316/PFA/3)**

**595.** *The Worker spokesperson* welcomed the report by the Office, which answered some of the questions her group had raised earlier. With regard to the risk register, all necessary measures must be taken to ensure the safety and health of all concerned, especially because of the noise and dust that the renovation works would cause. She queried whether any progress had been made with respect to the sale of the land and leasehold rights, as foreseen in the comprehensive plan. She welcomed the staff consultations that had taken place, and requested the Office to make sure that they continued throughout the project. She would have welcomed more details of the budget for the project. The new project manager should assess the situation, including the timeline and the budget, and decide whether any adjustments were needed.

**596.** *The Employer spokesperson*, while welcoming the appointment of a new project manager, said he had expected more information about the role he was to play in the project. That should have been reflected in the document. The reporting line also needed clarification. Given the size of the project budget and the difficulties the Office had had in managing that issue in a coherent way in the past, the project manager should report directly to the Director-General.

597. The cost of the kitchen renovation works seemed excessive. He was concerned that, according to the Office, it might be difficult to meet the host country's building standards and safety regulations. He drew attention to the importance of the technical working group mentioned in earlier documents. Had the group met and, if so, what had it discussed? It was important to treat the host country authorities as project partners rather than as a potential stumbling block. He wanted to be reassured that the staff of the Office would be able to work under proper conditions during the renovation. The Office should investigate how other international organizations had handled their construction and renovation projects. The Director-General should give the highest priority to the project.
598. *Speaking on behalf of IMEC*, a representative of the Government of the United Kingdom indicated that it was important that the Governing Body regularly consider this strategic and complex project given its considerable budget implications. She noted that the overall budget envelop for phase one of the project and the deadlines associated with it were likely to be respected, although this was largely related to a change in strategy which could have negative consequences in terms of swing space and working conditions during the renovation of floors 1–11. The fact that the bulk of the work would take place only in 2015 could generate significant extra costs, as illustrated by the budget for the renovation of the kitchens. IMEC strongly urged the Office to avoid any delays that could result in increased costs.
599. IMEC welcomed the proposal to improve communications and transparency and would welcome an update on the progress of the working group on layout of floors 1–11, along with information on the broader consultations with staff on this subject. She regretted that the paper provided little indication as to what the concrete role of the new project manager would be. She recalled that the project budget did not contain any allowance for the maintenance of buildings. In this context, IMEC would welcome an update on the Office's plans for funding ongoing maintenance.
600. She strongly welcomed the Director-General's commitment to renewed good management of the project. In IMEC's view, good management of the project was fundamental to successful completion of the project, and this approach must be supported from the highest levels.
601. *Speaking on behalf of GRULAC*, a representative of the Government of Colombia noted with satisfaction the progress being made with the kitchen renovation works and the replacement of the elevators. She was however concerned about the high cost of the kitchen works. Her group was surprised to note in the risk register that the Office might not have sufficient technical in-house capacity to manage the project. It was also important to review the governance and management arrangements for the project and asked for more details on the project timeline and planning. She pointed out that it was essential for the Governing Body to remain fully informed about the project.
602. *Speaking on behalf of ASPAG*, a representative of the Government of Japan noted with satisfaction the progress being made with the kitchen renovation works and the replacement of the elevators. His group wondered however whether it was realistic to expect that two-thirds of floors 1–11 could be renovated in a period of 20 months. He was glad to see that the Deputy Director-General for Management and Reform would now be supervising the project since coordination and monitoring by senior management were indispensable for a complicated project of this size. His group was also looking forward to more information on the development of the negotiations with the host country concerning the rezoning of the plots to be developed.
603. *Speaking on behalf of the Africa group*, a representative of the Government of Zimbabwe appreciated the progress being made, particularly with respect to the elevators and the

kitchen which members had themselves been able to note. His group also appreciated the revised risk register, which was an important management tool, the fact that staff consultations were taking place and that the Deputy Director-General for Management and Reform would now be supervising the project. He requested more information on the precise role of the project manager.

- 604.** *A representative of the Government of India* considered that the project was making remarkable progress, which augured well for a successful completion of the first phase of the renovation. Regular monitoring and evaluation as well as transparent communication were all important in this context.
- 605.** *A representative of the Government of Switzerland* welcomed the revised risk register and considered that it was important for the Governing Body to closely follow developments given the size and importance of the project. She was happy with the progress being made but noted that a lot remained to be done in a relatively short time. As host country, Switzerland attached particular importance to the project and had repeatedly offered to work with the Office by putting in place a technical working group with representatives of the federal and cantonal governments and FIPOI.
- 606.** *A representative of the Government of France* reminded the members of the need for the project to remain within budget, particularly in a period when many countries were facing financial difficulties, and respect the established timeline.
- 607.** In his reply, *a representative of the Director-General* (Deputy Director-General, Management and Reform) emphasized that the Director-General and the Senior Management Team did not underestimate the significance of the project and the risks associated with it. It was indeed essential to be completely in control of the time and cost issues. The Director-General had asked him to chair the Project Steering Committee and the Office of the Legal Adviser had been requested to provide advice on the best approach to take regarding governance arrangements and the management of the project. These initiatives would ensure that senior management would know what was happening and that the Governing Body would remain fully informed.
- 608.** With regard to the questions on land and the relationships with the Swiss authorities, he mentioned that the Director-General and staff had recently met with the Swiss Government and had had very constructive discussions. It was certainly the intention to deal effectively and cooperatively with all levels of Swiss authorities throughout the project since this was critical to the success of the project.
- 609.** Regarding the project manager role, he undertook to provide more details at the next session.
- 610.** The person recruited was a construction project manager with solid experience in Swiss construction matters. He was highly qualified on safety and health issues and was very conscious of the need to have robust and effective mechanisms in place for dealing with the workplace environment during the project, both for the construction workers as well as for ILO staff and visitors.
- 611.** Concerning the cost of the kitchen works, he recalled that the whole of the budget approved by the Governing Body was on the basis of an estimate with a  $\pm 15$  per cent variation. In addition, in the case of the kitchens, the inflation index for kitchen fittings had been extraordinarily high. He would ensure however by having rigorous and robust internal monthly reporting, senior management and the Governing Body would be alerted on possible time or cost overruns.

- 612.** A comprehensive consultation and communication strategy was in place to ensure that staff concerns would be taken into account. Just prior to the Governing Body session a series of staff meetings had taken place where all Geneva-based staff had been able to discuss options on office layout and regular information bulletins were published to keep staff informed. He was very conscious of the impact the renovation could have on the staff's working conditions during and after the renovation.
- 613.** The project remained on time and the period of 20 months mentioned in the document was based on expert advice. It was his intention to prepare a comprehensive report on the project for the next Governing Body session, providing more detail on the management and governance arrangements and an update of the risk register.
- 614.** *Another representative of the Director-General* (Director, Department of Facilities Management) in reply to the question raised by IMEC on the cost of ongoing maintenance, pointed out that recurring maintenance costs were included in the regular budget allocations of each ILO office and that only exceptional repairs and renovations were paid out of the Building and Accommodation Fund.

### **Outcome**

- 615.** *The Governing Body took note of the paper and invited the Office to take into account the observations and guidance provided during the discussion.*

### **Fourth item on the agenda**

#### **Information and communications technology questions**

#### **Progress report on IT strategy (GB.316/PFA/4)**

- 616.** *The Employer spokesperson* indicated that the strategy should map the Office's results framework. He asked whether the delayed IRIS roll-out to Asia had any cost implications. He requested clarification on the Office strategy regarding cloud computing and its potential for cost savings. He noted that the recentralization of information technology (IT) services was important as it limited risks regarding sustainability, coherence and cost effectiveness of Office-wide IT implementation.
- 617.** He requested that an update on IT recentralization be provided during the March 2013 Governing Body session. He stressed the importance of addressing risks associated with the costs and sustainability of decentralized IT responsibilities, taking into account the field structure review. He urged that the Information Technology Governance Board be established forthwith and requested information on its membership.
- 618.** *The Worker spokesperson* supported the Employers' views and welcomed the modernization of IT infrastructure and the resultant lowering of the ILO's carbon footprint.
- 619.** She supported the Office's approach to governance and asked that costs be included in all future Governing Body papers.

- 620.** She requested further details on the field roll-out and reiterated doubts regarding the feasibility of implementing both phases of IRIS in Africa in 2013. She inquired about lessons learned in previous IRIS field implementation procedures and noted that the implementation of IRIS at the Turin Centre was limited.
- 621.** She requested further information on how IT assisted with the ILO Knowledge Gateway.
- 622.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe supported the modernization of the ILO's Data Centre and the implementation of the virtual server farms.
- 623.** He welcomed the roll-out of IRIS to the Regional Office for Africa as planned, and requested the Office to consider simultaneous implementation of systems in future planning. He encouraged the ILO's work on governance and further noted that the Office might benefit significantly from increased participation in One UN initiatives.
- 624.** *A Government representative of India* supported the strategy, welcomed the ILO's participation in One UN initiatives and noted that the Knowledge Gateway would enhance efficiency, transparency and synergy. He commended the Office's efforts on governance and emphasized the need to align structures.
- 625.** *A representative of the Director-General* (Deputy Director-General, Management and Reform) explained that the Office-wide review of IT and its governance was part of the action plan for management reform. He added that relations between headquarters and the field IT functions would be included in the field structure review.
- 626.** He noted that the IRIS roll-out and services delivered were also priorities on the reform agenda and concluded that the Office would be able to report on more effective ways of operating early next year.
- 627.** *A representative of the Director-General* (Director, Information Technology and Communications Bureau), in response to the questions raised, agreed to provide costing and specific linkages to strategic targets in future papers. He added that the IRIS roll-out was on target and there were no additional costs.
- 628.** He highlighted that the United Nations was evaluating the potential benefits of cloud computing given the legal and security implications of putting data into the cloud system. The ILO was participating in that evaluation. He indicated that the ILO was already using some public cloud services, as well as private cloud services.
- 629.** The speaker stated that the governance framework was nearing finalization and he outlined its mandate and membership.
- 630.** He recalled the lessons learned through IRIS field implementation procedures, including business process reviews, alignment of processes and roles, and tailoring the provision of training and support to each location.
- 631.** He explained that the Turin Centre was a separate legal entity, which had its own enterprise resource planning system. He added that IRIS implementation in Turin was limited to modules supporting collaboration and joint planning between the ILO and the Centre.
- 632.** He concluded by stating that the first phase of the Knowledge Gateway was on target for the current biennium.

## Outcome

**633.** *The Governing Body took note of the paper and invited the Office to take into account the observations and guidance provided during the discussion.*

## Fifth item on the agenda

## Other financial questions

## Progress report on expenditure review (GB.316/PFA/5)

**634.** *A representative of the Director-General (Officer-in-Charge, Human Resources Development Department) provided a revised text for paragraph 14 of the document following questions from members of the Governing Body.*

**635.** Paragraph 14 was amended to read:

The above changes in the ILO travel policy will be introduced by means of the ILO's Internal Governance Documents System (IGDS). There are however two changes that require prior approval by the Governing Body of amendments to the Staff Regulations:

Article 9.1(c) concerning the general definition of travel entitlements:

Travel shall normally be by the most direct and economical route ~~and means of transport~~, account being taken as far as possible of the wishes of the official concerned.

Paragraphs 19 and 20 of Annex III in connection with the removal of the half-day DSA on the last day of travel:

19. For the purpose of calculating subsistence allowance, the day is defined as the 24-hour period from midnight to midnight. Subject to the provisions of paragraph 20 below, the full rate shall be paid for every day on which the official is in travel status, except and half rate for the last day of travel in respect of which no allowance shall be paid.

20. When travel is for a period of less than 24 hours and does not necessitate expenses for sleeping accommodation, subsistence allowance shall be paid at reduced rates to be determined by the Director-General. No allowance shall be paid for travel lasting less than ~~ten~~ six hours.

**636.** *The Worker spokesperson expressed general approval of measures that would improve the efficiency and effectiveness of operations, but said that those measures should be linked to the delivery of the ILO's programme of work. For that reason, she asked the Expenditure Review Committee to work closely with technical units and the Staff Union. In the context of Governing Body and Conference reform, too much emphasis was placed on halving the number of agenda items; it was important to strike a balance between savings and effective policy discussions. There was also a need to enhance the political function of the Governing Body. The Workers' group supported the proposed revisions in respect of travel, publications, desktop printing and LAN administration although it would be necessary to ensure that enough printers were available to maintain efficient working conditions.*

**637.** *The Employer spokesperson commended the Office's efforts to identify and apply cost-saving measures. The identification of cost-saving opportunities should be an ongoing exercise and he encouraged the Office to look for further potential savings. The Employers' group was satisfied with the savings achieved through Governing Body reform and it approved the proposed changes to the Staff Regulations on travel entitlements. It*

welcomed the establishment of a peer review process to strengthen the quality of publications, but questioned the ILO's goals with respect to the volume of publications and the potential cost savings. The group supported the centralization of LAN administration and noted that that action was in line with the Employers' views on the centralization of IT functions within ITCOM.

**638.** *Speaking on behalf of IMEC*, a Government representative of Japan noted that the work of the Expenditure Review Committee was in line with the Director-General's reform agenda. IMEC supported the amendments to travel entitlements, which should be applied to all travel paid for by the Office, but thought that more could be done to cut travel costs and that the Office should reduce the size of delegations on official missions. With respect to publications, it might be advisable for the Office to consult with delegates on the number of printed documents distributed by post and to move to more online publishing. IMEC welcomed the savings resulting from desktop printing and common procurement and supported a centralized service model for LAN administration.

**639.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe voiced the group's appreciation for the cost-saving measures taken and noted the need to expedite the roll-out of IRIS to the field. He approved of the proposed changes to travel entitlements and supported the increased use of videoconferencing and the initiatives in the area of desktop printing.

**640.** *A Government representative of India* welcomed the savings achieved through reform of the Governing Body and the Conference. He approved of the amendments to travel entitlements and supported the move towards a centralized service model for LAN administration.

## **Decision**

**641.** *The Governing Body approved the proposed amendments to the Staff Regulations and authorized the Director-General to amend article 9.1(c) and paragraphs 19 and 20 of Annex III of the ILO Staff Regulations as set out in paragraph 14 of document GB.316/PFA/5, and as amended by the Office.*

(GB.316/PFA/5, paragraph 29, as amended.)

## **Audit and Oversight Segment**

### **Sixth item on the agenda**

### **Independent Oversight Advisory Committee (IOAC)**

### **Revised terms of reference (GB.316/PFA/6/1)**

**642.** *The Worker spokesperson* emphasized that the IOAC had been tasked to advise the Governing Body and the Director-General, not to replace either of them in their respective roles and responsibilities. The total costs would amount to more than US\$500,000 per biennium. It would be necessary to evaluate the Committee's function and relevance after

a few years. The IOAC should provide added value beyond that of existing governance mechanisms. She supported the revised terms of reference which were the result of extensive tripartite consultations.

- 643.** *The Employer spokesperson* said that his group had been in favour of the establishment of the IOAC as a permanent body. His group had been fully engaged in the consultations on the terms of reference and it was satisfied with the compromise text which promoted increased transparency. He supported the revised terms of reference.
- 644.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom approved the revised terms of reference.
- 645.** *Speaking on behalf of the Africa group*, a Government representative of Egypt said that the terms of reference were consistent with the recommendations contained in the report of the JIU, published in 2010, on “The audit function in the United Nations system”.
- 646.** He highlighted the importance of maintaining the different types of balance mentioned in the approved terms of reference and noted that the principles of independence were vital to the functioning of the IOAC. The Africa group supported the point for decision.
- 647.** *A Government representative of India* underlined the importance of the independence of the IOAC for its effective functioning and for its ability to provide unbiased advice to the ILO. Those aims could be ensured only by giving the IOAC objective, transparent terms of reference.
- 648.** *A Government representative of France* endorsed the comments made by IMEC. Although the consultative process had been lengthy, he was convinced that the Committee’s usefulness would mean that the ILO saw returns on its investment. He hoped that the IOAC would support the Office reform process, including simplification of procedures and effective follow-up on recommendations from all governance bodies.
- 649.** *A Government representative of the Islamic Republic of Iran* commended the fruitful collaboration among social partners in discussions on the terms of reference.

## **Decision**

- 650.** *The Governing Body approved the revised terms of reference for the Independent Oversight Advisory Committee (IOAC) as proposed in the appendix to document GB.316/PFA/6/1.*

(GB.316/PFA/6/1, paragraph 8.)

## **Appointment of members**

(GB.316/PFA/6/2)

- 651.** *The Employer spokesperson* thanked the members of the outgoing IOAC. The Employers were encouraged that the ILO had received many good applications, which meant that the IOAC was regarded as an important body. He supported the appointment of Mr Chamay which would ensure continuity in the Committee’s work. The Employers strongly believed that the IOAC provided substantial benefits to the Governing Body. He supported the point for decision.

652. *The Worker spokesperson* supported the point for decision and said that the presence of women members was a positive sign.
653. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said how much she appreciated the Office's efforts to recruit IOAC members and the work of the tripartite selection panel.
654. IMEC remained committed to the IOAC and stressed the importance of appointing the new members of the IOAC at the current session. It had been disappointed that the selection panel had not agreed to adhere to the independent consultants' recommendation that further interviews should be conducted with the shortlisted candidates. IMEC strongly recommended that, in the future, more time should be allocated to the process of selecting IOAC members so that the panel could conduct an additional round of interviews. IMEC supported the point for decision.
655. *A Government representative of India* expressed his satisfaction with the consultant-managed screening process. While he would have preferred interviews to be conducted also by the Governing Body selection panel, he had confidence in the recommendations made by the panel.
656. *A Government representative of the Islamic Republic of Iran* praised the work of the independent consultants, but noted that it had been difficult for the Governing Body to select candidates from the shortlist without face-to-face interviews.

### **Decision**

657. *The Governing Body appointed Mr Denys Chamay, Mr Luis Guillermo Chinchilla, Ms Bushra Naz Malik, Ms Hilary Wild and Ms Jeya Wilson to the Independent Oversight Advisory Committee (IOAC) for a term of three years commencing 1 January 2013 and decided to retain the candidatures of Ms Eileen Fusco and Mr N.R. Rayalu on a reserve list.*

(GB.316/PFA/6/2, paragraph 5.)

## **Seventh item on the agenda**

### **Evaluation**

#### **Annual evaluation report 2011–12**

(GB.316/PFA/7/1)

658. *The Employer spokesperson* welcomed the comprehensive paper and strengthened evaluation infrastructure, but asked that more information be provided on the Office's progress in improving the evaluation culture. He emphasized the significance of the Evaluation Advisory Committee and called on the Office to appoint a new Chair. Noting the importance of follow-up to recommendations concerning the high-level evaluations, he asked whether the follow-up was considered adequate and which factors hindered the implementation of recommendations. He inquired what the Office intended to do to address some of the weaknesses identified in the peer review of high-level evaluations.

659. He endorsed the plan to focus more systematically on policy-related lessons in evaluations. What ultimately counted when it came to impact evaluation was measuring results on the ground. He endorsed the topics for the high-level evaluations for 2014, but asked the Office to address the issue of management accountability for effective follow-up. Regarding the ILO appraisal mechanism, he supported the recommendations in the report but stressed that the mechanism needed to have teeth in order to ensure the quality of technical cooperation projects.
660. *The Worker spokesperson* considered the paper to be a constructive means of discussing solutions for the future. She asked the Office to fill the post of Chair of the Evaluation Advisory Committee as soon as possible. She noted the evaluation findings that competition among departments and managers for resources aggravated the problem of working in silos, and called for urgent changes in working methods.
661. Given that the quality appraisal of projects had shown that their quality was only satisfactory, she called for more training and better mechanisms for ensuring that comments from ACTRAV were incorporated in the revised proposals. The Workers agreed with the topics for high-level evaluations and supported the point for decision.
662. *Speaking on behalf of IMEC*, a Government representative of France welcomed the report's comprehensive overview but asked for a clearer distinction between internal and external evaluations and those managed by the Evaluation Unit (EVAL) and more information about the evaluation function in future reports. IMEC regretted that the Chair of the Evaluation Advisory Committee had remained vacant for a long time and wished to know if there was a back-up plan for the Committee's continued operation.
663. IMEC supported the high-level evaluations proposed for 2014 and 2015, but requested clarification on the content of the 2015 topic "Integrated approach to economic and social policies supported by UN and multilateral agencies". IMEC cautioned against cumbersome bureaucratic procedures that hampered evaluation reporting and follow-up and looked forward to a significant overhaul of indicators in line with a simplified programme framework.
664. *Speaking on behalf of the Africa group*, a Government representative of Egypt emphasized the need to take into account the uniqueness of each country and its needs and stressed the importance of interactive engagement by constituents, especially in the evaluation of DWCPs. He appreciated the six evaluations funded from the Regular Budget Supplementary Account (RBSA) and encouraged the Office to link allocation of such funds to country outcomes.
665. *A Government representative of India* acknowledged the notable strides achieved in strengthening the evaluation function and agreed with the topics proposed for high-level evaluations. He supported the recommendations to improve the quality appraisal of technical projects.
666. *A representative of the Director-General* (Director, Evaluation Unit (EVAL)) said that 2012 had been a busy year since it had coincided with the implementation of the new evaluation strategy approved in March 2011. Many of the recommendations EVAL had provided on results-based management and accountability had found their way into the new programme and budget proposals, notably those relating to the need for priority setting and teamwork.
667. Regarding the follow-up on recommendations, he recognized that building a culture of evaluation was still a challenge, but significant progress had been made, which would

probably be further reinforced by the Director-General's commitment to use evaluation as a management tool.

