



Governing Body

320th Session, Geneva, 13–27 March 2014

GB.320/PV

Minutes of the 320th Session of the Governing Body of the International Labour Office

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of the Governing Body of the
International Labour Office**

The 320th Session of the Governing Body of the International Labour Office was held in Geneva, from Wednesday, 13 to Thursday, 27 March 2014, with Ms Velásquez de Avilés of El Salvador 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 paragraph No.</i>
Institutional Section				
1	GB.320/INS/1	Approval of the minutes of the 319th Session of the Governing Body	3	4
2	GB.320/INS/2	Agenda of the International Labour Conference	4	42
3		Matters arising out of the work of the International Labour Conference		
	GB.320/INS/3/1	Follow-up to the resolution concerning the recurrent discussion on fundamental principles and rights at work: Implementation of the plan of action	11	50
	GB.320/INS/3/2	Follow-up to the resolution concerning sustainable development, decent work and green jobs	14	69
4	GB.320/INS/4	Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work	17	75
5		ILO engagement with the private sector:		
	GB.320/INS/5/1	Strategy for wider ILO engagement with the private sector	18	99
	GB.320/INS/5/2	An analysis of public–private partnerships (PPPs)	23	114
6	GB.320/INS/6(Rev.)	Report on ILO activities in Myanmar	26	138
7	GB.320/INS/7	Belarus: Follow-up given to the recommendations of the 2004 Commission of Inquiry	29	147
8	GB.320/INS/8	Report of the high-level tripartite mission to the Bolivarian Republic of Venezuela (Caracas, 27–31 January 2014)	31	180
9	GB.320/INS/9	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	37	193
10	GB.320/INS/10	Follow-up to the resolution on the trade union situation in Fiji, adopted by the Governing Body at its 316th Session (November 2012)	39	195
11	GB.320/INS/11	Complaint concerning non-observance by Fiji of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 102nd Session (2013) of the International Labour Conference under article 26 of the ILO Constitution	40	224
12		Reports of the Committee on Freedom of Association		
	GB.320/INS/12	371st Report	46	248
13	GB.320/INS/13	Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference: Oral report of the Chairperson of the Working Party	50	252, 255
14	GB.320/INS/14 GB.320/INS/14(Add.) GB.320/INS/14(Add.1)	Report of the Director-General	54	256, 262, 266
	GB.320/INS/14/1	<i>First Supplementary Report:</i> Update on the internal reform	56	277
	GB.320/INS/14/2	<i>Second Supplementary Report:</i> Follow-up to the discussion on the dissolution of the International Institute for Labour Studies and the establishment of the central Research Department	58	290
	GB.320/INS/14/3	<i>Third Supplementary Report:</i> Situation of trade union rights in Bangladesh	60	304

<i>Item No.</i>	<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Decision paragraph No.</i>
	GB.320/INS/14/4	<i>Fourth Supplementary Report:</i> Developments in relation to the agreement between the ILO and the International Organization for Standardization, including in the field of occupational safety and health	63	312
	GB.320/INS/14/5	<i>Fifth Supplementary Report:</i> Report of the 19th International Conference of Labour Statisticians (Geneva, 2–11 October 2013) and the Tripartite Meeting of Experts in Labour Statistics on the Advancement of Employment and Unemployment Statistics (Geneva, 28 January–1 February 2013)	65	321
	GB.320/INS/14/6	<i>Sixth Supplementary Report:</i> Documents submitted for information only	67	322
	GB.320/INS/14/7	<i>Seventh Supplementary Report:</i> Appointment of an Assistant Director-General	67	323
	GB.320/INS/14/8	<i>Eighth Supplementary Report:</i> Report of the committee set up to examine the representation alleging non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), made under article 24 of the ILO Constitution by the International Trade Union Confederation and the Building and Woodworkers International	68	324
15		Reports of the Officers of the Governing Body		
	GB.320/INS/15/1	First report: Complaint concerning 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	69	340
	GB.320/INS/15/2	Second report: Evaluation of the impact of the ILO Declaration on Social Justice for a Fair Globalization, 2008	71	351
	GB.320/INS/15/3	Third report: Representation alleging non-observance by the Government of Chile of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the First Inter-Enterprise Trade Union of Mapuche Bakers of Santiago	74	352
	GB.320/INS/15/4	Fourth report: Representation alleging non-observance by Chile of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), made under article 24 of the ILO Constitution by the Teachers' Association of Chile	74	353
	GB.320/INS/15/5	Fifth report: Representation alleging non-observance by the United Kingdom of the Forced Labour Convention, 1930 (No. 29), submitted under article 24 of the ILO Constitution, by the trade unions UNISON, GMB and Napo	74	354
16	GB.320/INS/16	Composition and agenda of standing bodies and meetings	75	355–359
Policy Development Section				
	<i>Employment and Social Protection Segment</i>			
1	GB.320/POL/1	Area of critical importance on jobs and skills for youth	78	382
2	GB.320/POL/2	Area of critical importance on productivity and working conditions in small and medium-sized enterprises	83	405
3	GB.320/POL/3	Follow-up to the Tripartite Technical Meeting on Labour Migration (Geneva, 4–8 November 2013)	88	426
4	GB.320/POL/4	Report for the recurrent discussion on social protection (labour protection) at the 104th Session (2015) of the International Labour Conference	92	439