- 668.** He pointed out that, in order to conduct impact evaluations with rigour, a significant amount of resources and expertise were required and that they were not included in current regular budget allocations. Nevertheless EVAL would continue to work with various large technical cooperation projects in carrying out such impact assessments.
- 669.** The Director-General had appointed the Deputy Director-General for Management and Reform as the new Chairperson of the Evaluation Advisory Committee and noted that, despite the absence of a Chair, the Committee had been able to continue its work on important topics such as the work programme of EVAL and an external review of the quality of ILO high-level evaluations.
- 670.** In response to concerns expressed about constituent participation, he drew attention to EVAL's continued coordination with regions to train constituents and to the strengthening of national evaluation systems. With regard to IMEC's inquiry, he explained that the strategy evaluation proposed for 2014 related to outcome 19 which had never been evaluated hitherto.

### **Decision**

- 671.** *The Governing Body took note of the report and endorsed the recommendations to be included in the attached rolling plan of action for the implementation of recommendations and suggestions to be reported on in the annual evaluation report of 2012–13, and confirmed the priorities identified in the report on the work programme for 2012–13.*

(GB.316/PFA/7/1, paragraph 96.)

### **Discussions of high-level evaluations: Strategies and Decent Work Country Programmes** (GB.316/PFA/7/2)

- 672.** *The Worker spokesperson* said that the ILO's support to member States to develop inclusive employment policies was important, but she disagreed with the positive findings in paragraph 9, since the ILO had lost much of its capacity compared with 20 years earlier. It currently required more micro-economists and a critical mass of resources. Constituents had to be involved at all stages of employment policy, including targeted capacity building. She concurred with the need to set quality standards for National Employment Policy (NEP) formulation. It would be wise for the field structure review envisaged for 2013 to consider the need for macroeconomic expertise throughout the regions and to make the appropriate adjustments to address Africa's technical gap.
- 673.** The group welcomed all the recommendations in Part I, in particular recommendation 4 calling for tripartite engagement in existing processes. This required that resources be allocated for the capacity building of social partners. As for recommendation 7, which called on the Office to work more closely with the International Monetary Fund (IMF), she warned that any collaboration would have to be based on ILO values. She also supported a review of indicators to better reflect the greater focus needed on macroeconomic enabling conditions and policy options.

- 674.** Turning to the independent evaluation of the ILO strategy for sector-specific decent work, she said that the Workers were concerned with some findings, particularly those regarding the existence of parallel sets of programming and priority-setting processes. She emphasized the important role played by tripartite sectoral advisory bodies and attempts already made by the Office to streamline the two sets of processes. The Workers asked that further consideration be given to adjusting the indicators under outcome 13 of the programme and budget. As far as the recommendation to integrate the Sectoral Activities Department (SECTOR) and the Better Work programme was concerned, she agreed with the Office response which bore in mind the different management structure of the Better Work programme. Efforts should be made to ensure that the principles of the MNE Declaration were mainstreamed into the work of SECTOR and the Better Work programme and that sectoral approaches were better integrated into DWCPs.
- 675.** She noted with regard to the independent evaluation of the ILO's support to the DWCP for India that trade unions had been actively involved in efforts to organize trade unions, the review of labour laws and the campaign for the ratification of relevant ILO Conventions on freedom of association, collective bargaining and child labour. The Workers' group fully supported the tripartite constituents' call for the ratification of core Conventions during the next DWCP, the proposed focus on organizing the informal economy, capacity building and strengthening social protection floors, as well as on OSH, labour law enforcement, gender equality and decent employment.
- 676.** *The Employer spokesperson*, referring to Part I of the document, agreed with the recommendation that the current indicator framework for employment policy should be revised to make it more ambitious and to ensure that it better captured the policy's real impact on employment on the ground. He endorsed recommendations 2 and 5 on promoting institutional set-ups for budgeting and implementing integrated policies, and linking them to national policy-making processes. He cautioned that the definition of a minimum set of macroeconomic policies would have to be done in close cooperation with the IMF and the World Bank, and he asked for information on the development of a global product for employment targeting. He agreed with the call for more comparative studies and for the stepping up of support for national policy monitoring and evaluation. Regarding recommendation 6, he took the view that the ILO's participation in the post-Millennium Development Goal process must be constituent led.
- 677.** Regarding the evaluation of sector-specific decent work, the report did not adequately reflect the Office's performance on sectoral work or the unique nature of the Sectoral Activities Programme. Furthermore, the evaluation did not adequately reflect the great potential for sector-specific activities. The evaluation focused on known issues, such as the dual governance system, but could have focused more on how to bring about improvements. The Employers supported the recommendation on integrating the sectoral work of the various units that contributed to outcome 13. They also supported recommendations 7 and 8 on balancing constituents' sector-specific needs and the Office's cross-sectoral needs. Follow-up to sectoral meetings was something that the constituents, not SECTOR, should define. Employers did not believe that the integration of SECTOR and the Better Work programme to achieve synergies was possible in view of the independent management structure of the Better Work programme.
- 678.** The evaluation of India's DWCP was especially important because of the country's size and global importance. Noting the overall positive performance ratings, the Employers were keen to receive more information on the impact of the DWCP on the ground in order to interpret the findings more fully. The decisions concerning the next DWCP, including the proposed focus on the informal economy, must be taken by the constituents. Constituents should be involved not only in priority setting but also in programme design.

- 679.** *Speaking on behalf of ASEAN*, a Government representative of Viet Nam expressed his appreciation for the Office's efforts to improve employment policies. The Office could make further improvements by avoiding overlap, strengthening follow-up processes and enhancing internal collaboration. ASEAN encouraged the identification of best practices upon which member States could draw to improve their knowledge. In particular, he thanked the Office for its support for Viet Nam's national employment strategy.
- 680.** *Speaking on behalf of the Africa group*, a Government representative of Egypt stated that the findings from the evaluation of the employment strategy showed the ILO's non-tangible assets, such as its growing international visibility, its voice on employment policy issues, its solid leadership and its impressive technical competencies. Employment in Africa had become a challenge, especially with regard to youth employment. The Africa group agreed with recommendation 3 linking the ILO's work on employment policies with the overall policy-making processes. The capacities of social partners needed to be addressed, as outlined in recommendation 4. The Africa group supported linking national employment frameworks to the post-2015 agenda for poverty reduction, and agreed that enduring institutional frameworks were important following the approval of national employment policies.
- 681.** The Africa group expressed concern at the sector-specific decent work evaluation findings regarding dual management structures and insufficient coordination among departments. A sectoral approach should allow the Office to respond to those issues in a more comprehensive manner. Sectoral approaches in DWCPs should also be better captured. The speaker requested the Office to give special consideration to recommendations 1, 2, 6, 7 and 8 of the report.
- 682.** *A Government representative of the Republic of Korea* considered the increasing attention being given to employment strategy to be timely. He also underscored the importance of governments monitoring and assessing employment policies. He encouraged the ILO to continue supporting employment policy impact assessment.
- 683.** *A Government representative of India* stated that the Decent Work Agenda could contribute to accelerating progress towards achieving the Millennium Development Goals (MDGs) and that DWCP evaluations could play a role in that endeavour. The employment strategy evaluation report highlighted the importance of an operational approach that was aligned with national policies and issues. He requested the Office to recognize the importance of country-led employment policies combined with flexible support from the ILO.
- 684.** The evaluation of India's DWCP documented the support the country received from the ILO in order to address HIV/AIDS, vocational education and skills development. While India appreciated ILO support, the vastness of the country meant that the assistance had been part of India's larger scale interventions, particularly in the informal economy. India concurred that constituents should agree on how the ILO's limited resources would be focused on priority areas in the next DWCP.
- 685.** *A Government representative of Sri Lanka* emphasized the relevance of the ILO's strategy to support the development of Sri Lanka's NEP, which had been launched on 30 October 2012. He highlighted the need to sustain advances by addressing national capacity challenges.

- 686.** *A Government representative of China* called on the ILO to make use of the evaluation findings. With regard to employment strategy, the positive findings of the evaluation were consistent with China's own experience, given that it had successfully integrated national employment policies within its national macroeconomic framework. She encouraged the Office to implement all recommendations.
- 687.** *A Government representative of Canada* welcomed information on the impact of the ILO's work. Regarding the employment evaluation, she supported the recommendations. She expressed concern at the difficulty experienced in measuring the impact of the work of SECTOR, and at the lack of clear linkages among outcomes, strategic priorities, operational planning and resource allocation. She noted the conclusions in paragraphs 70–73 and urged the Office to implement the recommendations. She stressed that the Governing Body did not endorse the conclusions and recommendations of sectoral meetings and that making those recurrent work items would not provide an indication of their impact. She welcomed the lessons learned from the evaluation of India's DWCP, in particular the relevance of the Programme to national development strategies and to the United Nations Development Assistance Framework (UNDAF).
- 688.** *A representative of the Director-General* (Executive Director, Employment Sector) welcomed the conclusions of the evaluation, which were generally positive, objective and constructive. He highlighted the ILO's growing global credibility in employment policy and the new widespread appreciation of the importance of macroeconomic policies to employment owing, in part, to the ILO's post-crisis policy innovation. However, he stressed the need for caution in view of the high demand for ILO support, particularly in Africa. The report would be a timely input for the 2014 International Labour Conference.
- 689.** *A representative of the Director-General* (Director, Employment Policy Department (EMP/POLICY)) confirmed the longer term vision of the strategy but agreed that it was not reflected in the programme and budget indicators and that those would be changed to reflect better support for implementation. The Office had also brought forward plans to support the national monitoring of employment policies, and was engaged in documenting good practices for implementation and building the national and comparative country research base and knowledge platform for those policies.
- 690.** *A representative of the Director-General* (Regional Director, ILO Regional Office for Asia and the Pacific) said that he was committed to following up all the recommendations, which would help to improve the design, planning and implementation of the next DWCP (2013–17) in India and in other countries in the region. He noted that the evaluation findings for all five core criteria were satisfactory. As regards recommendations 1–4, he agreed with the alignment of the DWCP with India's national priorities. A tripartite consultation process and planning workshop held in July 2012 had taken that fact into account. The informal sector would be a priority in the next DWCP, along with youth employment, the development of sustainable enterprises, skills and social protection floor. The recommendation on coordinating policy and programmes at the state and central levels would be reviewed and the Decent Work Team for South Asia and the ILO Country Office for India (DWT/CO–New Delhi) would continue to engage in knowledge sharing to promote South–South cooperation and to strengthen research and training capacity in order to further the Decent Work Agenda in the region.
- 691.** *A representative of the Director-General* (Director, Sectoral Activities Department (SECTOR)) assured the Governing Body that the Office was looking into ways to implement the recommendations. She acknowledged the problem of dual governance, noting that it was not a new problem but had become more acute with regard to dual priority setting within the Strategic Policy Framework 2010–15. SECTOR and the Bureau of Programming and Management (PROGRAM) were working to integrate the sectoral

meeting agenda with the programme and budget, with proposed changes to be introduced during the March 2013 meeting of the Governing Body. That measure would serve to distinguish between recurrent work in promoting sectoral standards, codes of practice and guidelines, and the support function for global meetings. Regarding the recommendations for more integration between SECTOR and the Better Work programme, various ways for them to work more closely were being identified. Finally, SECTOR was looking at ways to better capture sectoral approaches in DWCPs.

### **Decision**

**692.** *The Governing Body requested the Director-General to take into consideration the findings, recommendations and lessons learned from the three independent evaluations presented in the summary contained in document GB.316/PFA/7/2 and to ensure their implementation.*

(GB.316/PFA/7/2, paragraph 165.)

## **Personnel Segment**

### **Eighth item on the agenda**

#### **Statement by the staff representative**

**693.** The statement by the Staff Union representative is reproduced in Appendix IV.

### **Ninth item on the agenda**

#### **Other personnel questions**

(GB.316/PFA/9)

**694.** *The Employer spokesperson* recalled that the matter at hand had been presented to the Governing Body for decision at its 313th Session in March 2012 and had been rejected at that time on the basis that it required greater reflection. After that meeting, the Employers' group had also objected to the interpretation of the Office that there had been no objection to the understanding of the Director-General concerning that agenda item.

**695.** The question now before the Governing Body was whether or not the interim arrangements should continue, pending a further review to be presented in March 2013, while recognizing that that aspect should also form part of a wider review of the entire human resources strategy. His group supported efforts to modernize the ILO's human resources strategy and to enhance equity, transparency and efficiency, and valued the contributions of the Staff Union to that process within its proper remit. However, the group was not in a position to endorse the proposed measures at that time, as they considered that other ideas should be explored. In particular, he referred to the recent report of the Joint Inspection Unit "Staff recruitment in United Nations system organizations: A comparative analysis and benchmarking framework", which contained a number of recommendations with regard to shortlisting, assessment and selection. He quoted a recommendation from the report concerning benchmark 10 and stated that it was an approach that the group could support and an example of other approaches that should be considered: "Interview,

assessment and selection panels comprise at least three individuals all trained in competency-based interviewing techniques. Both genders are represented and one member of the panel is from outside the hiring office. Human resources representatives participate in, at least, an advisory capacity.” The group was also in favour of efforts to limit the use of direct selection to more specific circumstances and encouraged the development of a more concrete strategy in that regard.

- 696.** The Employers’ group considered it necessary to provide further clarification on the relationship between collective bargaining outcomes and the authority of the Governing Body in order to avoid similar confusion in the future. In the light of those comments, the group proposed an amendment to the point for decision in paragraph 20 of the document to read “takes note of” instead of “endorses”.
- 697.** *The Worker spokesperson* reminded the members of the Governing Body that it was the Governing Body itself that had asked the Director-General to engage in mediation with a view to reopening dialogue within the Office and that the interim arrangements now under consideration were the first positive outcome from that process. She recalled that the industrial relations situation within the Office had been far from positive and was of the opinion that Governing Body members should feel positive about the comments made by the Staff Union representative concerning the role of the Staff Union in the ongoing reform process.
- 698.** The Workers’ group welcomed the proposals contained in the document. It recognized the common view of the Staff Union and the administration that the interim arrangements had had a positive impact on recruitment procedures and had even contributed to increased efficiency. That represented an excellent example of good industrial relations. She recalled that the Governing Body should not seek to micromanage the Office, and the moral obligation of the Governing Body to honour collective agreements reached within the Office, in accordance with ILO principles and values. She concluded that the Workers’ group supported the point for decision as contained in the document.
- 699.** *A Government representative of India* welcomed the interim arrangements in so far as that they had added transparency, efficiency and quality to the recruitment process, and noted that the use of external assessors had contributed to a more rigorous merit-based recruitment and selection. He emphasized the crucial role of the Human Resources Development Department in overseeing the overall process, and in ensuring that minimum requirements were met, as well as adequate geographic representation and gender balance throughout the Office. A key consideration was the recruitment of qualified staff with the required technical and technological expertise. There was a need to identify ways of improving staff mobility in view of the Office’s increased presence in the field, while, at the same time, ensuring cost efficiency through the simplification of recruitment systems. His Government agreed that the Director-General should retain the authority to appoint staff without competition in limited cases, such as experts from non-represented countries, as outlined in paragraph 18 of the document.
- 700.** *A Government representative of Switzerland* recalled that a decision on substance had been deferred in March 2012 due to the lack of consensus on the proposed interim arrangements. Her Government remained opposed to the proposed involvement of Staff Union representatives in recruitment and selection procedures in the ILO. In her opinion, transparency was not guaranteed through the appointment of staff representatives as observers on interview panels. In fact, she viewed the systematic involvement of staff representatives in that context as running counter to the principles of freedom of association in so far as non-unionized staff members could view their presence as undue interference in a process that should be solely driven by the need to attract the best candidate. The involvement of the Staff Union would be particularly inappropriate in the

selection process for, and appointments to, senior and management positions. She disagreed with the statement contained in paragraph 11 of the document concerning the alleged added value of the involvement of staff representatives in the identification of upcoming vacancies or in defining means of selection. As to the policies and practices in other United Nations organizations mentioned in paragraph 13 of the document, she expected further details in the document that the Office would present during the 317th Session of the Governing Body. Such a document should not present revised procedures on recruitment and selection in isolation from an overall review of the human resources strategy and implementing policies. In conclusion, she welcomed the amendment to the point for decision proposed by the Employers' group, as her Government would otherwise not have been in a position to support its adoption.

**701.** *A Government representative of the Netherlands* welcomed the intended review of recruitment and selection policies in March 2013 and underlined the importance of transparency. He considered there to be no need for a review of the entire human resources policy, as envisaged in the Director-General's reform agenda, and that the issues referred to in paragraph 20(b) of the document should not be excluded from that exercise. Therefore, he supported the amendment to the point for decision proposed by the Employers' group.

**702.** Those views were echoed by Government representatives of Canada, France and the United Kingdom.

**703.** *A Government representative of Germany* stressed that the point for decision concerned only interim adjustments to recruitment and selection procedures. He recognized the improvements made in industrial relations processes within the Office and acknowledged that negotiations had been carried out in the spirit of transparency and mutual trust. With regard to substance, he stated that it was common practice in Germany to have staff representatives and management involved in recruitment and selection. In view of the overall review scheduled for March 2013, his Government endorsed the interim adjustments, as well as the point for decision as a whole.

**704.** *A representative of the Director-General* (Deputy Director-General, Management and Reform) recalled that the Director-General's plan of action for the implementation of the reform process presented to the Governing Body included a priority review of the whole human resources cycle. The review had already started and concrete proposals for change were scheduled to be drafted by April 2013, with implementation commencing as of May 2013. The second subparagraph in the point for decision was not intended to seek final approval from the Governing Body, rather a temporary decision on a limited series of provisional adjustments until a comprehensive set of proposals was presented to the Governing Body for a final decision on recruitment and selection. The Office had taken note of the reservations of several Governing Body members concerning specific aspects of the proposals under consideration and would take them into account in its discussions with the Staff Union with a view to the submission of a full review of the recruitment and selection policy in March the following year.

## **Decision**

**705.** *The Governing Body took note of:*

- (a) *the Director-General's intention to revise Office recruitment and selection policies and procedures, and to submit proposals and draft amendments to the Staff Regulations to the Governing Body in March 2013; and*

*(b) the interim arrangements to implement the provisional adjustments to the recruitment and selection procedures presented at its 313th Session, until its overall review of the matter in March 2013.*

(GB.316/PFA/9, paragraph 20, as amended by the Governing Body.)

## High-Level Section

### Working Party on the Social Dimension of Globalization

706. The High-Level Section met on Tuesday, 13 November. It was chaired by the Chairperson of the Governing Body. Mr Funes de Rioja and Mr Sommer were the Employer and Worker spokespersons.

#### First item on the agenda

#### Global economic prospects and the Decent Work Agenda (GB.316/WP/SDG/1)

707. The Governing Body had before it a paper summarizing the latest information on global economic and employment prospects and identifying issues concerning the ILO contribution to the coordination of multilateral efforts for sustained recovery and growth. The Director-General introduced the paper. He recalled the alarming trends in unemployment, underlining the need to focus the discussion of the Working Party on how best the ILO could concretely contribute, along with others, to restoring economic and social stability and promoting decent work. The situation differed across countries and regions. Africa was enjoying an encouraging period of sustained growth, while Europe was in deep recession. No country or regional grouping, however, could get away with individual solutions. The reality of economic interdependence required internationally coordinated policy responses.

708. The ILO had to be at the fore in ensuring that the social impact of crisis-response policies was properly addressed. He called for deeper engagement with regional bodies, for instance by means of more systematic interaction with the regional development banks. He underlined the need for continued ILO efforts to influence global institutions and groupings – such as the G20 – to better address the global jobs crisis. He also highlighted the importance of bilateral cooperation with the International Monetary Fund and the new opportunities to work together with the World Bank opened up by the recently released *World Development Report 2013 Overview: Jobs*. The challenge to the Working Party was to trace out alternatives, to which the ILO could contribute, to respond to the global demand for decent jobs.

709. *The Employer Vice-Chairperson* stressed that the Employers' message on job creation had been consistent and clear: the key elements included economic growth, increased business confidence, and improved skills and employability, with special consideration for youth employment. Only private-sector employers, overwhelmingly small and medium-sized enterprises (SMEs), could create jobs on a scale needed to overcome the global employment crisis. Disincentives, such as regulations that increased labour costs, needed to be avoided.

710. Employers wanted to see words turned into action on the jobs crisis and believed that the ILO should increasingly focus on following up on the implementation of policies at the global, regional and national levels, with job creation at the heart of everything the ILO did. He cautioned the ILO against labelling certain job-creating forms of work as “precarious”, particularly with regard to youth employment. The Office needed to engage

in realistic labour market solutions. The crisis had exposed the need for structural reform and modernization of labour markets and regulations. The ILO should focus on meeting national constituents' needs and should disseminate to governments a range of experiences, both positive and negative, paying particular attention to the country context. Citing the paper's example of minimum wage increases in his country, Argentina, the Vice-Chairperson cautioned that it was the specific country context that had made that possible.

- 711.** The ILO should neither oppose austerity and public-sector reduction nor flexibility and changing forms of work. The main source of precarious work in many countries was the informal economy, and that should be the focus.
- 712.** *The Worker spokesperson* identified five major challenges arising from the global economic crisis. Firstly, policy responses to the crisis had been a failure, as the shift from supporting growth and jobs to fiscal austerity had pushed many economies into recession and increased unemployment, particularly among youth. The falling share of wages was also another key reason for the current slowdown and its impact on employment. Secondly, the European social model, which was at the heart of the ILO's approach, was being undermined by fiscal austerity and structural reforms imposed by the troika. Thirdly, the global slowdown had had devastating consequences on developing countries, including higher food prices, rising unemployment and informality, and a billion workers trapped in working poverty. Fourthly, coordination of international action in favour of decent work in the multilateral system had not been a success. While the Los Cabos Growth and Jobs Action Plan commitment was welcome, there was an urgent need for coordinated action by G20 members. Finally, the increase in structural long-term unemployment and in precarious jobs were issues of great concern as they led to a rise in the ranks of the working poor, both in developed and developing economies.
- 713.** In view of those challenges, the Workers suggested five priorities for ILO action. Firstly, the ILO should enhance its analytical and policy advice capacities in order to contribute to a new development model based on decent work. Secondly, the ILO needed to innovate with regard to policy advice delivery at the country level in order to respond more efficiently to crisis situations. Those responses should be based on the Global Jobs Pact and incorporate job-centred, income-led growth policies and involve the social partners. Thirdly, a new social compact for Europe was needed to support the European social model and the ILO should engage with European countries in order to champion this objective. Fourthly, the ILO needed to strengthen its macroeconomic capacity on policy issues and their impact on employment. Lastly, he urged the ILO to strengthen advocacy, which should be research-based and backed by authoritative statistics and forecasts. He reiterated that the ILO should play a more active role in multilateral bodies on global economic policies so that the voices of workers and employers could be heard. The ILO should further call for an end to austerity measures.
- 714.** *Speaking on behalf of the Africa group*, a Government representative of Egypt regretted the paper's lack of reference to the economic situation outside the developed world, including Africa. The group urged the Office to better coordinate data collection and analysis in collaboration with United Nations regional economic commissions and other regional organizations, including the African Union. The group identified the key challenges in the region as the reduced momentum for job creation, particularly for young people; respect for the fundamental principles of the ILO; informality; and support for SMEs. The Social Protection Floors Recommendation, 2012 (No. 202), could help in defining a new vision and monitoring progress towards agreed social protection targets in Africa. He concluded by recalling that the 2004 Declaration on Employment and Poverty Alleviation in Africa issued by the Ouagadougou Summit remained the cornerstone for the development of continent-wide action, making employment creation for poverty

alleviation an explicit and central objective of economic and social policies, and offering a basis for close involvement of the ILO and other international partners. The outcome of the ILO's 12th African Regional Meeting, held in Johannesburg in 2011, provided a clear roadmap on priorities in respect of the African Decent Work Agenda 2007–15.

- 715.** *Speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC)*, a Government representative of Colombia underlined the concern in the region about the implications of the difficult global economic situation on workers' rights. GRULAC urged the Office to broaden the analysis contained in the paper, delving more into country and regional variations. The paper did not adequately recognize the new global dynamics resulting from the expansion of the emerging economies. Some major developing countries had recovered promptly from the global financial crisis. Their policies encompassed investment in training and higher levels of public spending, unlike developed economies where fiscal cuts, unemployment allowances and subsidies to enterprises had been prioritized. Those policy differences should be analysed in order to determine the impact of the crisis on decent work. Youth unemployment was a critical concern and must be addressed in the broad frame of stronger employment and social protection policies. The Global Jobs Pact remained of special relevance, as underlined in the United Nations Economic and Social Council (ECOSOC) 2012 Ministerial Declaration. The ILO's priority was to ensure that employment recovery was accompanied by workers' rights, adequate remuneration and social protection, in order to lead to more inclusive and sustainable growth.
- 716.** *A Government representative of Germany* said that the ILO could contribute to permanent recovery and sustainable growth by continuing to play a prominent role in the area of international cooperation, including the G20. He stressed that the large number of people working in the informal economy were outside the scope of social security protection. Highlighting the importance of Recommendation No. 202, he said that his country had planned to provide significant financial support to social security projects in 20 countries, including to ILO projects.
- 717.** *A Government representative of Sudan* said that in spite of political and economic challenges her country was endeavouring to comply with international labour standards. Sudan was attempting to tackle rising unemployment and to support SMEs through microcredit schemes, which would promote transition from the informal to the formal economy. Considering the interlinkage between national and international policies, her Government supported the efforts of the ILO to promote fair globalization and achieve social justice worldwide in the context of the ILO Declaration on Social Justice for a Fair Globalization.
- 718.** *A Government representative of Lithuania* described several measures aimed at reducing youth unemployment undertaken by her Government. Such measures included subsidies for employers hiring young workers, microloans and training offered to young entrepreneurs. As a result, youth unemployment in Lithuania had been substantially reduced the previous year.
- 719.** *A Government representative of Zimbabwe* suggested that the ILO's response to the crisis, largely embodied in the Global Jobs Pact, while still relevant, needed to be sharpened and fine-tuned. She called on the Office to carry out an in-depth impact assessment of the Global Jobs Pact on the mitigation of the labour and social ramifications of the crisis and to present the results at the 319th Session of the Governing Body in October 2013.

- 720.** *A Government representative of Algeria* said that there was a need to reform the global financial system and its rules for a sustainable recovery of the global economy. The ILO had an important role to play in developing new rules and reforms to enable an exit from the crisis and should continue to work with the G20. He outlined the key policy initiatives in his country, which included infrastructure investment, support to young people for SME creation, raising the quality of human resources and building capacity for social security in collaboration with the ILO. He also highlighted progress his country had made on balanced gender representation in its legislature and judicial system.
- 721.** *A Government representative of Ghana* said that, contrary to the general trends noted in the Office paper, his country's economic outlook remained positive, aided by strong exports of cocoa and gold. Recent growth had not translated into more jobs, however, particularly for youth. He emphasized that jobs could be created only as a result of the integration of trade, economic, employment and social policies. Ghana had undertaken a number of measures, with ILO assistance, to promote productive employment, including strengthened implementation of international labour standards, skills training for youth and wider social protection for informal sector workers to promote transition to the formal economy.
- 722.** *Speaking on behalf of the European Union and its Member States*, the Permanent Representative of the European Union (EU) to the United Nations said that while the Office paper adequately described challenges that had been faced by a few countries in the region, it did not adequately describe the concerted EU-led efforts aimed at diminishing the social consequences of the crisis. The different situations of advanced, emerging and developing economies should also be addressed, their challenges and policies analysed, and analytical work used to support adequate responses. Multilateral responses should be built on a shared understanding of the situation. She encouraged the ILO to promote the principle that labour and employment issues should be examined in conjunction with economic, monetary and fiscal issues in order to support strong and sustainable growth and strengthen the social dimension of globalization.
- 723.** *A Government representative of Australia* agreed with the paper that the ILO must continue to advocate strongly and effectively in the multilateral system to ensure that the creation of good and decent jobs remained a global priority. The Global Jobs Pact policy framework was still relevant, and his country welcomed the ILO's commitment to deepen its work on labour market policies and offer guidance on the best practices to the governments.
- 724.** *A Government representative of Kenya* recalled the importance of employment policy as a key component of national development and economic policies, particularly in the context of the post-2015 discussion. Since the slowing of advanced economies was dragging down the growth and performance of emerging and developing economies, her Government called on the ILO to steer multilateral effort.
- 725.** *An Employer member from Bangladesh* noted that while economic challenges among regions differed, the imperative for jobs was a shared challenge. Europe needed sustained growth to generate jobs, but Asia needed structural transformation and further labour market development to sustain economic growth and social development. Governments in all regions should scrupulously avoid disincentives in labour market regulation that raised labour costs and risks for businesses and investors. The focus should be on policies that helped ensure both flexible labour markets and sustainable employment opportunities.
- 726.** *A Government representative of the United States* highlighted the challenges for the Decent Work Agenda, including assisting the many who had been in crisis before 2008, such as the vulnerable, those living in poverty and informal sector workers. He stressed that austerity and economic hardship must not diminish the fundamental rights of workers,

something that had been affirmed in the Leaders' Statement at the 2009 G20 Pittsburgh Summit. Recognizing that labour ministries could only do so much, he encouraged labour ministries to work in concert with financial and economic institutions, both at the national and international levels, to influence macroeconomic policy. The ILO's support to the G20 had already proved invaluable. ILO collaboration with multilateral institutions, however, should move beyond high-level meetings and seek development of common goals, methods and outcomes.

- 727.** *A Government representative of France* stressed the need to coordinate policies at the international level to sustain growth and employment, such as through the G20 and its Task Force on Employment at the European level to achieve eurozone stability, and at the national level to create jobs. Social dialogue was playing an important role in France and discussions were under way on employment issues, particularly youth employment. He highlighted his country's new programme "Jobs of the future", focusing on youth in neither employment nor training, and the "generation contracts" being proposed by the social partners to hire young people while maintaining older employees. Discussions on job security and flexibility were also in progress. The crisis response required reinforced social dialogue and improved cooperation between States and among social partners. The ILO should rapidly improve its analytical capacity to ensure its voice was heard. France was fully committed to the inclusion of decent work among the post-2015 development goals.
- 728.** *An Employer member from Panama* recalled the experience of Panama, where sustained economic growth over the previous decade had led to near full employment, an increase in the minimum wage and significant poverty reduction. The inflow of irregular migrants from neighbouring countries and unemployment among youth were the main labour market concerns. To address the latter, employers and civil society had joined forces to suggest proposals for reform of the national education system.
- 729.** *A Government representative of Romania* presented her country's policies to restart the economy. More flexible legislation to promote job creation was under consideration. A national plan on jobs creation had just been launched. It aimed to reduce unemployment, particularly youth unemployment, through SME development, youth mobility, apprenticeship and training, and incentive measures directed at employers. The Government of Romania was ready to collaborate further with the ILO and the European Commission to ensure coherence between its policies and international labour standards and European legislation.
- 730.** *A Government representative of Trinidad and Tobago* called for the ILO to pay closer attention to the new global dynamic and accompanying market shifts, which were transforming the global business landscape. Changing global migration patterns, including the return of migrant workers to countries of origin and developed country nationals on the move to secure jobs abroad, had implications for social protection systems, issues related to freedom of association and labour market functioning. New talent would increasingly be sourced from non-traditional areas, particularly emerging economies.
- 731.** *A Government representative of India* underscored the need for coordinated efforts to secure job-rich recovery among countries because, in spite of the better economic performance in some developing and emerging countries, all were affected by financial instability and fragility in developed economies. He cited inadequate infrastructure as a major bottleneck for job creation in developing countries. The large informal sector and dependence on agriculture were also constraints.

732. He emphasized the importance of social protection for people in the informal sector and of helping them in their transition to the formal economy. He stressed that decent work should be not only an outcome, but also an important driver of economic growth.
733. *An Employer member from South Africa* expressed regret for the continued focus on the crisis, as many economic challenges, such as the lack of employment, job creation and poverty, had existed before 2008. The crisis provided a convenient excuse for missing the Millennium Development Goal targets. Infrastructure projects, education and entrepreneurship needed to be ensured. Tripartism should be more proactive in finding ways to improve flexibility and job-rich growth while alleviating poverty. While the G20 work in Guadalajara and the Los Cabos Declaration were important steps, the private sector continued to be confronted with punitive legislation.
734. *A Government representative of Brazil* reiterated the strong support of his Government for the promotion of decent work. As an example of social dialogue, he mentioned the first National Conference on Employment and Decent Work that had been held in Brazil the previous August and attended by over 1,500 tripartite delegates. He stressed that Brazil's strong economic growth over the previous decade had been a result of more equal income distribution, the increase in minimum wages and stronger social protection coverage.
735. *A Government representative of Qatar* stressed the need to reform the international financial system and regenerate confidence in the global economy. The Doha Round of the World Trade Organization negotiation should be concluded rapidly. He highlighted the need to strengthen social policy for better protection of workers.
736. *A Government representative of China* asked the ILO to pay more attention to the economic and employment situation in developing countries and to strengthen its research capacity. China's policy of expanding domestic demand in its 12th five-year plan had given domestic consumption a role that outweighed that of investment in driving economic growth. In spite of good results on employment and social protection, China continued to face challenges in creating full and high-quality employment. The ILO's continued support was appreciated, and his country looked forward to further cooperation under the leadership of the new Director-General.
737. *A Government representative of Congo* supported the statement made on behalf of the Africa group concerning the exclusion of Africa from the paper, and recommended that the word "Global" should be omitted from the title. He asked the ILO how Africa would be integrated into the analysis of the paper.
738. *A representative of the Council of Europe* recalled that the achievement of human rights, democracy and the rule of law depended extensively on social cohesion. He shared the Worker spokesperson's view that the financial and economic crisis threatened the European social model. Unemployment, underemployment and inequality were tearing apart the social fabric and weakening democracy. Legislation and programmes should aim at reducing inequality, the precariousness of young people, the stigmatization of migrants, racism and xenophobia, while promoting dialogue, accountability, participation and social mobility. He called for greater commitment from all the stakeholders, not only governments, to defend the European social model by fighting against social exclusion and discrimination, promoting social justice and ensuring the accountability of governments and leading corporations to civil society.
739. *The Director-General* said that the discussion had made it clear that the global jobs crisis was a priority of priorities for the Organization. While the impact was felt less severely in some countries, there was common concern regarding the need to construct an effective response. The lack of comprehensive regional coverage in the discussion paper identified

by several speakers would be remedied in the future. The implications of the new global dynamics mentioned by GRULAC and others spoke very strongly to him. He noted a general consensus that the Decent Work Agenda remained the framework for responding to the crisis. He stressed that creating and sustaining enterprise creation, pointed out by the Employers, was not inimical to the other elements of decent work. There was a need to be especially attentive to the needs of the most vulnerable and the working poor. He acknowledged the requests to strengthen the capacity for research and action by the Office, an item already discussed in an earlier section of the Governing Body. Advocacy needed to be founded on evidence-based research.

- 740.** He appreciated the expressions of support for the Global Jobs Pact and agreed on the need for a reality check. One important element of the Pact – social dialogue – appeared to have been one of the victims of the crisis in some countries. Fortunately, experiences like that of France could serve as useful counter-examples. He also noted the support for ILO engagement with the multilateral system and the importance of exploring opportunities arising at the regional level. Overall, the ILO approach should be a layered one, with better analytical capacities, better provision of services at the national level, including exchange of experience and good practice, together with active advocacy globally and regionally.

## Appendix I

### Statement of the Officers of the ILO Governing Body

The latest forecasts predict further challenges to economic growth over 2012 and in 2013 which will deepen the global jobs gap that worsened with the 2008 crisis. There is a high risk of the world economy sliding into a period of prolonged low or negative growth that will exacerbate the already bleak outlook for poverty alleviation, social cohesion, sustainable enterprises and employment, particularly of young people.

The victims will be millions of working women and men and the communities and nations in which they live. Global unemployment is expected to reach at least 203 million in 2013 and nearly 40 million more people have dropped out of the labour force since before the crisis. The growth slowdown around the world stands to result in appalling social consequences for workers and in crisis for many employers.

There are no quick fixes. However, through its coordinated actions at the international, the regional and the national level, the tripartite International Labour Organization has the capacity to play a positive role in proposing measures to achieve recovery from the crisis and mitigate its worst impact.

*Accordingly, building upon the discussion of the global economic crisis by the Governing Body's high-level Working Party on the Social Dimension of Globalization, we the Officers of the Governing Body agreed on the following principles and initiatives:*

1. We stress that social dialogue is a crucial tool in the search for consensus on a wide range of policy solutions. The ILO needs to prioritize social dialogue at all levels as part of its crisis response.
2. We assert that respect for fundamental principles and rights at work is central to human dignity. It is also an important input for recovery and development.
3. We reaffirm the importance of the ILO Declaration on Social Justice for a Fair Globalization (2008) and the ILO Global Jobs Pact (2009) in achieving sustainable recovery and growth.
4. We emphasize the key nature of the mandate and the participation of the ILO in the G20 Summit and of Labour Ministers in the G20 and other relevant international processes.
5. We therefore request the Director-General to take the following actions:
  - making maximum use of forthcoming official ILO meetings including the Ninth European Regional Meeting, 317th Session of the Governing Body and 102nd Session of the International Labour Conference in order for ILO constituents to debate the crisis, promote coordinated action and advance solutions;
  - seeking all possible means to put employment and fundamental principles and rights at work at the centre of the development agenda in the context of the decisions to be taken at relevant forums, leading to the adoption of a goal and target on full and productive employment and decent work as part of the post-2015 sustainable development agenda;
  - intensifying common efforts of the Governing Body and the Office to promote policy coherence between all relevant international and regional organizations in order to promote growth, decent and productive employment and social inclusion.

## Appendix II

### **Statement by the Director-General to the Programme, Financial and Administrative Section of the Governing Body** (316th Session – November 2012)

Distinguished members of the Governing Body,  
Observers, ladies and gentlemen,

The Declaration of Loyalty I made a few minutes ago is the solemn commitment that the Director-General makes to you, the Members of the ILO. And I will employ all of my abilities and efforts to honour it to the full.

Now we come together to build the basis of another commitment, still more crucial for the success of our Organization. For we must construct not just a vision for the future of the ILO but also the means to make it a reality.

A programme and budget for the coming biennium and a process of reform and of change which – together – can equip the ILO to meet the challenges we fix for ourselves. And then we must commit to work together to make it happen.

Only as joint architects of our future and joint actors in its realization will we succeed. And succeed we must; not as a matter of institutional self-interest, but in the interest of the many millions in the world of work who need the ILO and to whom it is our common duty to respond.

I come to this post convinced of the crucial role of the ILO, committed to its values and to its objectives. For me, this has been a lifelong conviction and it has guided what I have done throughout my working life. And I think you would expect nothing less from your Director-General. And I have no doubt that each of you, representing Government, or employers, or workers, from Africa, the Americas, Asia–Pacific, the Arab States or Europe, shares exactly the same commitment. That is why you are here, and that is why we have all that we need to succeed – so long as we bring also the necessary will and the common purpose.

Our business is social justice. No more, but no less. Our responsibilities are global – we must reach everybody whatever their status, their gender, their colour, whatever their country. And our responsibilities are particularly heavy in respect of the poorest, the most vulnerable, and the most disadvantaged and in the continuing quest for gender equality where the ILO must continue to be a leader. And our arena is the world of work. We must occupy it fully and we must be wary of straying beyond it.

I think the global challenge before us is quite easily stated: getting the world back to work; refusing also the false, if seductive, idea that this can only happen if the quality of work is sacrificed; refusing too to be distracted by the crisis from the task of achieving universal respect of fundamental rights at work. Because that is a central part of rebalancing our global economy, not an obstacle to it.

Today, continuing crisis in that world of work – and we remain in circumstances of global crisis – might apparently make the prospects for social justice appear sombre. There is record joblessness – justified fear that we are losing a generation of young people who will rightly hold us responsible for our failure although in ways we cannot today predict.

Deepening and unacceptable inequality made worse by the closing of avenues of social mobility. There is growing social tension and sometimes there is lethal conflict. Reminders, if we need them, that lasting peace truly depends on the achievement of social justice.

The immensity of the challenges must encourage, not deter us. And the urgency of them should tell us that we do not have the luxury of delay or of indecision.

Opportunity is there because the crucial issues of the day are the ILO's issues.

Opportunity is there because, even with the crisis, the permanence of dynamic change in the world of work means, inevitably, that new perspectives for social progress are still continually arising, but only if we are capable of seizing them. And in just one month in office, I have been able to verify at first hand that these opportunities are within our reach.

We are witnessing transformational change of the world economy, painful, yes, but absolutely real. This is having and will continue to have dramatic impact on the world of work. There are extraordinary shifts in the poles of economic dynamism and in the division of global production and jobs and a recasting of the international and inter-regional relationships that tie us into a single global system. The ILO needs to understand them, needs to learn the lessons, and to integrate them in its work as it has started to do and must continue to do, for example in our South–South cooperation.

The danger that some have seen of the ILO being outdated will not come from our faithfulness to values and objectives set nearly a century ago. But it could come from persisting in the illusion that the world of work continues as it was just a decade ago. And we must not make that mistake.

Distinguished members of the Governing Body,

The process which resulted in my election was keenly and honourably fought. I pay tribute to all those who as candidates or as voters contributed to it. But it also revealed that Members of the ILO were demanding reform and change in our Organization – processes which would equip our Organization better to discharge its unchanging mandate in dramatically changing and difficult conditions.

From the very first day, as I promised, I have given top priority to answering that call. And I have done so not in a spirit of reacting grudgingly to unwelcome external pressure, but in the firm conviction that such change is absolutely necessary, that it is by embracing change that we can become more effective and win, as we must, your political and material support for our work.

This is not change for the sake of change. It is change with a purpose, and I want to spell out clearly what I see that purpose as being. It can be summed up by the over-arching goal of winning more influence for the ILO in promoting global social justice.

We can build on strong foundations. The last decade has seen a qualitative increase in the ILO's visibility and protagonism nationally and internationally. This is my predecessor's and your achievement, and I pay tribute to Mr Somavia for it. The Decent Work Agenda has won acceptance in the international system and common currency among the ILO's own tripartite constituents.

The 2008 Declaration on Social Justice for a Fair Globalization – and every time I read it, it strikes me more and more that this is a prescient and remarkable document – is an invaluable guide along the road ahead. I cannot hope to do justice to its richness in this speech. But let me recall, for the point of illustration, that it stresses the role of sustainable enterprises in furthering the goals of the ILO, just as it does the role of standards, and goes on to underline that our strategic objectives are, and I quote, “inseparable, interrelated, and mutually supportive”. Herein lies a challenge for everyone in this room. It is for the ILO's tripartite constituents to embrace our agenda as a whole. All of this agenda must be of interest and value to all constituents and have their engagement and support. Embracing one element to the exclusion of others inevitably means falling short. And we must do better, reach out to the other and move forward together.

We must use our political capital well.

That must start with the consolidation and reinforcement of the ILO's standing as *the* global reference point on all matters relating to the world of work. Our authority depends on being *the* centre of excellence in those matters. And that, in turn, depends on upgrading our statistical, research and analytical capacities. There is no short cut. We must work hard, organize and invest to be the best, the market leader. Because there is no other sure basis for credible advocacy or for the quality services which our constituents increasingly demand.

This, I have to confess, is not an entirely new idea. Listen to this, a reference to a presentation made by a previous Director-General; it is in French, and I quote: “son intention ... était de prouver par une démonstration tangible que le Bureau international du Travail, loin d'être un instrument destiné à répandre un idéalisme vague et théorique était le réceptacle de renseignements hautement techniques et analysées soigneusement qui pouvait se mettre à la disposition de ceux qui étaient appelés à s'occuper d'un problème industriel déterminé”. That is exactly it. Albert Thomas, 1921. *Plus ça change, plus c'est la même chose*.

So, we must be both relevant in the work that we do and useful to you, our member States. Priorities must be established, and we must have the delivery systems to ensure that the work undertaken translates into real answers to the real questions and problems with which you are called upon to grapple.

And all of this needs to be done – and I want to underline it – with constant regard to the imperative of delivering value for money. That imperative needs to be firmly fixed in the mindset of any international organization at all times. It becomes absolutely primordial in circumstances of severe financial constraints such as those being faced in many countries today. The disciplines acting on public spending and assumed by public administrations must also be assumed by the ILO. And I want to assure you that they are firmly in focus as we embark on reform.

Indeed, the pressing need for efficiency and effectiveness, for better management, for overcoming internal barriers to good work practices in the ILO, be they structural, procedural, geographical, or in communications, has been acted on from the very first day of my mandate. The ILO must deliver as one.

I promised you that redynamizing senior management would come first in the chronology of priorities. I announced a transitional Senior Management Team on 1 October. It is not yet complete but it is up and running. It met this morning. It is a team. It is managing. It is a good start. And on that very first day I also announced what I have presented to you as my “commitment to reform” and two weeks later followed that up with a plan of action for its implementation.

And if you take a look at the screen right now (graphic 1) you will see the 11 headings under which reform will be pursued. We are setting up project teams for each one of these items with clear and accountable leadership responsibilities established at the level of Deputy Directors-General Polaski and Vines, and with time lines for delivery. These time lines are definitely ambitious but they are not impossible, and I believe they reflect in their urgency and their coverage exactly what you expect of us.

Take a look at the 11 headings, and I think you will find in them a determination to hit all of the targets that have been the subject of conversations between us from the beginning of the electoral process, in the transition period, and all of the conversations that I have had with you. The time lines attached to these items of work are variable, but the point is that by the end of next year, with some results coming much earlier, you will have an Organization which I believe will be geared up much better than today to deliver on the Programme and Budget which I am about to address this afternoon.

The preview of the Programme and Budget proposals for 2014–15, which you have before you, needs to be considered in the context of this enabling environment of change and reform. These two elements constitute, in my vision, a mutually reinforcing whole.

In line with the purposes of the reform process, I believe that it is necessary for the Programme and Budget proposals to embody substance and process which promotes prioritization of key issues and the concentration of effort and resources for their achievement. This idea stands at the centre of the preview of proposals before you. These proposals offer a way of overcoming the fragmentation and dispersion of effort which has frequently been criticized by this Governing Body. They would allow critical mass necessary for real impact to be brought to bear on issues which we agree are of critical importance in the world of work. And they enable the ILO to give a very clear and coherent answer to the question of what exactly it is that we are doing to respond to the crisis. We need to be able to give such an answer.

Let me turn now to the question of the selection of the specific issues which are before you as proposed areas of critical importance. They are set out on the screen before you (graphic 2).

I believe, firstly, that it is necessary for all of you – each group, each region – to feel identity and ownership of these issues. They must be relevant, they must be useful.

So each of them seeks to respond to situations which are, firstly, of major and topical importance, affecting large numbers and of high concern in a large number of member States. They must address situations where the ILO can make a difference and where the need for change and improvement is evident. And they have also been the subject of Conference or Governing Body or Regional Meeting decisions or concerns which you, our constituents, have otherwise expressed.

Taken together, I believe that these seven issues reflect appropriate balance across the four strategic objectives of the Decent Work Agenda, and address issues where the ILO simply must make a mark. I hope that you will see in them issues which in your own countries constitute policy priorities – issues on which you believe the ILO should be prioritizing and making a difference.

I think at this point, and in the light of conversations I have had with many of you, a word of explanation is necessary about how these areas of critical importance relate to the existing 19 Outcomes contained in the Strategic Policy Framework 2010–15, which remains in place for the duration of the biennium in question and forms the basis of the results-based management system that the ILO has introduced and must continue to work to improve.

The first point to be made is that it does not seem reasonable or necessary to set aside the Strategic Policy Framework, regardless of the feasibility of so doing. That would imply removing the capacity of the ILO to track and measure in the medium term results in the achievement of objectives it has set through mechanisms it values. Moreover, given that the areas of critical importance that it is proposed to establish would cover only a part of the overall work that the ILO does, it would anyway be necessary to continue to measure all of those other areas today captured under the 19 Outcomes of the Strategic Policy Framework.

As the document before you makes clear, the proposed areas of critical importance do not stand outside the existing outcomes and do not add to them. Rather, they will combine work carried out under several outcomes, and contribute measurably to their more effective, I believe, achievement.

To illustrate the point, have a look now at the example on the screen (graphic 3). It refers – purely as an indicative example – to the challenge of jobs and skills for youth. It shows how work undertaken under the different outcomes under the different strategic objectives can combine to provide critical mass and produce impact on this.

So you will see the outcomes coloured in in green – and again, this is purely indicative – might be considered as major contributors to the area of critical importance proposed on jobs and skills for youth. Those other outcomes which have a small green box

in their margin might be considered as having a supporting role. Now, my intention is not to argue about the specific detail of this example, but to illustrate to you that what we are proposing here is to extract from the different outcomes joint inputs that could be put together to address one of the areas of critical importance that I am proposing to you. This is not a case of adding to existing outcomes, creating new ones; it is about putting together our efforts across outcomes to achieve critical mass and to achieve better impact.

The reality is that each of the 19 outcomes today in our Programme and Budget corresponds – accidentally or otherwise – closely to a department or unit of the Office. By setting up task teams which bring together colleagues working on different outcomes (and hence from different structures), we would be able both to bring multidisciplinary approaches to bear on issues in a way which should add to the quality and impact of ILO contributions and also help to dismantle some of the internal silos which, in my opinion and experience, can too often hinder our work. There are a lot of “wins”, I believe, in this type of approach.

This type of teamwork would be built into work plans and feed directly into results in your countries – or through country programme outcomes – to use ILO terminology. This is the ILO working better, to offer higher-quality, relevant and useful services to our member States. And there you see it, different outcomes contributing to task teams, working to produce work plans, putting together resources to deliver better country programme outcomes.

The steps I have sought to outline to you this afternoon could lead us to the ILO that our mandate and our circumstances require, I believe, that we construct together. My aim is to lead you with common purpose towards that shared goal.

An ILO which is a globally influential actor for social justice; a centre of excellence; a responsive provider of quality services; the Organization to which people go as a first option for solutions; an ILO which meets the highest standards of efficiency and probity in the public service; an ILO which is a good employer and which understands that a motivated and talented staff is its key asset.

Add to this one more element to which I attach particular importance and which is not an afterthought: an ILO which has its feet firmly planted in the world of work; close to its constituents; listening to them, learning from them, and responding to them. Tripartism must not only be our way of work; it is our richest resource. Ministries of labour, employers’ organizations and the enterprises they represent and trade unions are not only the constituents we serve – they are that – they are also the roots of our legitimacy and of our expertise. You enable us to apprehend the world of work and to intervene in it effectively.

With these remarks, I have shared with you the course I believe we must set for the ILO, a course guided always by the compass of social justice. You will make your judgements on what I have said and, in the light of our discussions now we will come back in March with more detailed proposals, including – and it is not the smallest matter – for the level of the budget.

As I have had the chance to explain to many of you elsewhere, and following the established practice of the past, I have not at this stage thought it appropriate to enter into the issue of resources. Instead I have put before you my vision for the future of the ILO and it is for you, the Governing Body, to assess its value and to decide what you wish to invest in it.

I am conscious – it could not be otherwise – of the financial constraints acting on many member States. I am respectful of them, and that will show in terms of the rigour which will be applied in the financial management of the ILO, and in terms of the resource proposals I will present in March. They will be formulated through close consultation.

It is not the moment for the Governing Body to enter into the substance of this resource debate. But let me simply recall at this juncture – as you see in the graphic before you – the record of financial restraint – if that is the correct word – exercised by the ILO in recent years. It is shown on the screen with the green line at the top showing that in real terms the ILO's Programme and Budget has flat-lined over successive biennia. The blue bar represents the proportion of resources dedicated to technical work and to the regions; the red bar the resources dedicated to administration and support services (graphic 5). Quite constant, but I would draw your attention to the fact that in the red bar we have had to absorb a number of new functions for the Organization, for example in respect of oversight and evaluation which you have considered to be necessary to our good governance.

I close by reiterating my gratitude for the confidence you have placed in me and my determination to be worthy of it. I cannot, of course, offer guarantees of success in that regard, but you have absolute assurance that I will bring all my efforts and abilities to the task, as will my colleagues in the Office, which I am proud to be a part of and to lead.

I thank you for your attention.

## Appendix III

### **The Director-General's response to the issues raised by Governing Body members during the debate (316th Session – November 2012)**

Let me start by thanking all who spoke in the debate on the preview of my programme and budget proposals – from the Employers' and Workers' groups and from Governments.

I will respond to the substance of your remarks in a moment, but it is worth recognizing at the outset that the Governing Body was able to have a very concrete exchange, focused on very tangible issues with commendable economy in the use of time.

If the document presented to you helped in this regard then that is cause for satisfaction, and my colleagues and I will continue to work to facilitate this way of working. It is very much in line with the intention of the Governing Body reform.

The debate yesterday lent strong support – I believe it was unanimous – to two features of the proposals I put before you:

- firstly, the commitment to reform and change;
- secondly, the emphasis placed on prioritization around areas of critical importance.

Naturally, this is encouraging. But your support was accompanied by a number of comments and questions, too.

On reform, it was said by a number of you that you would have liked and expected to see in the document more detail about what the content of reform will actually be, rather than the abbreviated outline that you received.

This is fair comment and I want to draw your attention to the “plan of action” on the implementation of the commitment to reform, which was released on 15 October and distributed to government regional coordinators and group secretariats. It is available now in the room in the different languages. It answers explicitly the specific issue of timelines for change. They are there. But I would accept that it is not the whole answer. Nor can it be. Because, while understanding the Governing Body's eagerness, and sharing some of the impatience you may feel – one month in – it is not possible to anticipate all of the content – design, review, implementation – of the different items for reform. This is a deliberately inclusive and participatory process, and the answers are not pre-cooked.

But it is clearly incumbent upon the Office to keep the Governing Body fully updated on progress, and to seek guidance from you as we go along. For that reason, I think it would be wise to include a progress report on the agenda of our meeting next March.

On prioritization – and here I will address the process, not the choice of areas of concentration, which comes later – the strong support you expressed came with some concerns about how this could fit into the existing Strategic Policy Framework with its 19 established outcomes.

One objection – and I fully understand it – was that we ran the risk of adding complexity and heaviness to organizational and procedural areas which are already quite complex enough, and this would be to the detriment of efficiency and clarity. We must avoid that danger, and we can do so. No new permanent structures will be set up. Management will need to, and will organize, transversal teamwork – which you all want – in a manner which cuts through internal obstacles and does not add to them. We are aware of the pitfalls and that will help us to avoid them.

A more fundamental point concerns the structural relationship between the 19 Strategic Policy Framework outcomes and the proposed areas of critical importance. Some even raised the possibility of discarding the outcomes entirely.

Let us just recall their nature and content and their origins and purpose. When first presented to the Governing Body by my predecessor they were 14 in number. The Governing Body decided that they should be increased to 19. And we are all aware that they were introduced as cornerstones of results-based management, which stands as the key advance in our management and accountability systems.

What these outcomes cover in essence, I paraphrase in the interests of time:

- employment promotion;
- skills development;
- sustainable enterprises;
- social security;
- working conditions;
- safety at work;
- migration;
- HIV/AIDS;
- employers' activities;
- workers' activities;
- labour administration;
- social dialogue and industrial relations;
- sector-specific activities;
- international labour standards;
- each category of fundamental principles and rights at work; and
- mainstreaming of decent work.

My own notes show that – almost without exception – the substance of all of these outcomes was the subject of positive comments in the Governing Body yesterday. Our document and presentation also made the case of how suggested areas of critical importance can, and I am convinced should, sit within this framework.

Yes, we need to reform it and improve it, but it would surely be a mistake to discard it. In any case, we will soon have to turn to a detailed consideration of what comes after its expiry.

What then were your views on the specific content of the seven proposed areas of critical importance? Let me group my reactions.

There were five areas where support from the Governing Body was strong – again accompanied by comments which will help us to better refine our proposals for March.

These five are in respect of:

- jobs and skills for youth;
- social protection floors;
- workplace compliance through labour inspection;
- productivity and working conditions in small and medium-sized enterprises; and
- the rural and informal economies.

Let me comment briefly on each.

On youth, we will be discussing at this session the follow-up to this year's discussion by the International Labour Conference, and this will assist us moving towards the March 2013 session of the Governing Body. Skills is a key point, but not the whole story. Policy environment and entrepreneurship must be present, too, and we need to be practical – hands on – in our approach.

On social protection floors, we likewise have the guidance of the new Social Protection Floors Recommendation, 2012 (No. 202), adopted by the 101st Session of the International Labour Conference, as well as widespread international system support. It is well understood that our task is about nationally determined floors, constructed within the available fiscal space of each country and by each country.

On labour inspection, we have the conclusions of the 100th Session of the Conference to work with, as well as relevant standards. I was struck by comments made yesterday about the responsibilities of the State in ensuring effective public labour inspection, but also the complementary inputs that can come from the social partners. So capacity building for such partnerships, where conditions are appropriate, should be taken on board.

On small and medium-sized enterprises, our challenge, quite simply, is surely to help ensure that these enterprises – the primary source of jobs around the world – become sustainable, successful providers of decent work. This goes to the heart of the issue of sustainable enterprises in the setting of the Decent Work Agenda.

On the rural and informal economies, general enthusiasm at the prospect of the ILO renewing its focus on sections of our economies that involve very large proportions of the world of work, and where decent work deficits are often high, was somewhat tempered by the concern that the proposal was actually bundling together two different sets of issues. While linkages certainly do exist, these objectives do require further reflection. I do not believe the Governing Body would want to see us simply discard one or other element – they are each too important. But let us see if we would have to separate them into distinct strands of work and how we can reflect this in our proposals in March.

The clear message that work on the informal economy should focus sharply on formalization is well understood.

This takes me to the two other proposals where I detected some more basic concerns.

Contrasting and strong views were expressed on the issue of protection against unacceptable work. I believe that they can be reconciled, notably by giving better definition and clarity to what is intended. It is true that “unacceptable” work is not standard ILO usage – even if it is a concept that carries a strong, values-based message (used, for example, to good effect by the World Bank in its recently published *World Development Report 2013: Jobs*) – and can lead to misunderstanding and doubts. So let me say that what we are targeting here are situations which place the lives, health and dignity of people at risk and keep households in conditions of extreme poverty. These should be unacceptable to us all. Tackling them corresponds to my understanding of our responsibilities in respect of social justice and towards the most vulnerable. There will need to be links to our supervisory mechanisms in this work, and the Conference's conclusions on fundamental principles and rights at work underlined the need to work in an integrated manner across the different categories. Yet the issue is not reducible to fundamental principles and rights at work alone.

I intend, then, to refine this area of proposals accordingly, with all of your views firmly in mind.

Finally, the proposal on crisis responses, reform and dialogue, as formulated, did not meet with wide approval from any group, and so we need to move on from it.

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Interestingly, though, significant interest – expressed firstly by the Employers – was forthcoming in respect of workplace relations and social dialogue. I think there is scope, then, to pick up on this thought and to formulate a new area of critical importance, which would address workplace relations and dialogue in conditions of change and reform. I would intend to explore this idea in my proposals in March.

Distinguished members of the Governing Body,

In this way, I hope to be in a position to present to you detailed proposals in March, which will draw on this very helpful discussion and meet with your approval.

In so doing, let me signal too that I understood three further messages emanating from your different groups. They will also shape our approach.

First – and I said this in my introduction yesterday – the ILO must be a serious actor in getting the world back to work. When the score is over 200 million out of work and rising, the emphasis is about jobs – decent jobs. You will see this reflected in March, clearly and strongly.

Second, and not unconnected, the ILO must continue and strengthen its role in rebalancing the world economy for strong and sustainable growth. I have set out on a number of occasions how I think we need to go about this, not as an aspiration but as a practical programme of work. Part of that must be establishing the appropriate, central role for the ILO in the post-2015 international development agenda, which we will be discussing soon. My view is that we should look to establish a specific decent work goal in that agenda.

And third, as was said from the Government benches particularly, in the light of developments in the Conference Committee on the Application of Standards in June 2012, our Organization cannot allow itself to fall victim to what was described by one speaker as “prolonged crisis” in respect of our standards-related work. I could not agree more. The fact that this issue did not figure in my proposals in no way diminishes its significance. It is simply that it is a different type of issue – basically political and legal, rather than programmatic.

But the comments made offer me the opportunity to reiterate that we need to build agreement as a matter of urgency on the outstanding and fundamental issues pending. Our standards function is crucial, absolutely crucial, to what we do – to everything. So we must get it right, and soon. We will work with you to do just that.

Finally, as I have already said, I will be coming back to you very soon after this session of the Governing Body on the resource issue. We know the constraints. And you can be sure that there will be transparency and consultation.

## Appendix IV

### **Statement by the Chairperson of the Staff Union Committee to the Programme, Financial and Administrative Section of the Governing Body (316th Session – November 2012)**

Monsieur le Président,

Mr Director-General,

Members of the Governing Body,

Dear colleagues here with us, and those following via the Intranet,

First of all, Mr Chairperson, allow me to congratulate you on your election as Chairperson of the Governing Body. We are convinced that the way in which you presided over the International Labour Conference in 2010 and your commitment to social dialogue and good governance place you in a strong position to guide the Governing Body at this time.

Let me also, in this my first speech to the Governing Body following his election, congratulate the Director-General, who takes the reins of this Organization at what we all recognize is a critical juncture in its history.

In any major international organization, a transition such as this always represents an opportunity for change. Here in the ILO, the demand for that change, and the need for change has never been greater. Calls for reform have been growing, and responding to these demands was one of the pillars of the Director-General's vision statement. The discussions surrounding the programme and budget preview yesterday were illustrative of your high expectations for reform.

It may come as a surprise to some that calls for change have come from the staff as well. This has been demonstrated by the overwhelming response to the consultative process which was launched as part of the transition. The staff were keen to make their voices heard, and to *be a part of* this process.

Concerns raised, both directly by the staff and through our Union centred on such issues as:

- security – physical security, job security and precarious work;
- merit and transparency, including but not limited to recruitment procedures;
- differences in treatment – between categories of staff, or between so-called technical cooperation staff and those on the regular budget; and
- ensuring respect for the principle of “equal pay for work of equal value”.

Allow me to elaborate on just one of these points. When we met with the Director-General following our recent annual general meeting, we brought to his attention a motion which was unanimously adopted in relation to the security of staff. The motion recalled the right to physical integrity and security as a fundamental human right, and stressed that all efforts be undertaken to definitively address the issue of discrimination in relation to security measures and entitlements.

While we recognize the important advances made over the last years in professionalizing our field security, we regret the problems which continue to be faced in providing security – mainly for locally recruited and technical cooperation staff. We believe that the comprehensive review of the field structure and technical cooperation which has been launched as part of the reform must give highest priority to this issue.

In addition to these technical issues, the Union went a step further in its proposals, stressing the importance of “proper industrial relations procedures” and making concrete suggestions to address certain problems which have long plagued industrial relations in the ILO. There seems to be convergence with the Director-General on this point, where he noted in his vision statement that good industrial relations were both “core ILO values and a guarantee of fairness and efficiency at work”.

As much as we have readily criticized management when things were not going well, we need to express optimism if we seem to have turned a corner. You have before you today several examples of concrete progress made to this end.

First, the travel policy was identified as an area where change was required, recognizing the political and economic realities existing in many of our own member States, as well as the need to realize savings in this area in an effort to protect jobs in the future. I will not pretend that the negotiation process was simple, or that the staff will welcome some of the cuts which will result.

But through negotiation – through *dialogue* – we found a solution which delivers the cost savings which this Governing Body called for, balanced against some low-to-no-cost considerations which favour the safety and health of staff and their work–life balance. Through negotiation, we have agreed on a package which *balances* efficiency demands with the legitimate needs of the staff – including their own health and productivity – and thus enabling the Office to continue delivering responsibly.

You also have before you a paper related to our recruitment and selection procedures, which are also a positive outcome of negotiation. I should specify that this was not just negotiation, but the product of the mediation which was carried out and reported to the Governing Body. Without getting into the details of the policy itself, which has been outlined in the Office’s paper, the interim measures agreed were part of a package which aimed to introduce best practice, improve transparency and staff confidence in the outcomes, and streamline the overall process.

We now, with the benefit of concrete experience, know the value of this negotiated outcome.

Procedures are now streamlined. Timelines are shortened. Transparency has increased with the involvement of a Union observer.

This approach of including observers was inspired by systems in place in many countries, whether in the civil service or academia. It corresponds with the conclusions of a timely report of the Joint Inspection Unit entitled “Staff recruitment in United Nations system organizations: A comparative analysis and benchmarking framework”, which stated, and I quote: “*Greater participation of staff representatives would also help to add legitimacy to the process.*”

This interim agreement has proven its value. As with the travel policy, it, too, *balances* the need for efficiency with transparency and confidence in outcomes.

Through these two examples, travel and recruitment and selection, what is at stake here transcends the content of these agreements. It shows forward progress in establishing and reinforcing an effective system of labour relations.

*Cela fait honneur aux valeurs de dialogue et au principe de relations professionnelles saines que notre organisation défend à travers le monde.*

This dialogue-driven approach seems very much to be bearing some fruit in other areas as well. The Union welcomed its inclusion, as an observer, in the building renovation steering committee. We welcomed the consultation of the staff as a whole, through “town-hall” meetings, and we complemented this with a survey, to which more than half of the staff at headquarters responded.

The views of the staff were clear – while welcoming the possibility of new common spaces for informal meetings and exchanges, respondents stressed the need for office layout to reflect the *type* of work they do. This fits logically with our objective of turning the ILO into a centre of excellence in research, policy advice and technical cooperation.

As with the transition process as a whole, this consultative process provided rich information and experience from the staff. But what will happen with these inputs now? How will they be used to inform decision-making? And what feedback will be provided to the staff following this interactive process? The answers to these questions will be essential to sustain staff engagement.

The same holds true with regard to the reform process as a whole.

As the Director-General stated in his response to you just this morning, the reform process is “a deliberately inclusive, participatory process”, and that “answers are not pre-cooked”. We welcome this sentiment. Such an approach is a *sine qua non* for staff buy-in, and, ultimately, for success.

That change will happen goes without saying. This participatory approach – including appropriate consultations with the Union itself – ensures that change will be *introduced with* – rather than *happen to* – the staff.

This is not about “co-management”. It never has been. Nor does it take away the ultimate responsibility, or the accountability, of management for running the house.

While reform must be responsive to the expectations you have set here over these days, real reform will also benefit from inputs from those who will carry the load. Real reform can only be sustainable if it strikes a *balance* – between the expectations of those who provide the Office with its mandate as well as the means to achieve the objectives you have set, and those who will carry that mandate through to successful outcomes.

As mentioned by the Director-General to you immediately following his election, this “is not a conspiracy against good decision-making”.

Such a dialogue-driven approach is a foundation of the ILO’s work, and it is what we, both Union and management, have committed to apply here in the house, not in theory, but in practice. Collective bargaining, consultation and negotiation are not used as mere buzzwords, but as key tools for delivering on a successful and sustainable process of reform.

Thank you.

## Appendix V

### Update of member States' contributions received between 1 October and 6 November 2012

Since 1 October 2012, contributions for 2012 and prior years amounting to CHF4,587,968 have been received from nine member States as follows:

Member States	Contributions received for 2012	Contributions received for arrears	Total contributions received in Swiss francs
Albania	–	21 000	21 000
Bangladesh	60	–	60
Israel	967 299	132 701	1 100 000
Italy	3 394 940	–	3 394 940
Jordan	50 507	–	50 507
Kenya	–	6 691	6 691
Latvia	2 145	–	2 145
Panama	9 895	–	9 895
Serbia	2 730	–	2 730
<b>Total</b>	<b>4 427 576</b>	<b>160 392</b>	<b>4 587 968</b>

Including contributions received between 1 October and 6 November 2012, the total contributions received in 2012 amounts to CHF343,963,935. Of this amount, CHF245,825,589 represents contributions for 2012 and CHF98,138,346 represents contributions for arrears.

The balance due as of 6 November 2012 is CHF150,351,369.

## Appendix VI

### Terms of reference for the Independent Oversight Advisory Committee of the International Labour Office

#### *Purpose*

1. The Independent Oversight Advisory Committee (IOAC) is a subsidiary body of the Governing Body. It serves in an expert advisory capacity and provides independent, external, senior level, expert advice to the Governing Body and to the Director-General in fulfilling their governance responsibilities, including ensuring the effectiveness of the International Labour Office's (ILO) internal control systems, risk management and governance processes. The IOAC aims to add value by strengthening accountability and governance within the ILO.
2. The IOAC will provide advice to the Governing Body and the Director-General on:
  - (a) the quality and the level of financial reporting, governance, risk management, and internal controls in the ILO;
  - (b) the responses and actions taken by ILO management on internal and external audit recommendations;
  - (c) the independence, effectiveness and objectivity of the internal and external audit functions; and
  - (d) the interaction and communication between the Governing Body, the External Auditor, the Chief Internal Auditor, and ILO management.

#### *Responsibilities*

3. The specific responsibilities of the IOAC include advising the Governing Body and the Director-General on the following:
  - (a) Financial statements: issues arising from the audited financial statements and reports produced by the External Auditor for the Governing Body.
  - (b) Accounting: the appropriateness of accounting policies, standards and disclosure practices and any changes and risks thereto.
  - (c) External audit: the scope, plan and approach of the External Auditor's work. The IOAC may be requested by the Governing Body to provide advice on the appointment of the External Auditor.
  - (d) Internal audit: the scope, plan, resources and performance of the internal audit function and the appropriateness of the independence of this function.
  - (e) Risk management and internal controls: the effectiveness of the ILO's internal control systems, including the Office's risk management and internal governance practices.
  - (f) Financial regulations and rules: the operation and effectiveness of the Financial Regulations and Financial Rules.
  - (g) Compliance and probity: the systems established by the ILO to maintain and promote compliance with laws, regulations, policies and high standards of integrity and ethical conduct to prevent conflicts of interest.

## **Authority**

4. The IOAC shall have all the necessary authority, including free and unrestricted access to information, records or staff within the ILO in order to fulfil its responsibilities.
5. The IOAC will have unrestricted and confidential access to the Chief Internal Auditor and the External Auditor, and vice versa.
6. Any proposed amendment to these terms of reference shall be submitted to the Governing Body for approval before becoming effective.
7. The IOAC, as an advisory body, has neither executive authority nor other operational responsibilities.

## **Composition**

8. The IOAC shall comprise five independent expert members serving in their personal capacity.
9. Professional competence, experience and integrity shall be of paramount consideration in the selection of members. Membership shall reflect the tripartite and international nature of the International Labour Organization and have due regard to:
  - (a) geographical distribution;
  - (b) gender balance;
  - (c) public and private sector experience; and
  - (d) developed and developing countries.
10. All IOAC members should have experience and appropriate qualifications as a senior oversight professional, auditor or senior financial manager.
11. All IOAC members shall be proficient in at least one of the three working languages of the ILO.
12. To undertake their role effectively, members of the IOAC should possess knowledge, skills and senior-level experience in at least one of the following areas:
  - (a) finance and audit;
  - (b) organization governance and accountability structure, including risk management;
  - (c) senior-level management;
  - (d) the organization, structure and functioning of the United Nations system and/or other intergovernmental organizations; and
  - (e) a general understanding of the ILO's mandate, values and objectives.

Collectively, the committee should possess knowledge, skills and senior-level experience in all of the above areas.
13. Members should have, or acquire rapidly, an understanding of the mandate, values and objectives of the Organization, its tripartite governance and accountability structure and the relevant rules governing it, and its organizational culture and control environment.

## **Independence**

14. Since the role of the IOAC is to provide objective advice, members shall remain independent of the International Labour Office, the Governing Body and the International Labour Conference, and shall be free of any real or perceived conflict of interest.

15. Members of the IOAC shall:
  - (a) not hold a position or engage in any activity that could impair their independence from the ILO;
  - (b) not currently be, or have been within the three years prior to appointment to the IOAC, employed or engaged in any capacity by the ILO, or have an immediate family member (as defined by the ILO Staff Regulations) working for, or having a contractual relationship with, the ILO;
  - (c) not currently be, or have been within the three years prior to appointment to the IOAC, a member of the ILO Governing Body nor have an immediate family member (as defined by the ILO Staff Regulations) serving as a member of the ILO Governing Body;
  - (d) not currently be, or have been within the three years prior to appointment to the IOAC, an employee of a member of the United Nations Panel of External Auditors or a member of the Joint Inspection Unit; and
  - (e) not be eligible for any senior employment with the ILO for at least three years immediately following the last day of their tenure on the IOAC.
16. IOAC members shall serve in their personal capacity and shall not seek or accept instructions in regard to their work on the IOAC from any government, constituent or other authority internal or external to the ILO.
17. Members of the IOAC shall sign an annual declaration of independence and statement of financial interests (See the annex to this appendix below).

### ***Selection, appointment and term***

18. Members of the Committee shall be appointed by the Governing Body following a triennial tripartite selection process as set out in the following paragraphs.
19. The Director-General shall:
  - (a) invite ILO Governing Body members and other member States to nominate individuals who are deemed to possess appropriate qualifications and experience as specified in this document; and
  - (b) place in reputable international magazines and/or newspapers, and on the Internet, a call for expressions of interest from suitably qualified and experienced individuals.

Member States nominating individuals under subparagraph 19(a) above and applicants responding to the expression of interest under subparagraph 19(b), shall be requested to provide the same information, including a detailed curriculum vitae in English, French or Spanish, and within the same time frame.
20. The Director-General shall, in consultation with the Officers of the Governing Body, engage an external consultant, specialized in the recruitment for senior positions, to screen all applications, interview candidates deemed suitable, and prepare a shortlist of the most suitable candidates (not exceeding 15) based on the criteria contained in paragraphs 10 and 12 above. In finalizing the shortlist, the consultant shall have regard to the diversity referred to in paragraph 9. The consultant shall also provide a report containing a brief assessment of the unsuccessful candidates. The consultant will be engaged following a competitive procurement process in accordance with the ILO's Financial Rules and related procedures, the results of which shall be reported to the Governing Body.
21. A selection panel (comprising a representative of the Government group chair, representatives of regional groups, the Employers' group and Workers' group) shall receive the consultant's report, review the shortlisted candidates, taking into account the criteria contained in this document, and propose a list of candidates, equal to the number of

current vacancies on the IOAC, to the Officers of the Governing Body. The information to be provided to the Officers shall include each candidate's name, gender, nationality, qualifications and professional experience. The decisions of the selection panel will be made to the extent possible by consensus. If there is no consensus the issue will be referred to the Officers.

22. The Officers shall review the proposal and, if in agreement, refer it to the Governing Body for final consideration and approval.
23. The selection panel shall also create and retain a list of suitably qualified candidates for consideration by the Officers and the Governing Body, in order to propose alternative candidates should any candidate of the first list not be approved by the Officers or the Governing Body, or to fill a vacancy arising for any unforeseen reason (for example resignation or incapacity) during the term of the Committee.
24. Members of the IOAC are appointed to serve for a term of three years, renewable for a second and final term of three years, which need not be consecutive. To ensure continuity of membership for future mandates, two of its five members shall be appointed in November 2012, for a single non-renewable term of three years to be decided, if necessary, by the drawing of lots. Members of the inaugural Committee whose mandate ends in November 2012 may present their candidature for one further non-renewable term of three years.
25. The Chairperson shall be selected by the IOAC members from among their number and shall serve in this capacity for a maximum of one three-year term.
26. A member of the IOAC may resign his/her membership by giving notice in writing to the Chairperson of the Governing Body. A special temporary appointment for the remainder of the outgoing member's term shall be made in accordance with the provisions set out in paragraphs 23 and 27 to cater for such a vacancy.
27. A member appointed by the Governing Body during the term of the Committee shall serve the remainder of the term of the outgoing member and shall be eligible for reappointment to the IOAC for a second and final term.
28. An appointment to the IOAC may only be revoked by the Governing Body.

## **Meetings**

29. The IOAC shall meet, in principle three times per year, normally in January, May and September, but not less than twice per year. The exact number of meetings per year will depend on the agreed workload for the IOAC and the most appropriate timing for consideration of specific matters. Interpretation shall be provided during the meetings, as necessary, in the three official languages of the ILO.
30. Subject to these terms of reference, the IOAC may establish its own rules of procedure to assist its members in executing their responsibilities. The IOAC rules of procedure shall be communicated to the Governing Body for its information.
31. The IOAC's deliberations shall be through group discussion. As such members are expected to attend all scheduled sessions of the Committee. As members serve in a personal capacity, alternates are not permitted. The quorum for the IOAC is three members.
32. The Director-General, External Auditor, Treasurer and Financial Comptroller, Chief Internal Auditor and the Ethics Officer, or their representatives, shall participate in meetings when invited by the IOAC. Other ILO officials with functions relevant to the items on the agenda of the IOAC may likewise be invited.

33. The deliberations of the IOAC and the minutes of its meetings are confidential. All documents and information submitted to or obtained by the members shall be used solely for the purposes of the IOAC deliberations and shall be treated as confidential.

### ***Reporting***

34. The Chairperson of the IOAC will present an annual report containing advice, observations and recommendations as appropriate, both in writing and in person, for consideration by the Governing Body at its March session.
35. Interim reports addressing key findings and matters of importance may be submitted to the Governing Body at the discretion of the IOAC or request of the Governing Body, at any time. The Chairperson of the IOAC may inform the Officers of the Governing Body at any time of any serious governance issue. The Chairperson of the Governing Body shall also ensure consultations with the Government group of the Governing Body.

### ***Administrative arrangements***

36. Members of the IOAC will provide their services pro bono.
37. Members of the IOAC shall, in accordance with the travel procedures applying to members of the Governing Body:
- (a) receive a daily subsistence allowance for periods of attendance at IOAC meetings or when on other official IOAC business; and
  - (b) for those not resident in the Canton of Geneva or neighbouring France, be entitled to reimbursement of travel expenses, to attend the IOAC sessions.
38. The Treasurer and Financial Comptroller's office will provide secretariat support to the IOAC.

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## Annex

### International Labour Office

#### ***Declaration of independence of members of the Independent Oversight Advisory Committee***

I \_\_\_\_\_ declare to the best of my knowledge that, having read the terms of reference of the International Labour Office's Independent Oversight Advisory Committee (IOAC), I am eligible to serve as a member of that Committee. I undertake to discharge my functions and responsibilities as a member of the Committee with the interests of the International Labour Organization alone in view and not to seek or accept instructions in regard to the performance of these functions from any government, constituent organization or other authority external or internal to the International Labour Organization.

I also declare that I have no personal, financial or other interests that could or could be seen to influence the advice I am giving in the course of my duties as a member of the IOAC.

To the best of my knowledge, no member of my immediate family has personal, financial or other interests that could or could be seen to influence the advice I am giving in the course of my duties as a member of the IOAC.

Should there be any change in my relationship with the International Labour Organization with respect to my independence, I will immediately inform the Chairperson of the ILO Governing Body.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix VII

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

*316e session - Genève - novembre 2012*  
*316th Session - Geneva - November 2012*  
*316.ª reunión - Ginebra - noviembre de 2012*

#### Liste finale des personnes assistant à la session Final list of persons attending the session Lista final de las personas que asisten a la reunión

Membres gouvernementaux titulaires Regular Government members Miembros gubernamentales titulares	166
Membres gouvernementaux adjoints Deputy Government members Miembros gubernamentales adjuntos	174
Membres employeurs titulaires Regular Employer members Miembros empleadores titulares	180
Membres employeurs adjoints Deputy Employer members Miembros empleadores adjuntos	181
Membres travailleurs titulaires Regular Worker members Miembros trabajadores titulares	183
Membres travailleurs adjoints Deputy Worker members Miembros trabajadores adjuntos	184
Représentants d'autres Etats Membres Representatives of other member States Representantes de otros Estados Miembros	185
Représentants d'organisations internationales gouvernementales Representatives of international governmental organizations Representantes de organizaciones internacionales gubernamentales	192
Représentants d'organisations internationales non gouvernementales Representatives of international non-governmental organizations Representantes de organizaciones internacionales no gubernamentales	194
Mouvement de libération Liberation movement Movimiento de liberación	195

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

<b>Président du Conseil d'administration:</b> <b>Chairperson of the Governing Body:</b> <b>Presidente del Consejo de Administración:</b>	<b>M. G. DE ROBIEN (France)</b>
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**Allemagne Germany**  
**Alemania**

Mr R. BRAUKSIEPE, Parliamentary Secretary of State, Federal Ministry of Labour and Social Affairs.

*substitute(s):*

Mr K. GÜNTHER, Head of the Department for the ILO and the UN, Federal Ministry of Labour and Social Affairs.

Mr W. SCHOLZ, Social Affairs Adviser, Permanent Mission, Geneva.

*accompanied by:*

Mr H. SCHUMACHER, Permanent Representative, Permanent Mission, Geneva.

Mr H. KOLLER, Head, Department for European and International Employment and Social Policy, Federal Ministry of Labour and Social Affairs.

Mr T. FITSCHEN, Permanent Mission, Geneva.

Mr A. BUSCHE, Assistant to Mr Ralf Brauksiepe, Parliamentary Secretary of State, Federal Ministry of Labour and Social Affairs.

Ms R. BRAUN, Officer, Department for the ILO and the UN, Federal Ministry of Labour and Social Affairs.

Mr H. HERRMANN, Financial Officer, Permanent Mission, Geneva.

Ms T. KÖHLER, Officer, Department for Globalization, Trade and Investment, Federal Ministry for Economic Cooperation and Development.

Ms M. GREIF, Permanent Mission, Geneva.

Ms V. KRAUS, Permanent Mission, Geneva.

**Argentine Argentina**

Sra. N. RIAL, Secretario de Trabajo, Ministerio de Trabajo, Empleo y Seguridad Social.

*suplente(s):*

Sr. A. D'ALOTTO, Embajador, Representante Permanente, Misión Permanente, Ginebra.

Sr. J. ROSALES, Director de Asuntos Internacionales, Ministerio de Trabajo, Empleo y Seguridad Social.

Sr. G. CORRES, Jefe de Departamento de Asuntos Internacionales, Ministerio de Trabajo, Empleo y Seguridad Social.

*acompañado(s) de:*

Sr. M. ALVAREZ WAGNER, Segundo Secretario, Misión Permanente, Ginebra.

**Australie Australia**

Mr P. WOOLCOTT, Ambassador for Disarmament, Permanent Representative, Permanent Mission, Geneva.

*substitute(s):*

Ms T. WILLIAMS, Director, Department of Education, Employment and Workplace Relations.

Ms K. LETTS, Director, Department of Education, Employment and Workplace Relations.

*accompanied by:*

Mr D. GARNER, Minister Counsellor (Labour), Permanent Mission, Geneva.

Ms J. KAINE, First Secretary, Permanent Mission, Geneva.

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## Brésil    Brazil    Brasil

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Ms M. FARANI AZEVÊDO, Ambassador,  
Permanent Representative, Permanent  
Mission, Geneva.

*substitute(s):*

Mr M. DOS SANTOS BARBOSA, Special  
Adviser to the Minister, Ministry of Labour  
and Employment.

*accompanied by:*

Ms M. ESCOREL DE MORAES, Minister  
Counsellor, Permanent Mission, Geneva.  
Mr A. COSTA MISI, First Secretary, Permanent  
Mission, Geneva.  
Mr R. SOUZA CAMPOS DE MORAES LEME,  
First Secretary, Permanent Mission, Geneva.  
Mr F. FIGUEIREDO DE SOUZA, Second  
Secretary, Permanent Mission, Geneva.  
Mr S. PAIXÃO PARDO, Coordinator for  
International Affairs, Ministry of Labour and  
Employment.

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## Canada    Canadá

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Ms D. ROBINSON, Director, International  
Labour Affairs, Human Resources and Skills  
Development Canada.

*substitute(s):*

Mr K. LEWIS, Counsellor, Permanent Mission,  
Geneva.  
Ms L. L'HEUREUX, Deputy Director,  
International Labour Affairs, Human  
Resources and Skills Development Canada.

*accompanied by:*

Ms A. CLEMENT, Senior Policy Adviser,  
United Nations Division, Foreign Affairs and  
International Trade Canada.

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## Chine    China

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Mr Z. LIU, Ambassador, Permanent  
Representative, Permanent Mission, Geneva.

*substitute(s):*

Ms Y. ZHANG, Director-General, Department  
of International Cooperation, Ministry of  
Human Resources and Social Security.

Mr B. HAO, Deputy Director-General,  
International Cooperation Department,  
Ministry of Human Resources and Social  
Security.

Mr W. WANG, Counsellor, Permanent Mission,  
Geneva.

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

*accompanied by:*

Mr D. DUAN, Counsellor, Permanent Mission,  
Geneva.

Mr L. ZHANG, Director, International  
Cooperation Department, Ministry of Human  
Resources and Social Security.

Ms H. ZHAO, First Secretary, Permanent  
Mission, Geneva.

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## Colombie    Colombia

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Sra. A. ARANGO, Embajadora, Representante  
Permanente, Misión Permanente, Ginebra.

*suplente(s):*

Sr. D. LUNA, Viceministro de Relaciones  
Laborales e Inspección.

Sra. G. GAVIRIA, Jefe de la Oficina de  
Cooperación y Relaciones Internacionales del  
Trabajo, Ministerio del Trabajo.

*acompañado(s) de:*

Sra. A. PRIETO, Ministro Plenipotenciario,  
Misión Permanente, Ginebra.

Sra. A. MENDOZA, Ministro Plenipotenciario,  
Misión Permanente, Ginebra.

Sra. P. NOVOA, Misión Permanente, Ginebra.

Sra. L. GARCÍA, Misión Permanente, Ginebra.

Sr. A. HOYOS, Misión Permanente, Ginebra.

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## Congo

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M. L. OKIO, Ambassadeur, Représentant  
permanent, Mission permanente, Genève.

*suppléant(s):*

M. B. MBEMBA, Conseiller d'ambassade,  
Mission permanente, Genève.

*accompagné(s) de:*

M<sup>me</sup> F. MVILA, Conseillère d'ambassade,  
Mission permanente, Genève.

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**Danemark Denmark  
Dinamarca**

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Mr S. SMIDT, Ambassador and Permanent Representative, Permanent Mission, Geneva.

*substitute(s):*

Mr T. LORENTZEN, Special Adviser, Ministry of Employment.

Ms L. HENRIKSEN, Head of Unit, Ministry of Employment.

Ms S. FLENSBORG, Attaché, Permanent Mission, Geneva.

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

*accompanied by:*

Mr M. BERNER, Adviser, Permanent Mission, Geneva.

Ms K. BAGGE SOLOMONSEN, Permanent Mission, Geneva.

Mr N. BRUUN.

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**Egypte Egypt Egipto**

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Mr K. EL-AZHARY, Minister of Manpower and Migration.

*substitute(s):*

Ms W. BASSIM, Permanent Representative, Permanent Mission, Geneva.

Mr Y. HASSAN, Deputy Permanent Representative, Permanent Mission, Geneva.

*accompanied by:*

Mr A. MOHAMED, Director-General, Central Department for Organizations and Conferences, Ministry of Manpower and Migration.

Mr A. FADEL, Director of Organizations and Conferences Department, Ministry of Manpower and Migration.

Mr A. NAZMY, Director of International Labour Standards Department, Ministry of Manpower and Migration.

Mr A. AHMED, Third Secretary, Permanent Mission, Geneva.

Mr A. RAMADAN, Minister Plenipotentiary, Deputy Assistant Foreign Minister for International Specialized Agencies, Ministry of Foreign Affairs.

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**El Salvador**

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Sra. V. VELÁSQUEZ DE AVILÉS, Embajador, Representante Permanente, Misión Permanente, Ginebra.

*suplente(s):*

Sr. E. ARÈNE GUERRA, Embajador, Representante Permanente Adjunto, Misión Permanente, Ginebra.

*acompañado(s) de:*

Sra. R. MENÉNDEZ, Ministro Consejero, Misión Permanente, Ginebra.

Sra E. O'BYRNE, Attaché, Misión Permanente, Ginebra.

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**Etats-Unis United States  
Estados Unidos**

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Mr R. SHEPARD, Director, Office of International Relations, Department of Labor.

*substitute(s):*

Ms J. BARRETT, Division Chief, Multilateral Affairs and Global Issues, Office of International Relations, Department of Labor.

*accompanied by:*

Mr E. BIEL, Acting Associate Deputy Undersecretary, Bureau of International Relations, Department of Labor.

Ms M. BOND, Deputy Director, Office of Human Security, Bureau of International Organization Affairs, Department of State.

Mr B. LEVINE, Director, Office of International Labor Affairs, Bureau of Democracy, Human Rights and Labor, Department of State.

Ms J. MISNER, Senior Adviser for International Labor Standards, Office of International Relations, Department of Labor.

Mr D. SUN, Political Officer, Permanent Mission, Geneva.

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**France Francia**


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M. G. DE ROBIEN, Ambassadeur, Président du Conseil d'administration du BIT.

*suppléant(s):*

M. M. NIEMTCHINOW, Ambassadeur, Représentant permanent, Mission permanente, Genève.

M. C. COSME, Délégué aux affaires européennes et internationales des ministères sociaux, ministère du Travail, de l'Emploi, de la Formation professionnelle et du Dialogue social.

*accompagné(s) de:*

M. J. PELLET, Représentant permanent adjoint, Mission permanente, Genève.

M<sup>me</sup> M. COENT, Chef de bureau, Délégation aux affaires européennes et internationales, ministère du Travail, de l'Emploi, de la Formation professionnelle et du Dialogue social.

M<sup>me</sup> S. MERT, Chargée de mission, Sous-direction des affaires économiques internationales, Direction générale de la mondialisation, du développement et des partenariats, ministère des Affaires étrangères et européennes.

M. G. AUGONNET, Chargé de mission, Direction des Nations Unies et des organisations internationales, ministère des Affaires étrangères et européennes.

M. B. DUPUIS, Conseiller pour les affaires sociales, Mission permanente, Genève.

M. S. CHATELUS, Conseiller pour les questions budgétaires, Mission permanente, Genève.

M<sup>me</sup> N. HAAZ, Chargée de mission, Délégation aux affaires européennes et internationales, ministère du Travail, de l'Emploi, de la Formation professionnelle et du Dialogue social.

M<sup>me</sup> G. PINEAU, Chargée de mission, Délégation aux affaires européennes et internationales, ministère du Travail, de l'Emploi, de la Formation professionnelle et du Dialogue social.

M<sup>me</sup> C. GERARDIN, Chargée de mission, Sous-direction des affaires économiques et internationales, Direction générale de la mondialisation, du développement et des partenariats, ministère des Affaires étrangères et européennes.

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**Hongrie Hungary Hungría**


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Mr I. MAJOR, Ambassador, Permanent Mission, Geneva.

*substitute(s):*

Ms K. PELEI, Adviser, Ministry of National Economy.

*accompanied by:*

Ms E. KÖSZEGI, First Secretary, Permanent Mission, Geneva.

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**Inde India**


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Mr D. SINHA, Ambassador and Permanent Representative, Permanent Mission, Geneva.

*substitute(s):*

Mr M. SARANGI, Secretary, Ministry of Labour and Employment.

Dr K. BHATTACHARYA, Deputy Permanent Representative, Permanent Mission, Geneva.

Mr A.C. PANDEY, Joint Secretary, Ministry of Labour and Employment.

*accompanied by:*

Dr R. RANJAN, First Secretary, Permanent Mission, Geneva.

Mr A. BHATT, Second Secretary, Permanent Mission, Geneva.

Mr L. KUMAR, Third Secretary, Permanent Mission, Geneva.

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**République islamique d'Iran  
Islamic Republic of Iran  
República Islámica del Irán**


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Mr M. HOSSANI, Acting Minister for International Affairs.

*substitute(s):*

Mr M. SEPEHRI, President of the Institute of Labour and Social Studies, Ministry of Cooperatives, Labour and Social Welfare.

Mr R. BEHZAD, Director-General, Department of International Affairs, Ministry of Cooperatives, Labour and Social Welfare.

*accompanied by:*

- Mr M. AKBARNIA, Director-General,  
Department of Policy and Employment  
Promotion, Ministry of Cooperatives, Labour  
and Social Welfare.
- Mr A. KHOSHKAR, Labour Relations Expert,  
Ministry of Cooperatives, Labour and Social  
Welfare.
- Mr J. AGHAZADEH KHOEI, First Secretary,  
Permanent Mission, Geneva.
- Mr A. SHAHMIR, Labour Attaché, Permanent  
Mission, Geneva.
- Ms H. AGAHJANI, Expert of the Bureau for  
Labour Attachés, Ministry of Cooperatives,  
Labour and Social Welfare.
- Ms T. ABYAR, Expert of the International  
Affairs Department, Ministry of  
Cooperatives, Labour and Social Welfare.

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**Italie Italy Italia**

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M<sup>mce</sup> L. MIRACHIAN, Ambassadrice,  
Représentante permanente, Mission  
permanente, Genève.

*suppléant(s):*

- M. A. TRAMBAJOLO, Ministre conseiller,  
Mission permanente, Genève.
- M<sup>mce</sup> M. ARMELLIN, Première conseillère,  
Mission permanente, Genève.
- M<sup>mce</sup> R. MARGIOTTA, Directrice, Bureau  
des relations internationales, Direction  
générale pour la tutelle des conditions  
de travail, ministère du Travail et des  
Politiques sociales.

*accompagné(s) de:*

- M<sup>mce</sup> E. MARINO, Direction générale pour  
la tutelle des conditions de travail, Bureau  
des relations internationales, ministère  
du Travail et des Politiques sociales.
- M<sup>mce</sup> M. GORI, Mission permanente, Genève.
- M<sup>mce</sup> F. GAROFALO, Mission permanente,  
Genève.

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**Japon Japan Japón**

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Mr Y. OTABE, Ambassador Extraordinary and  
Plenipotentiary, Permanent Representative,  
Permanent Mission, Geneva.

*substitute(s):*

- Mr Y. SENOO, Assistant Minister for  
International Affairs, Minister's Secretariat,  
Ministry of Health, Labour and Welfare.
- Mr T. OKADA, Ambassador, Deputy Permanent  
Representative, Permanent Mission, Geneva.
- Mr O. SAKASHITA, Minister, Permanent  
Mission, Geneva.
- Mr S. AKIYAMA, Counsellor, Permanent  
Mission, Geneva.
- Mr Y. SUNAYAMA, Counsellor, Permanent  
Mission, Geneva.

*accompanied by:*

- Mr T. TERAMOTO, Adviser, International  
Affairs Division, Minister's Secretariat,  
Ministry of Health, Labour and Welfare.
- Mr J. OTAKA, Counsellor, Permanent Mission,  
Geneva.
- Ms S. ASAHINA, Deputy Director, International  
Affairs Division, Minister's Secretariat,  
Ministry of Health, Labour and Welfare.
- Mr T. OKI, Section Chief, International Affairs  
Division, Minister's Secretariat, Ministry of  
Health, Labour and Welfare.
- Mr T. NAKANO, Deputy Director, International  
Affairs Division, Minister's Secretariat,  
Ministry of Health, Labour and Welfare.

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**Lituanie Lithuania Lituania**


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Ms A. MIKALAIŠKAITĖ, Vice-Minister of Social Protection and Labour.

*substitute(s):*

Mr R. PAULAIŠKAS, Ambassador, Permanent Representative, Permanent Mission, Geneva.

Ms B. ABRAITIENE, Minister Counsellor, Permanent Mission, Geneva.

*accompanied by:*

Ms K. JUODPUSYTE, Deputy Head, International Law Division, International Affairs Department, Ministry of Social Security and Labour.

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**Niger Níger**


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M<sup>me</sup> F. SABO, ministre de la Fonction publique et du Travail.

*suppléant(s):*

M. A. ILLO, Ambassadeur, Représentant permanent, Mission permanente, Genève.

M. H. SIDDO, Secrétaire général, ministère de la Fonction publique et du Travail.

M. D. ISSA, Conseiller technique du ministre, ministère de la Fonction publique et du Travail.

M. A. DOUNAMA, Directeur général du travail, ministère de la Fonction publique et du Travail.

*accompagné(s) de:*

M. B. LIMAN, Directeur du travail et des organisations professionnelles, ministère de la Fonction publique et du Travail.

M. C. MAÏNA, Directeur général, Agence nationale pour l'emploi.

M. A. BARINGAYE, Directeur général, Caisse nationale de sécurité sociale.

M<sup>me</sup> M. KOUNTCHÉ GAZIBO, Première secrétaire, Mission permanente, Genève.

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**Qatar**


---

Ms A. AL-THANI, Ambassador, Permanent Representative, Permanent Mission, Geneva.

*substitute(s):*

Mr A. AL-KHULAIFI, Minister Plenipotentiary and Representative of the Ministry of Labour, Permanent Mission, Geneva.

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**Royaume-Uni  
United Kingdom  
Reino Unido**


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Ms A. WARRICK, Programme Manager, International Unit, Department for Work and Pensions.

*substitute(s):*

Ms L. TILLET, Head, International Unit, Department for Work and Pensions.

Mr P. RUSSELL, Senior Policy Adviser, International Unit, Department for Work and Pensions.

Mr M. LIPCZYNSKI, Policy Adviser, International Unit, Department for Work and Pensions.

Mr J. JOO-THOMSON, Head of Specialized Agencies Team, Permanent Mission, Geneva.

Ms N. NOBLE, Specialized Agencies Team, Permanent Mission, Geneva.

*accompanied by:*

Ms K. PIERCE, Ambassador and Permanent Representative, Permanent Mission, Geneva.

Mr P. TISSOT, Deputy Permanent Representative, Permanent Mission, Geneva.

Mr S. WEEKS, Specialized Agencies Team, Permanent Mission, Geneva.

Mr A. COHEN, Permanent Mission, Geneva.

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**Fédération de Russie  
Russian Federation  
Federación de Rusia**

---

Ms L. ELTSOVA, Deputy Minister of Labour and Social Protection, Ministry of Labour and Social Protection.

*substitute(s):*

Mr A. BORODAVKIN, Ambassador Extraordinary and Plenipotentiary, Permanent Mission, Geneva.

Mr I. DUBOV, Assistant of Minister of Labour and Social Protection, Ministry of Labour and Social Protection.

Mr M. LEBEDEV, Deputy Permanent Representative, Permanent Mission, Geneva.

*accompanied by:*

Mr D. STADNIK, Deputy President of Fund of Social Insurance, Ministry of Labour and Social Protection.

Ms E. VOKACH-BOLDYREVA, Deputy Director, Department of Law and International Cooperation, Ministry of Labour and Social Protection.

Mr G. SEDAKOV, Head of Section, Department of Employment, Ministry of Labour and Social Protection.

Mr A. ZAVOLOKIN, Head of Section, Personnel Department, Fund of Social Insurance, Ministry of Labour and Social Protection.

Ms N. ORESHENKOVA, Senior Counsellor, Permanent Mission, Geneva.

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

Mr A. KUCHKOV, Second Secretary, Permanent Mission, Geneva.

Mr I. VASILIEV, Second Secretary, Department of Economic Cooperation, Ministry of Foreign Affairs.

Mr A. BOGATYREV, Attaché, Permanent Mission, Geneva.

Mr S. STEPANOV, Consultant, Department of Law and International Cooperation, Ministry of Labour and Social Protection.

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**République-Unie de Tanzanie  
United Republic of Tanzania  
República Unida de Tanzania**

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Ms G. MUGOSI KABAKA, Minister of Labour and Employment.

*substitute(s):*

Mr E. SHITINDI, Permanent Secretary, Ministry of Labour and Employment.

Mr S. KINEMELA, Labour Commissioner, Ministry of Labour and Employment.

Mr J. LUGAKINGIRA, Assistant Labour Commissioner, Ministry of Labour and Employment.

*accompanied by:*

Mr S. MWANJALI, Private Secretary to the Minister of Labour and Employment, Ministry of Labour and Employment.

Mr C. MSIGWA, Director, Commission for Mediation and Arbitration, Ministry of Labour and Employment.

Mr A. MSAKI, Assistant Director of Labour Market Information, Ministry of Labour and Employment.

Mr M. AYUB, Labour Officer, Ministry of Labour and Employment.

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**Togo**

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M. Y. HAMADOU, ministre du Travail, de l'Emploi et de la Sécurité sociale.

*suppléant(s):*

M<sup>me</sup> N. POLO, Ambassadrice, Représentante permanente, Mission permanente, Genève.

*accompagné(s) de:*

M<sup>me</sup> K. AGBANDAO-ASSOUMATINE, Directrice de cabinet du ministre du Travail, de l'Emploi et de la Sécurité sociale, ministère du Travail, de l'Emploi et de la Sécurité sociale.

M. K. NARTEH-MESSAN, Premier secrétaire, Mission permanente, Genève.

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**Trinité-et-Tobago**  
**Trinidad and Tobago**  
**Trinidad y Tabago**

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Mr C. FRANCIS, Permanent Secretary, Ministry of Labour and Small and Micro Enterprise Development.

*substitute(s):*

Ms M. RAMPERSAD, Head, International Affairs Unit, Ministry of Labour and Small and Micro Enterprise Development.

*accompanied by:*

Ms S. YOUNG, Chargé d'Affaires a.i., Permanent Mission, Geneva.

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

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**Viet Nam**

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Mr T. NGUYEN, Ambassador and Permanent Representative, Permanent Mission, Geneva.

*substitute(s):*

Mr Q. PHAM, Minister, Deputy Permanent Representative, Permanent Mission, Geneva.

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

*accompanied by:*

Mr D. VU, Third Secretary, Permanent Mission, Geneva.

Mr D. NGUYEN, Deputy Head of Division, Ministry of Labour, Invalids and Social Affairs.

Mr K. NGUYEN, Deputy Director-General, Ministry of Labour, Invalids and Social Affairs.

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**Zambia    Zambia**

---

Mr F. SHAMENDA, Minister of Labour and Social Security.

*substitute(s):*

Ms E. SINJELA, Ambassador and Permanent Representative, Permanent Mission, Geneva.

Mr T. KAUNDA, Acting Permanent Secretary, Ministry of Labour and Social Security.

*accompanied by:*

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

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

Mr S. LUNGO, First Secretary, Permanent Mission, Geneva.

Mr O. MGEMEZULU, Chief Planner, Ministry of Labour and Social Security.

Mr A. DUMINGU, Principal Social Security Officer, Ministry of Labour and Social Security.

Mr C. MWANZA, Protocol Officer, Ministry of Labour and Social Security.

**Membres gouvernementaux adjoints    Deputy Government members**  
**Miembros gubernamentales adjuntos**

**Algérie    Algeria    Argelia**

M. T. LOUH, ministre du Travail, de l'Emploi et de la Sécurité sociale.

*suppléant(s):*

M. B. DELMI, Ambassadeur, Représentant permanent, Mission permanente, Genève.

*accompagné(s) de:*

M. B. CHEBIHI, Ministre conseiller, Mission permanente, Genève.

M. M. BOUKADOUM, Conseiller pour les affaires étrangères, Mission permanente, Genève.

M. M. KADDOUH, Chargé d'études et de synthèse, ministère du Travail, de l'Emploi et de la Sécurité sociale.

M. D. GUERIRA, ministère du Travail, de l'Emploi et de la Sécurité sociale.

**Angola**

M. A. CORREIA, Ambassadeur, Représentant permanent, Mission permanente, Genève.

*suppléant(s):*

M. D. N'GOVE LUSSOKE, Directeur du Cabinet des relations internationales, ministère de l'Administration publique, de l'Emploi et de la Sécurité sociale.

*accompagné(s) de:*

M. G. SAMUNDA DOS SANTOS, Chef de département du Cabinet des relations internationales, ministère de l'Administration publique, de l'Emploi et de la Sécurité sociale.

M. G. DA SILVA, Conseiller, Mission permanente, Genève.

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

**Botswana**

Mr M. PALAI, Ambassador, Permanent Representative, Permanent Mission, Geneva.

*substitute(s):*

Ms R. SENNANYANA, Commissioner of Labour, Ministry of Labour and Home Affairs.

*accompanied by:*

Ms S. SEEMULE, Labour Attaché, Permanent Mission, Geneva.

**Bulgarie    Bulgaria**

Mr I. PIPERKOV, Ambassador, Permanent Representative, Permanent Mission, Geneva.

*substitute(s):*

Ms E. SLAVCHEVA, Head, Department for International Organizations and International Cooperation, Directorate for European Affairs and International Cooperation, Ministry of Labour and Social Policy.

Mr D. ZAKOV, First Secretary, Permanent Mission, Geneva.

*accompanied by:*

Ms Z. MIHAYLOVA, Permanent Mission, Geneva.

**Cambodge    Cambodia  
Camboya**

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

*substitute(s):*

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

*accompanied by:*

Mr T. BIENG, Counsellor, Permanent Mission, Geneva.

Mr R. NGOY, Deputy Director, International Cooperation, Ministry of Labour and Vocational Training.

Mr V. SOTH, First Secretary, Permanent Mission, Geneva.

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## **Chypre    Cyprus    Chipre**

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Mr L. PANTELIDES, Ambassador, Permanent Representative, Permanent Mission, Geneva.

*substitute(s):*

Ms M. SPATHI, Second Secretary, Permanent Mission, Geneva.

*accompanied by:*

Ms N. ANDREOU PANAYIOTOU, Administrative Officer, Ministry of Labour and Social Insurance.

Ms C. ZENIERI, Administrative Officer, Ministry of Labour and Social Insurance.

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## **République de Corée Republic of Korea República de Corea**

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Mr S. CHOI, Ambassador and Permanent Representative, Permanent Mission, Geneva.

*substitute(s):*

Mr H. KWON, Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

Mr K. AN, Director-General, International Labour Affairs Bureau, Ministry of Employment and Labour.

Mr J. KIM, Counsellor (Labour Attaché), Permanent Mission, Geneva.

*accompanied by:*

Mr S. MA, Director, International Labour Affairs Division, Ministry of Employment and Labour.

Mr H. SONG, Director, International Labour Affairs Division, Ministry of Employment and Labour.

Ms S. BAE, Deputy Director, International Labour Affairs Division, Ministry of Employment and Labour.

Ms K. CHO, Deputy Director, International Labour Affairs Division, Ministry of Employment and Labour.

Mr D. LEE, Assistant Director, International Labour Affairs Division, Ministry of Employment and Labour.

Mr C. KIM, Research Fellow, Korea Research Institute for Vocational Education and Training.

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

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## **Costa Rica**

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Sr. M. DENGO, Embajador, Representante Permanente, Misión Permanente, Ginebra.

*suplente(s):*

Sr. C. GUILLERMET-FERNÁNDEZ, Embajador, Representante Permanente Alterno, Misión Permanente, Ginebra.

Sr. N. LIZANO, Ministro Consejero, Misión Permanente, Ginebra.

Sra. R. TINOCO, Consejera, Misión Permanente, Ginebra.

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## **Cuba**

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Sr. R. REYES RODRÍGUEZ, Embajador, Misión Permanente, Ginebra.

*suplente(s):*

Sr. J. QUINTANILLA ROMÁN, Primer Secretario, Misión Permanente, Ginebra.

Sr. F. DÍAZ DÍAZ, Primer Secretario, Misión Permanente, Ginebra.

Sra. J. ROMÁN ARREDONDO, Segundo Secretario, Misión Permanente, Ginebra.

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## **Emirats arabes unis United Arab Emirates Emiratos Arabes Unidos**

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Mr H. AL SUWAIDI, Assistant Under-Secretary for Labour Affairs, Ministry of Labour and Social Affairs.

*substitute(s):*

Mr E. AL SOUQI, Director of International Affairs Office, Ministry of Labour.

*accompanied by:*

Mr R. AL SHAMSI, First Secretary, Permanent Mission, Geneva.

Mr A. FAKHFAKH, Expert in International Organizations, Permanent Mission, Geneva.

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## Ghana

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Mr A. SEKYERE, Deputy Minister, Ministry of Employment and Social Welfare.

*substitute(s):*

Ms E. NEE-WHANG, Ambassador, Permanent Representative, Permanent Mission, Geneva.

*accompanied by:*

Mr K. ACHEAMPONG, Communication Specialist, Ministry of Employment and Social Welfare.

Ms V. ASEMPAPA, Minister Counsellor, Permanent Mission, Geneva.

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## Indonésie Indonesia

---

Mr T. WIBOWO, Ambassador and Permanent Representative, Permanent Mission, Geneva.

*substitute(s):*

Mr E. YUSUP, Ambassador and Deputy Permanent Representative, Permanent Mission, Geneva.

*accompanied by:*

Mr G. WITJAKSONO, Head, Centre for International Cooperation Administration, Ministry of Manpower and Transmigration.

Ms H. RUMONDANG, Director, Institution and Community Industrial Relations, Ministry of Manpower and Transmigration.

Ms N. DJAJAPRAWIRA, Minister Counsellor, Permanent Mission, Geneva.

Ms E. TRISIANA, Deputy Director, Special Workers Placement, Directorate of Workers Placement in Foreign Countries, Ministry of Manpower and Transmigration.

Ms R. PRATIWI, Deputy Director for Legal and International Cooperation, Ministry of Manpower and Transmigration.

Ms FAUZIAH, Deputy Director, Ministry of Manpower and Transmigration.

Mr A. PRIYONO, Deputy Director, Ministry of Manpower and Transmigration.

Mr A. FIRDAUSY, First Secretary, Permanent Mission, Geneva.

Mr R. SOEMIRAT, First Secretary, Permanent Mission, Geneva.

Mr R. AMRULLAH, Centre for International Cooperation Administration, Ministry of Manpower and Transmigration.

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## Kazakhstan Kazakhstán

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## Kenya

---

Mr S. OJAAMONG, Assistant Minister of Labour, Ministry of Labour.

*substitute(s):*

Ms B. KITUYI, Permanent Secretary, Ministry of Labour.

Dr T. OKEYO, Ambassador, Permanent Representative, Permanent Mission, Geneva.

Mr A. ANDANJE, Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

Dr S. NYAMBARI, Labour Commissioner, Ministry of Labour.

*accompanied by:*

Ms E. ONUKO, Deputy Labour Commissioner, Ministry of Labour.

Mr P. WAMOTO, Counsellor (Labour), Permanent Mission, Geneva.

Mr T. ANYIM, Minister Counsellor, Permanent Mission, Geneva.

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## Liban Lebanon Líbano

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M. S. JREISSATI, ministre du Travail.

*suppléant(s):*

M. A. RAZZOUK, Directeur général *a.i.*, ministère du Travail.

M. A. FAYAD, Chef de cabinet, ministère du Travail.

*accompagné(s) de:*

M<sup>me</sup> D. DAHROUJ, Chef du Département des relations extérieures *a.i.*, ministère du Travail.

Mr. A. ZEBIAN, Chef du Service des affaires juridiques, ministère du Travail.

Mr. H. ZALGHOUT, Secrétaire du ministre, ministère du Travail.

Mr. B. SALEH AZZAM, Premier secrétaire, Mission permanente, Genève.

---

### Malte Malta

---

Ms A. CUTAJAR, Chargée d'affaires a.i., Permanent Mission, Geneva.

*substitute(s):*

Mr M. SEGARRA, Permanent Mission, Geneva.

---

### Mexique Mexico México

---

Sr. J. GÓMEZ CAMACHO, Embajador, Representante Permanente, Misión Permanente, Ginebra.

*suplente(s):*

Sr. U. CANCHOLA GUTIÉRREZ, Embajador, Representante Permanente Adjunto, Misión Permanente, Ginebra.

Sra. C. AMERO COUTIGNO, Ministro de Asuntos Laborales en Europa, Misión Permanente, Ginebra.

*acompañado(s) de:*

Sr. J. MORALES GAUZÍN, Subcoordinador de Política Laboral Internacional, Secretaría del Trabajo y Previsión Social.

Sra. S. CASADO GARCÍA, Directora de Asuntos Jurídicos Internacionales, Secretaría del Trabajo y Previsión Social.

---

### Pakistan Pakistán

---

Mr M. RAJA, Federal Secretary, Ministry of Human Resource Development.

*substitute(s):*

Mr Z. AKRAM, Ambassador, Permanent Representative, Permanent Mission, Geneva.

*accompanied by:*

Mr S. KHAN, Deputy Permanent Representative, Permanent Mission, Geneva.

Mr M. IQBAL, Central Labour Adviser, Ministry of Human Resource Development.

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

---

### Panama Panamá

---

Sr. A. NAVARRO BRIN, Embajador, Representante Permanente, Misión Permanente, Ginebra.

*suplente(s):*

Sr. A. MENDOZA GANTES, Consejero, Misión Permanente, Ginebra.

---

### Pays-Bas Netherlands Países Bajos

---

Mr L. BEETS, Director for International Affairs, Ministry of Social Affairs and Employment.

*substitute(s):*

Mr R. VAN SCHREVEN, Ambassador and Permanent Representative, Permanent Mission, Geneva.

*accompanied by:*

Mr M. VISSER, Head of Economic Affairs, Minister Plenipotentiary, Permanent Mission, Geneva.

Mr W. VAN DIJK, First Secretary, Permanent Mission, Geneva.

Mr A. BETTE, Head of International Affairs, Ministry of Social Affairs and Employment.

Ms M. VAN DER LINDEN, Policy Adviser, Ministry of Social Affairs and Employment.

Ms J. BAAK, Policy Adviser, Ministry of Foreign Affairs.

---

### Roumanie Romania Rumania

---

Mr L. POP, Minister for Social Dialogue, Ministry of Labour, Family and Social Protection.

*substitute(s):*

Ms C. DUMITRIU, Senior Adviser, Direction of External Relations, Ministry of Labour, Family and Social Protection.

*accompanied by:*

Ms M. CIOBANU, Ambassador and Permanent Representative, Permanent Mission, Geneva.  
Ms G. CONSTANTINESCU, Deputy Permanent Representative, Permanent Mission, Geneva.  
Mr F. TUDORIE, Minister Counsellor, Permanent Mission, Geneva.

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## Soudan Sudan Sudán

---

Ms I. SAYED MAHMUD, Minister of Labour and Human Resources Development.

*substitute(s):*

Mr S. BABELKHAIR, Under-Secretary of Human Resources Development and Labour, Ministry of Labour.  
Mr A. DHIRAR, Ambassador and Permanent Representative, Permanent Mission, Geneva.

*accompanied by:*

Mr A. ABDELHALIM, Director-General of External Relations Department, Ministry of Human Resources Development and Labour.  
Ms S. ELTAYB HASSAN, Labour Inspection Manager, Ministry of Human Resources Development and Labour.  
Mr O. MOHAMMED, Counsellor, Permanent Mission, Geneva.

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## Sri Lanka

---

Mr G. LOKUGE, Minister of Labour and Labour Relations.

*substitute(s):*

Mr W.J.L.U. WIJAYAWEERA, Secretary, Ministry of Labour and Labour Relations.

*accompanied by:*

Mr R. ARIYASINHA, Ambassador and Permanent Representative, Permanent Mission, Geneva.  
Mr R.P.A. WIMALAWEERA, Senior Assistant Secretary, Ministry of Labour and Labour Relations.  
Ms M. GUNASEKERA, Deputy Permanent Representative, Permanent Mission, Geneva.  
Mr C. PERERA, Second Secretary, Permanent Mission, Geneva.

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## Suisse Switzerland Suiza

---

M. J. ELMIGER, Ambassadeur, Secrétariat d'Etat à l'Economie (SECO), Affaires internationales du travail.

*suppléant(s):*

M<sup>me</sup> V. BERSSET BIRCHER, Secrétariat d'Etat à l'Economie (SECO), Affaires internationales du travail.

*accompagné(s) de:*

M. S. BAL, Mission permanente, Genève.  
M<sup>me</sup> L. CALDER, Mission permanente, Genève.  
M. A. GALOF, Mission permanente, Genève.  
M<sup>me</sup> F. ISLIKER, Division Nations Unies et organisations internationales, Section organisations internationales et politique d'accueil, Département fédéral des affaires étrangères.  
M. D. LEDERGERBER, Secrétariat d'Etat à l'Economie (SECO), Affaires internationales du travail.  
M<sup>me</sup> M. ROLEWICZ, Secrétariat d'Etat à l'Economie (SECO), Direction du travail.  
M. D. VACHERON, Secrétariat d'Etat à l'Economie (SECO), Affaires internationales du travail.

---

## Thaïlande Thailand Tailandia

---

Mr T. THONGPHAKDI, Ambassador Extraordinary and Plenipotentiary, Permanent Representative, Permanent Mission, Geneva.

*substitute(s):*

Mr K. ROEKCHAMNONG, Deputy Permanent Representative, Permanent Mission, Geneva.

*accompanied by:*

Mr S. CHU-UMNART, Director, International Coordination Bureau, Ministry of Labour.  
Ms E. PINTARUCHI, Minister Counsellor, Permanent Mission, Geneva.  
Ms P. BHANDHUFALCK, Minister Counsellor (Labour), Ministry of Labour.

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## Uruguay

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Sr. E. BRENTA, Ministro de Trabajo y Seguridad Social.

*suplente(s):*

Sra. L. DUPUY, Embajadora, Representante Permanente, Misión Permanente, Ginebra.

*acompañado(s) de:*

Sr. G. WINTER, Ministro Consejero, Misión Permanente, Ginebra.

Sra. L. BERGARA, Segunda Secretaria, Misión Permanente, Ginebra.

Sra. G. RODRIGUEZ, Misión Permanente, Ginebra.

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## Venezuela (Rép. bolivarienne du) Venezuela (Bolivarian Rep. of) Venezuela (Rep. Bolivariana de)

---

Sr. J. ARIAS PALACIO, Embajador, Representante Permanente Alterno, Misión Permanente, Ginebra.

*suplente(s):*

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

---

## Zimbabwe

---

Ms P. MPARIWA, Minister of Labour and Social Services.

*substitute(s):*

Mr J. MANZOU, Ambassador, Permanent Representative, Permanent Mission, Geneva.

Mr L. MUSEKA, Secretary for Labour and Social Services, Ministry of Labour and Social Services.

*accompanied by:*

Mr P. KUNAKA, Principal Director, Ministry of Labour and Social Services.

Ms M. MUBIKA MUKONDOMI, Director Finance, Ministry of Labour and Social Services.

Mr P. MUDYAWABIKWA, Deputy Director, Ministry of Labour and Social Services.

Mr C. CHISHIRI, Minister Counsellor, Permanent Mission, Geneva.

Ms M. VIMBAYI HANGA, Principal Labour Officer, Ministry of Labour and Social Services.

Mr S. TIRIWANHU KADZIMA, Principal Labour Officer, Ministry of Labour and Social Services.

Mr S. RUSERE, Principal Research and Economics Officer, Ministry of Labour and Social Services.

Mr C. CHIUTSI, Counsellor, Permanent Mission, Geneva.

Ms S. NCUBE, Ministers' Aide, Ministry of Labour and Social Services.

Mr C. MUCHEKA, Counsellor, Permanent Mission, Geneva.

**Membres employeurs titulaires    Regular Employer members**  
**Miembros empleadores titulares**

<b>Vice-président du Conseil d'administration:</b> <b>Vice-Chairperson of the Governing Body:</b> <b>Vicepresidente del Consejo de Administración:</b>	<b>Sr. D. FUNES DE RIOJA (Argentina)</b>
<b>Secrétaire du groupe des employeurs:</b> <b>Secretary of the Employers' group:</b> <b>Secretario del Grupo de los Empleadores:</b>	<b>Mr B. WILTON</b>

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

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

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

Ms R. GOLDBERG (United States), Executive Vice-President, United States Council for International Business.

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

M. E. JULIEN (France), Directeur adjoint, Affaires sociales, européennes et internationales, Mouvement des entreprises de France.

Sr. A. LINERO (Panamá), Consejo Nacional de la Empresa Privada.

Mr H. MATSUI (Japan), Co-Director, Nippon Keidanren.

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

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

Mr J. RØNNEST (Denmark), Director, International Affairs, Confederation of Danish Employers.

Mr C. SYDER (United Kingdom), Davies Arnold Cooper LLP.

M. L. TRAORE (Mali), Secrétaire permanent, Conseil national du patronat du Mali.

Ms L. VAN EMBDEN ANDRES (Netherlands), Director, International Social Affairs.

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

- Mr O. ALRAYES (Bahrain), Bahrain Chamber of Commerce and Industry.
- M. K. DE MEESTER (Belgique), Premier conseiller, Fédération des entreprises de Belgique.
- M. O. DIALLO (Côte d’Ivoire), Conseiller du Président, Confédération générale des entreprises de Côte d’Ivoire.
- Sr. A. ECHAVARRÍA SALDARRIAGA (Colombia), Vicepresidente Asuntos Jurídicos y Sociales, Asociación Nacional de Industriales.
- Mr A. FRIMPONG (Ghana), Chief Executive Officer, Ghana Employers’ Association.
- Ms L. HORVATIC (Croatia), Director, International Affairs, Croatian Employers’ Association.
- Mr A. JEETUN (Mauritius), Director-General, Mauritius Employers’ Federation.
- Ms H. LIU (China), Deputy Director, China Enterprise Confederation.
- Sr. J. MAILHOS (Uruguay), Gerente Jurídico, Cámara Nacional de Comercio y Servicios del Uruguay.
- Mr M. MDWABA (South Africa), Chairman and CEO, Tzoro Industries.
- M. M. MEGATELI (Algérie), Secrétaire général, Confédération générale des entreprises algériennes.
- Ms M. MOSKVINA (Russian Federation), Director, Labour Relations, Russian Union of Industrialists and Entrepreneurs.
- Sra. A. MUÑOZ (Venezuela (Rep. bolivariana)), Ex Presidenta, Federación de Cámaras y Asociaciones de Comercio y Producción de Venezuela.
- Mr P. O’REILLY (New Zealand), Chief Executive, Business New Zealand.
- Mr K. RAHMAN (Bangladesh), Former President, Bangladesh Employers’ Federation.
- M. A. SAVANÉ (Guinée), Secrétaire général, Conseil national du patronat guinéen.
- Sr. A. URTECHO LÓPEZ (Honduras), Director Ejecutivo, Consejo Hondureño de la Empresa Privada.
- Mr F. WELZIIN (Suriname), President, Suriname Aluminum Company LLC.
- Mr P. WOOLFORD (Canada), President, Clairmark Consulting Ltd.
- M. A. YUMA (Rép. dém. du Congo), Président du conseil d’administration, La Générale des carrières et des mines.

---

Ms E. ANISIMOVA, accompanying Ms Moskvina.  
 Mr O. ROMANOVSKY, accompanying Ms Moskvina.

**Autres personnes assistant à la session:**  
**Other persons attending the session:**  
**Otras personas que asisten a la reunión:**

Mr E. FAKHRO (Bahrain).  
Mr A. FURLAN (Brazil).  
Ms S. SOUSA (Brazil).

<b>Membres travailleurs titulaires    Regular Worker members Miembros trabajadores titulares</b>	
<b>Vice-président du Conseil d'administration: Vice-Chairperson of the Governing Body: Vicepresidente del Consejo de Administración:</b>	<b>M. L. CORTEBEECK (Belgique)</b>
<b>Secrétaire du groupe des travailleurs: Secretary of the Workers' group: Secretario del Grupo de los Trabajadores:</b>	<b>Sra. R. GONZÁLEZ (ITUC)</b>
<b>Secrétaire adjoint du groupe des travailleurs: Deputy Secretary of the Workers' group: Secretario adjunto del Grupo de los Trabajadores:</b>	<b>Ms E. BUSSER (ITUC)</b>

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

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

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

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

M<sup>me</sup> R. DIALLO SERAH (Guinée), Présidente d'honneur, Confédération nationale des travailleurs de Guinée.

Ms S. FOX (United States), American Federation of Labor and Congress of Industrial Organizations.

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

Mr S. GURNEY (United Kingdom), Labour Standards and World Trade, Trade Union Congress.

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

M<sup>me</sup> H. KADDOUS (Algérie), Membre de la Commission exécutive nationale, Union générale des travailleurs algériens.

Ms H. KELLY (New Zealand), President, New Zealand Council of Trade Unions.

Mr T. SAKURADA (Japan), Adviser on International Affairs, Japanese Trade Union Confederation.

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

Mr M. SOMMER (Germany), President, Deutscher Gewerkschaftsbund.

M. E. BENMOUHOU, accompagnant M<sup>me</sup> Kaddous.

Ms M. HAYASHIBALA, accompanying Mr Sakurada.

Ms B. KÜHL, accompanying Mr Sommer.

M<sup>me</sup> V. ROUSSEAU, accompagnant M. Cortebееck.

Ms L. XU LU, accompanying Mr Jiang.

Mr A. ZHARKOV, accompanying Mr Shmakov.

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

Mr F. ANTONY (Fiji), Fiji Trade Union Congress.

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

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

M. R. DE LEEUW (Belgique), Président, Fédération générale du travail de Belgique.

Ms C. DEL RIO (Italy), Head of the International Department, Unione Italiana del Lavoro.

M. F. DJONDANG (Tchad), Secrétaire général, Union des syndicats du Tchad.

Sra. E. FAMILIA (República Dominicana), Vicepresidenta, Confederación Nacional de Unidad Sindical.

Sra. M. FRANCISCO (Angola), Secretaria, Relaciones Internacionales, Unión Nacional de los Trabajadores, Confederación Sindical.

M. B. HOSSU (Roumanie), Président, Confederatia Nationala Sindicala Cartel Alfa.

Mr A. HUSSAIN (Bahrain), Assistant General Secretary for Arab and International Relations, General Federation of Bahrain Trade Unions.

Sr. G. MARTINEZ (Argentina), Secretario internacional, Confederación General del Trabajo.

Mr B. NTSHALINTSHALI (South Africa), Deputy General Secretary, Congress of South African Trade Unions.

Ms B. PANDEY (Nepal), General Federation of Nepalese Trade Unions.

Mr R. SILABAN (Indonesia), Chairman, Konfederasi Serikat Buruh Sejahtera Indonesia.

Ms S. SIWELA (Zimbabwe), First Vice-President, Zimbabwe Congress of Trade Unions.

Mr N. SOUZA DA SILVA (Brazil), Secretario, Relaciones Internacionales, Força Sindical.

Ms T. SUNDNES (Norway), Confederal Secretary, Landsorganisasjonen i Norge.

M. Y. VEYRIER (France), Secrétaire confédéral, Confédération générale du travail - Force ouvrière.

Ms A. WOLANSKA (Poland), Head, International Department, Niezalezny Samorzadny Zwiazek Zawodowy "Solidarnosc".

---

Ms K. FAUSKE, accompanying Ms Sundnes.

M. R. LAMAS, accompagnant M. de Leeuw.

**Autres personnes assistant à la session:**

**Other persons attending the session:**

**Otras personas que asisten a la reunión:**

M<sup>me</sup> C. SCHLACTHER (France).

Ms B. SUSEC (Germany).

**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**

**Afrique du Sud    South Africa**  
**Sudáfrica**

Ms M. OLIPHANT, Minister of Labour  
 Ms P. SALUSALU, Personal Assistant to the  
 Minister, Ministry of Labour.  
 Mr H. MKHIZE, Special Adviser to the Minister,  
 Ministry of Labour.  
 Mr L. KETTLEDAS, Deputy Director-General,  
 Labour Policy and Labour Market  
 Programmes, Ministry of Labour.  
 Mr M. SKHOSANA, Director, International  
 Relations, Ministry of Labour.  
 Mr S. SEKONYANA, First Secretary,  
 Permanent Mission, Geneva.

**Albanie    Albania**

Mr S. QERIMAJ, Ambassador, Permanent  
 Representative, Permanent Mission, Geneva.  
 Ms D. XHIXHO, Second Secretary, Permanent  
 Mission, Geneva.

**Arabie saoudite    Saudi Arabia**  
**Arabia Saudita**

Mr A. ALFAHAID, General Supervisor of  
 International Affairs, Ministry of Labour.  
 Mr A. ELTELAWI, Legal Expert, Ministry of  
 Labour.  
 Dr N. AL OTAIBI, Counsellor, Permanent  
 Mission, Geneva.  
 Ms S. ALSHOURA, Attaché, Permanent  
 Mission, Geneva.  
 Mr S. ALSAATI, Permanent Mission, Geneva.

**Autriche    Austria**

Ms I. DEMBSHER, Head of International Social  
 Policy Unit, Federal Ministry of Labour,  
 Social Affairs and Consumer Protection.  
 Mr C. STROHAL, Ambassador, Permanent  
 Representative, Permanent Mission, Geneva.

Ms E. JAMEK, Counsellor, Permanent Mission,  
 Geneva.  
 Ms A. ZÜGNER, Adviser, Permanent Mission,  
 Geneva.

**Bahreïn    Bahrain    Bahrein**

Mr J. HUMAIDAN, Minister of Labour.  
 Mr Y. BUCHEERI, Ambassador, Permanent  
 Representative, Permanent Mission, Geneva.  
 Mr M. ALANSARI, Assistant Undersecretary  
 for Labour Affairs, Ministry of Labour.  
 Mr F. MOHAMED, Director of Public and  
 International Relations Directorate, Ministry  
 of Labour.  
 Mr A. MAATOOQ, Head of International  
 Relations, Ministry of Labour.  
 Mr B. AHMED, Second Secretary, Permanent  
 Mission, Geneva.  
 Mr F. ALBAKER, Second Secretary, Permanent  
 Mission, Geneva.  
 Ms L. ALKHALIFA, Second Secretary,  
 Permanent Mission, Geneva.  
 Mr F. BUFARSEN, Legal Adviser, Deputy  
 Prime Ministers' Office.  
 Mr A. SAMET, Legal Adviser, Ministry of  
 Labour.  
 Mr A. ABDULLA, Undersecretary, Ministry of  
 Foreign Affairs.  
 Mr A. ALMUHARAQI, Counsellor, Ministry of  
 Foreign Affairs.  
 Mr D. KRISHAN, Counsellor, Ministry of  
 Foreign Affairs.

**Bangladesh**

Mr A. HANNAN, Ambassador, Permanent  
 Representative, Permanent Mission, Geneva.  
 Mr M. NORE-ALAM, Counsellor, Permanent  
 Mission, Geneva.

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**Bélarus Belarus Belarús**

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Mr I. STAROVOYTOV, Deputy Minister of Labour and Social Protection.

Mr A. ANDREEV, Counsellor, Permanent Mission, Geneva.

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**Belgique Belgium Bélgica**

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M. B. DE CROMBRUGGHE

DE PICQUENDAELE, Représentant permanent, Mission permanente, Genève.

M. F. VANDAMME, Conseiller général, Chef de la Division des affaires internationales, Service public fédéral emploi, travail et concertation sociale.

M<sup>me</sup> T. BOUTSEN, Conseillère générale, Division des affaires internationales, Service public fédéral emploi, travail et concertation sociale.

M. P. CARTIER, Ministre conseiller, Mission permanente, Genève.

M. P. BRONCHAIN, Premier secrétaire, Mission permanente, Genève.

M<sup>me</sup> S. SISSOKO, Collaboratrice, Cabinet du ministère de l'Emploi, Service public fédéral emploi, travail et concertation sociale.

M. J. TEMPELS, Attaché, Division des affaires internationales, Service public fédéral emploi, travail et concertation sociale.

M<sup>me</sup> J. BYNENS, Déléguée du gouvernement flamand auprès des organisations multilatérales à Genève.

M<sup>me</sup> E. ROELEN, Policy Officer, Département flamand des affaires étrangères.

M<sup>me</sup> R. VAN PEER, International Division, Social-Economic Council of Flanders.

M. W. CARLIER, Policy Officer, Département flamand des affaires étrangères.

M<sup>me</sup> A. MONCAREY, Attachée, Délégation de la Communauté française de Belgique et de la Région wallonne à Genève.

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**Bolivie (Etat plurinational de)  
Bolivia (Plurinational State of)  
Bolivia (Estado Plurinacional de)**

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Sra. A. NAVARRO LLANOS, Embajadora, Representante Permanente, Misión Permanente, Ginebra.

Sr. F. ROSALES LOZADA, Primer Secretario, Misión Permanente, Ginebra.

Sr. U. LÓPEZ GARCIA, Segundo Secretario, Misión Permanente, Ginebra.

---

**Cameroun Cameroon  
Camerún**

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M. F. NGANTCHA, Ministre conseiller, Mission permanente, Genève.

M. A. ETEKI NKONGO, Premier secrétaire, Mission permanente, Genève.

---

**Côte d'Ivoire**

---

M. K. ADJOUANI, Ambassadeur, Représentant permanent, Mission permanente, Genève.

M. T. MORIKO, Conseiller, Mission permanente, Genève.

M. K. SILUE, Conseiller, Mission permanente, Genève.

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**Croatie Croatia Croacia**

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Ms V. VUKOVIC, Ambassador, Permanent Representative, Permanent Mission, Geneva.

Ms Z. PENIC IVANKO, First Secretary, Permanent Mission, Geneva.

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## Djibouti

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M. M. DOUALE, Ambassadeur, Représentant permanent, Mission permanente, Genève.  
M. D. ALI, Conseiller, Mission permanente, Genève.

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## Equateur Ecuador

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Sr. A. MORALES, Embajador, Representante Permanente Alterno, Misión Permanente, Ginebra.  
Sr. L. AVILÉS, Ministro, Misión Permanente, Ginebra.  
Sr. L. ESPINOSA, Consejero, Misión Permanente, Ginebra.

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## Espagne Spain España

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Sra. A. MENÉNDEZ, Embajadora, Representante Permanente, Misión Permanente, Ginebra.  
Sr. J. MEMBRADO, Agregado, Misión Permanente, Ginebra.  
Sr. G. VEGA, Consejero, Misión Permanente, Ginebra.  
Sra. N. MARTÍ NIKLEWITZ, Asistente, Misión Permanente, Ginebra.

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## Estonie Estonia

---

Ms M. HION, Counsellor, Permanent Mission, Geneva.

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## Fidji Fiji

---

Mr J. USAMATE, Minister for Labour, Industrial Relations and Employment.  
Mr T. WAQA, Permanent Secretary for Labour, Industrial Relations and Employment, Ministry of Labour, Industrial Relations and Employment.

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## Finlande Finland Finlandia

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Ms P. KAIRAMO-HELLA, Ambassador, Permanent Representative, Permanent Mission, Geneva.  
Mr A. RYTÖVUORI, Minister, Deputy Permanent Representative, Permanent Mission, Geneva.  
Ms L. HEINONEN, Senior Legal Officer, Legal Affairs, Ministry of Employment and the Economy.  
Ms P. KANTANEN, Administrator, Legal Affairs, Ministry for Foreign Affairs.  
Ms H. NISSINEN, Second Secretary, Permanent Mission, Geneva.  
Mr N. SOOD, Permanent Mission, Geneva.

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## Gabon Gabón

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M. D. MOULOMBA NZIENGUI, Secrétaire général adjoint du ministre du Travail.  
M. J. PAMBO, Directeur des relations internationales, ministère de l'Economie, de l'Emploi et du Développement durable.  
M. F. MANGONGO, Conseiller chargé des relations avec le BIT, Mission permanente, Genève.

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## Géorgie Georgia

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Ms E. KIPIANI, Counsellor, Permanent Mission, Geneva.

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## Grèce Greece Grecia

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Mr G. PAPADATOS, Minister Counsellor, Permanent Mission, Geneva.  
Mr G. FROUNTZOS, Permanent Mission, Geneva.

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## Guatemala

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Sr. C. CONTRERAS SOLORZANO, Ministro de Trabajo y Previsión Social  
 Sra. C. RODRIGUEZ MANCIA, Embajadora y Representante Permanente, Misión Permanente, Ginebra.  
 Sra. A. CHÁVEZ BIETTI, Representante Permanente Alterno, Misión Permanente, Ginebra.  
 Sr. C. ESCOBEDO, Consejero, Misión Permanente, Ginebra.  
 Sra. M. BRAN, Primer Secretario, Misión Permanente, Ginebra.  
 Sra. S. BARRIOS, Primer Secretario, Misión Permanente, Ginebra.  
 Sr. J. BENARD, Segundo Secretario, Misión Permanente, Ginebra.  
 Sra. A. TOLEDO ORDOÑEZ, Tercer Secretario, Misión Permanente, Ginebra.

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## Haití Haiti Haití

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M. J. ALEXANDRE, Chargé d'affaires, Mission permanente, Genève.  
 M<sup>me</sup> M. LATORTUE, Première secrétaire, Mission permanente, Genève.

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## Honduras

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Sr. E. DIAZ ARRIVILLAGA, Embajador, Representante Permanente, Misión Permanente, Ginebra.  
 Sr. G. RIZZO ALVARDO, Embajador, Representante Permanente, Misión Permanente, Ginebra.  
 Sr. M. PÉREZ ZEPEDA, Consejero Económico, Misión Permanente, Ginebra.

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## Iraq

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Mr N. AL-RUBAYE, Minister of Labour.  
 Mr M. ALHAKIM, Ambassador and Permanent Representative, Permanent Mission, Geneva.  
 Mr Q. MAHAL, Attaché, Permanent Mission, Geneva.  
 Mr M. HAMEED, Ministry of Labour.  
 Mr A. YASEEN, Ministry of Labour.  
 Mr M. AKBAR, Ministry of Labour.

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## Irlande Ireland Irlanda

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Mr G. CORR, Ambassador, Permanent Representative, Permanent Mission, Geneva.  
 Ms F. FLOOD, First Secretary, Permanent Mission, Geneva.  
 Ms E. O'CARROLL, First Secretary, Permanent Mission, Geneva.  
 Ms S. O'CARROLL, Assistant Principal Officer, Department of Jobs, Enterprise and Innovation.  
 Ms M. McMAHON, Employment Rights Legislation Division, Department of Jobs, Enterprise and Innovation.  
 Ms E. SOBANSKA, Attaché, Permanent Mission, Geneva.

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## Israël Israel

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Mr O. CASPI, Deputy Permanent Representative, Permanent Mission, Geneva.  
 Ms Y. FOGEL, Adviser, Permanent Mission, Geneva.

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## Jordanie Jordan Jordania

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Mr R. SUKAYRI, Ambassador, Permanent Representative, Permanent Mission, Geneva.  
 Mr S. DAJANI, Special Adviser for ILO Affairs, Permanent Mission, Geneva.  
 Ms M. HATTAR, Second Secretary, Permanent Mission, Geneva.

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## Libye Libya Libia

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Mr A. ELOSTA, Ambassador, Chargé d'affaires a.i., Permanent Mission, Geneva.  
 Mr N. ALZAROUG, Counsellor, Permanent Mission, Geneva.

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## Luxembourg Luxemburgo

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M. D. DA CRUZ, Représentant permanent adjoint, Mission permanente, Genève.

**Ex-République yougoslave  
de Macédoine  
The former Yugoslav Rep. of  
Macedonia  
Ex Rep. Yugoslava de  
Macedonia**

Mr B. BILALI, Third Secretary, Permanent Mission, Geneva.

**Malaisie Malaysia Malasia**

Mr D. MAZLAN MUHAMMAD, Ambassador and Permanent Representative, Permanent Mission, Geneva.

Mr S. ONN, Deputy Permanent Representative, Permanent Mission, Geneva.

Mr R. BAHARI, Labour Attaché, Permanent Mission, Geneva.

**Malawi**

Ms E. MAKANGALA, Minister of Labour.

Mr J. KALILANGWE, Secretary for Labour, Ministry of Labour.

Mr W. KAYIRA, Principal Secretary, Ministry of Labour.

Mr H. NYANGULU, Labour Commissioner, Ministry of Labour.

**Maroc Morocco Marruecos**

M<sup>m</sup> N. EL BERRAK, Conseillère, Mission permanente, Genève.

**Mozambique**

M. J. DENGU, Premier secrétaire, Mission permanente, Genève.

**République de l'Union  
du Myanmar  
Republic of the Union of  
Myanmar  
República de la Unión de  
Myanmar**

Mr M. WAI, Ambassador and Permanent Representative, Permanent Mission, Geneva.

Mr Y. AUNG, Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

Mr K. TUN, Minister Counsellor, Permanent Mission, Geneva.

Mr C. AYE, Counsellor, Permanent Mission, Geneva.

Mr K. LWIN, First Secretary, Permanent Mission, Geneva.

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

Ms S. NYO, Second Secretary, Permanent Mission, Geneva.

Ms M. SANDAR, Attaché, Permanent Mission, Geneva.

**Namibie Namibia**

Mr S. MARUTA, Chargé d'affaires a.i., Permanent Mission, Geneva.

Ms S. NGHINAMUNDOVA, First Secretary, Permanent Mission, Geneva.

Mr A. NGHIFITIKEKO, First Secretary, Permanent Mission, Geneva.

Ms S. KATJINGISIUA, Second Secretary, Permanent Mission, Geneva.

**Nigéria Nigeria**

Dr T. OLAOPA, Permanent Secretary, Federal Ministry of Labour and Productivity.

Mr P. AGADA, Personal Assistant to Permanent Secretary, Federal Ministry of Labour and Productivity.

Mr O.C. ILLOH, Director (Productivity Measurement), Federal Ministry of Labour and Productivity.

Ms T.S. TIBANGS, Director (Finance and Account), Federal Ministry of Labour and Productivity.

Ms C. DIKE, Ag. Director, Trade Union Services, Federal Ministry of Labour and Productivity.

Ms T. BRAIMAH, Deputy Director (International Labour Relations), Federal Ministry of Labour and Productivity.

Dr M. AKABOGU, Special Assistant to the Honourable Minister, Federal Ministry of Labour and Productivity.

Mr P. AJUZIE, Labour Attaché, Minister, Permanent Mission, Geneva.

Mr E. ESSAH, Technical Assistant to the Honourable Minister, Federal Ministry of Labour and Productivity.

Dr P. BDLIYA, Director-General (National Productivity Centre), Federal Ministry of Labour and Productivity.

Mr J. OLANREWAJU, Director-General (Michael Imoudu Institute for Labour Studies), Federal Ministry of Labour and Productivity.

Mr M. ABUBAKAR, Managing Director (Nigeria Social Insurance Trade Fund), Federal Ministry of Labour and Productivity.

Mr A. MOHAMMED, Director-General (National Directorate of Employment), Federal Ministry of Labour and Productivity.

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## Norvège Norway Noruega

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Ms G. KVAM, Director-General, Ministry of Labour.

Mr M. TORBERGSEN, Adviser, Ministry of Foreign Affairs.

Mr D. TONSETH, Minister, Permanent Mission, Geneva.

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## Nouvelle-Zélande New Zealand Nueva Zelandia

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Ms J. RUSSELL, Senior Adviser, International Services, Ministry of Business, Innovation and Employment.

Ms Z. CHANG, Senior Adviser, International Services, Ministry of Business, Innovation and Employment.

Ms A. TIPPING, Policy Officer, Permanent Mission, Geneva.

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## Paraguay

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Sr. J. AGUIRRE, Embajador, Representante Permanente, Misión Permanente, Ginebra.

Sr. M. CANDÍA IBARRA, Segundo Secretario, Misión Permanente, Ginebra.

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## Pérou Peru Perú

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Sra. L. CABALLERO DE CLULOW, Ministra Consejera, Representante Permanente Alterno, Encargada de Negocios a.i., Misión Permanente, Ginebra.

Sr. H. WIELAND CONROY, Ministro Consejero, Representante Permanent Alterno, Misión Permanente, Ginebra.

Sra. S. ALVARADO SALAMANCA, Segunda Secretaria, Misión Permanente, Ginebra.

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## Philippines Filipinas

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Mr E. GARCIA, Ambassador, Permanent Representative, Permanent Mission, Geneva.

Ms M. VALDERRAMA, Labour Attaché, Permanent Mission, Geneva.

Ms H. BADILLES, Administrative Staff, Permanent Mission, Geneva.

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## Pologne Poland Polonia

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Mr R. HENCZEL, Ambassador, Permanent Representative, Permanent Mission, Geneva.

Ms M. NOJSZEWSKA-DOCHEV, First Secretary, Permanent Mission, Geneva.

Ms J. GLAZEWSKA, Specialist, National AIDS Centre, The Agency of the Ministry of Health.

Ms N. SZMAGIER, Permanent Mission, Geneva.

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## Portugal

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M. A. VALADAS DA SILVA, Conseiller,  
Mission permanente, Genève.  
M<sup>me</sup> F. CORVACHO, Mission permanente,  
Genève.

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## Saint-Siège The Holy See Santa Sede

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M<sup>gr</sup> M. TOMASI, Nonce apostolique,  
Observateur permanent du Saint-Siège,  
Mission permanente, Genève.  
M<sup>gr</sup> M. DE GREGORI, Attaché, Mission  
permanente, Genève.  
M. P. GUTIÉRREZ, Mission permanente,  
Genève.

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## Sénégal Senegal

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M. F. SECK, Ambassadeur, Représentant  
permanent, Mission permanente, Genève.  
M. A. WAHAB HAIDARA, Ministre conseiller,  
Mission permanente, Genève.  
M<sup>me</sup> N. LO, Première conseillère, Mission  
permanente, Genève.  
M<sup>me</sup> F. DIENE DIEME, Première secrétaire,  
Mission permanente, Genève.

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## Serbie Serbia

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Mr U. ZVEKIC, Ambassador, Permanent  
Representative, Permanent Mission, Geneva.  
Ms V. FILIPOVIC-NIKOLIC, Counsellor,  
Permanent Mission, Geneva.

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## Singapour Singapore Singapur

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Ms C. LEE, First Secretary, Permanent Mission,  
Geneva.  
Mr S. PANG, Deputy Permanent Representative  
and Chargé d'Affaires, Permanent Mission,  
Geneva.  
Ms S. LIM, Senior Assistant Director, Labour  
Relations and Workplaces Division, Ministry  
of Manpower.

Ms J. TAN, Senior Manager, Workplace Policy  
and Strategy Division, Ministry of  
Manpower.

Ms M. GOH, Civil Advisory Officer, Legal  
Services Department, Ministry of Manpower.

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## Soudan du Sud South Sudan Sudán del Sur

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Mr M. SAMUEL, Permanent Mission, Geneva.

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## Suède Sweden Suecia

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Mr J. KNUTSSON, Ambassador and Permanent  
Representative, Permanent Mission, Geneva.  
Mr C. ERIKSSON, Director, Special Expert,  
Ministry of Employment.  
Mr O. EKÉUS, First Secretary, Permanent  
Mission, Geneva.  
Mr M. MAGNUSSON, Permanent Mission,  
Geneva.

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## République tchèque Czech Republic República Checa

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Mr M. FUCHS, Director, Department of the  
European Union and International  
Cooperation, Ministry of Labour and Social  
Affairs.  
Ms M. HOMOLKOVÁ, Second Secretary,  
Permanent Mission, Geneva.

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## Tunisie Tunisia Túnez

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M. M. BAATI, Ambassadeur, Représentant  
permanent, Mission permanente, Genève.  
M<sup>me</sup> C. KOCHLEF, Première secrétaire, Mission  
permanente, Genève.

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## Turquie Turkey Turquía

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Mr L. GENÇ, Adviser, Permanent Mission,  
Geneva.  
Mr H. OYMAN, Expert, Permanent Mission,  
Geneva.

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

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**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**

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Ms A. TUTWILER, Director, FAO's Liaison Office in Geneva.  
Ms C. TRINCIA, FAO's Liaison Office in Geneva.

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**Banque mondiale  
World Bank  
Banco Mundial**

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Ms S. JACKSON, World Bank's Special Representative in Geneva.  
Ms O. PIDUFALA.

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**Organisation mondiale du commerce  
World Trade Organization  
Organización Mundial del Comercio**

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Mr D. McDANIELS, Economic Affairs Officer, Trade and Environment Division.  
Mr M. HAMILTON, Information and External Relations Division.

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

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Mr G. APPAVE, Director a.i., Department of International Cooperation and Partnerships.  
Mr F. SODA, Head, Labour and Human Development Division.  
Mr T. PASHA, Senior Labour Migration Specialist, Migration Management Department.  
Ms B. RIJKS, Migration Health Coordinator.  
Ms C. SCHULTZ.  
Ms S. BORJA, Administrative Assistant.

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**Union africaine  
African Union  
Unión Africana**

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

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

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Mr A. LUQMAN, Director-General.  
 Mr R. GUISSOUMA, Head, Permanent Delegation of the ALO in Geneva.  
 Ms D. SAEED, Chief of Cabinet.  
 Ms Z. KASBAOUI, Permanent Delegation of the ALO in Geneva.

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**Conseil des ministres du Travail et des Affaires sociales**  
**des Etats du Conseil de coopération du Golfe**  
**Council of Ministers of Labour and Social Affairs in Gulf Cooperation Council States**

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Mr K. BOHAZZA, Acting Labour Affairs Director.  
 Mr A. AWADH, Acting Public Relations and Media Director.  
 Mr H. MATAR, Labour Affairs Researcher.

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**Union européenne**  
**European Union**  
**Unión Europea**

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Ms M. ZAPPIA, Ambassador, Head, Permanent Delegation of the European Union in Geneva.  
 Mr D. PORTER, Minister Counsellor, Deputy Head, Permanent Delegation of the European Union in Geneva.  
 Mr M. FERRI, First Counsellor, Permanent Delegation of the European Union in Geneva.  
 Ms F. GIORDANO, Permanent Delegation of the European Union in Geneva.  
 Ms E. PICHOT, Policy Coordinator, External Relations Unit, Neighbourhood Policy, Enlargement, IPA, Directorate-General for Employment, Social Affairs and Inclusion, European Commission.

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**Conseil de l'Europe**  
**Council of Europe**  
**Consejo de Europa**

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Mr P. DUMITRIU, Ambassador and Permanent Observer of the Council of Europe in Geneva.  
 Mr R. WEINGARTNER, Director of Social Cohesion and Antidiscrimination, Secretariat of the Council of Europe.  
 Ms P. GALVE, Permanent Delegation of the Council of Europe to the UN and other international Organizations in Geneva.  
 Mr J. LOPEZ, Permanent Delegation of the Council of Europe to the UN and other international Organizations in Geneva.

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

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

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Mr B. WILTON, Secretary-General.

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**Fédération syndicale mondiale  
World Federation of Trade Unions  
Federación Sindical Mundial**

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Mr N. GHIOKAS.  
Ms A. LYMPERI.

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

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Mr H. SUNMONU, Secretary-General.  
Mr D. DIOP, Assistant Secretary-General.  
Mr A. DIALLO, Permanent Representative to the ILO and UN Offices in Geneva.

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

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

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**Confédération syndicale internationale  
International Trade Union Confederation  
Confederación Sindical Internacional**

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

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

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**Palestine    Palestina**

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Dr I. KHRAISHI, Ambassador, Permanent Observer, Permanent Mission, Geneva.  
Mr I. MUSA, Counsellor, Permanent Mission, Geneva.