<i>Item No.</i>	<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Decision paragraph No.</i>
<i>Social Dialogue Segment</i>				
5	GB.320/POL/5	Sectoral Activities Programme 2012–13 and 2014–15	94	465
6	GB.320/POL/6	Update on the Better Work programme	98	494
<i>Technical Cooperation Segment</i>				
7	GB.320/POL/7	Regional perspectives on technical cooperation: Europe and Central Asia	103	503
8	GB.320/POL/8	Follow-up to the Brasilia Declaration on Child Labour	105	523
9	GB.320/POL/9	ILO technical cooperation in fragile States	109	542
<i>Multinational Enterprises Segment</i>				
10	GB.320/POL/10	Implementation strategy for the follow-up mechanism of and promotional activities on the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration)	113	549
Legal Issues and International Labour Standards Section				
<i>Legal Issues Segment</i>				
1	GB.320/LILS/1	Standing Orders of the International Labour Conference: Further proposed amendments concerning the reform of the International Labour Conference and other matters	117	559
2	GB.320/LILS/2	Privileges and immunities of the International Labour Organization: Identification document for Employer and Worker members of the Governing Body	120	570
	GB.320/LILS/INF/2	Promotion of the ratification of the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1997	121	
<i>International Labour Standards and Human Rights Segment</i>				
4	GB.320/LILS/4	The standards initiative: Follow-up to the 2012 ILC Committee on the Application of Standards	122	596–599
5	GB.320/LILS/5	International cooperation relating to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)	131	617
6	GB.320/LILS/6	Choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution in 2015	135	626
Programme, Financial and Administrative Section				
<i>Programme, Financial and Administrative Segment</i>				
1	GB.320/PFA/1	ILO programme implementation 2012–13	138	650
2	GB.320/PFA/2	Delegation of authority under article 18 of the Standing Orders of the International Labour Conference	143	653
3	GB.320/PFA/3	Strategic Policy Framework	144	664
4	GB.320/PFA/4	United Nations system coordination: Financial implications for the ILO	147	671
5	GB.320/PFA/5(Rev.)	Building questions: Headquarters building renovation project	149	686
6	GB.320/PFA/6	Disposition of the funds and assets that remain in the accounts of the International Institute for Labour Studies	151	693
<i>Audit and Oversight Segment</i>				
8	GB.320/PFA/8	Arrangements for the appointment of the External Auditor (2016–19)	153	700
9	GB.320/PFA/9	Follow-up to the report of the Chief Internal Auditor for the year ended 31 December 2012	154	706

<i>Item No.</i>	<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Decision paragraph No.</i>
10		Report of the Chief Internal Auditor for the year ended 31 December 2013		
	GB.320/PFA/10(Rev.)	Report of the Chief Internal Auditor on significant findings resulting from internal audit and investigation assignments undertaken in 2013	155	714
11	GB.320/PFA/11	Report of the Independent Oversight Advisory Committee	156	722
	<i>Personnel Segment</i>			
12		Statement by the staff representative	157	
13	GB.320/PFA/13	Proposals arising from the Director-General's reform plan of action in the area of human resources management	158	759

Appendices

I.	Statement by the Chairperson of the Staff Union Committee	165
II.	Amendments to the Staff Regulations (as approved by the Governing Body on 18 March 2014)	169
III.	Final list of persons attending the session	179

Institutional Section

1. The Institutional Section met on Monday 17 March, and from Monday 24 to Thursday 27 March 2014. The Chairperson of the Governing Body, Ms V.M. Velásquez de Avilés (Government, El Salvador), chaired the Section. The Employer Vice-Chairperson of the Governing Body, Mr D. Funes de Rioja (Argentina), spoke as Employer coordinator for the Section, except in respect of: item 4, Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, where Mr A. Echavarria acted as Employer coordinator; item 5, ILO engagement with the private sector, where Ms R. Hornung-Draus acted as Employer coordinator; item 12, Reports of the Committee on Freedom of Association, where Mr J. Rønneest acted as Employer coordinator; item 14.2, Supplementary Report on the follow-up to the discussion on the dissolution of the International Institute for Labour Studies and the establishment of the central Research Department (RESEARCH), where Mr P. Woolford acted as Employer coordinator; and item 14.3, Supplementary Report on the situation of trade union rights in Bangladesh, where Mr K. Rahman acted as Employer coordinator.
2. The following Governing Body members chaired the remaining sections and segments of the 320th Session:

Policy Development Section

Employment and Social Protection Segment (Thursday, 20 and Friday, 21 March 2014)

Chairperson: Mr D. Garner (Australia)

Employer coordinator: Ms R. Goldberg

Item 1, Area of critical importance on jobs and skills for youth: Mr J. Belahrach

Worker spokesperson: Ms H. Kelly

Social Dialogue Segment (Wednesday, 19 March 2014)

Chairperson: Ms M. Armellini (Italy)

Employer coordinator: Mr P. Woolford

Item 6, Update on the Better Work Programme: Mr S. Martono

Worker spokesperson: Ms S. Fox

Technical Cooperation Segment (Thursday, 20 March 2014)

Chairperson: Mr A.J. Correia (Angola)

Employer coordinator: Mr A. Yuma

Item 7, Regional perspectives on technical cooperation: Europe and Central Asia: Ms L. Horvatic

Item 8, Follow-up to the Brasilia Declaration on Child Labour: Mr D. Lima Godoy

Item 9, ILO technical cooperation in fragile States: Ms J. Mugo

Worker spokesperson: Mr J.R. Gómez Esguerra

Multinational Enterprises Segment
(Wednesday, 19 March 2014)

Chairperson: Mr P.J. Rozet (France)

Employer coordinator: Ms R. Hornung-Draus

Worker spokesperson: Mr S. Gurney

Legal Issues and International Labour Standards Section
(Friday, 21 and Tuesday, 25 March 2014)

Legal Issues Segment

Chairperson: Mr G. Corres (Argentina)

Employer coordinator: Mr C. Syder

Worker spokesperson: Mr L. Cortebееck

International Labour Standards and Human Rights Segment

Chairperson: Mr G. Corres (Argentina)

Employer coordinator: Mr C. Syder

Item 4, The standards initiative: Follow-up to the 2012 ILC Committee on the Application of Standards: Mr D. Funes de Rioja

Worker spokesperson: Mr L. Cortebееck

Programme, Financial and Administrative Section
(Monday, 17 and Tuesday, 18 March 2014)

Programme, Financial and Administrative Segment

Chairperson: Ms V.M. Velásquez de Avilés (El Salvador)

Employer coordinator: Mr M. Mdwaba

Worker spokesperson: Mr L. Cortebееck

Audit and Oversight Segment

Chairperson: Ms V.M. Velásquez de Avilés (El Salvador)

Employer coordinator: Mr M. Mdwaba

Worker spokesperson: Mr L. Cortebееck

Personnel Segment

Chairperson: Ms V.M. Velásquez de Avilés (El Salvador)

Employer coordinator: Mr P. Woolford

Worker spokesperson: Mr L. Cortebееck

**Working Party on the Functioning of the Governing Body
and the International Labour Conference**
(Wednesday, 19 and Monday, 24 March 2014)

Chairperson: Ms V.M. Velásquez de Avilés (El Salvador)

Employer coordinator: Mr D. Funes de Rioja

Worker spokesperson: Mr L. Cortebееck

Committee on Freedom of Association
(Thursday, 13 to Saturday, 15 March 2014)

Chairperson: Mr P. van der Heijden (Netherlands)

Employer coordinator: Mr P. Anderson

Worker spokesperson: Mr Y. Veyrier

3. *The Chairperson* paid tribute to Mr Marc Blondel, Worker member of the Governing Body. A minute of silence was observed.

First item on the agenda

Approval of the minutes of the 319th Session of the Governing Body (GB.320/INS/1)

Decision

4. *The Governing Body approved the minutes of its 319th Session, as submitted.*

(GB.320/INS/1, paragraph 2.)

Opening comments by the Director-General

5. *The Director-General* said that, as was the case during the 319th Session of the Governing Body, the decisions to be taken during this session were complex and controversial, and building consensus might be demanding. Last session's experience showed that the Governing Body worked hard but effectively, took important decisions, and advanced its thinking and approaches to yet unresolved issues. It exercised its proper functions of governance on the basis of a reform which had begun showing its fruits. The Office continued to provide timely, concise and quality documentation and was committed to continuing its efforts in order for the Governing Body to be able to undertake its work with success. He highlighted that the Office was working hard to advance its internal reform processes, including the implementation of the innovations built into the new programme and budget, and that initial decisions on the reform of field operations and structures were to be announced. This session's agenda included specific aspects of the reform: the human resources strategy, the enterprises initiative, the new Research Department, as well as substantive documents on two areas of critical importance (ACIs). The reform of the International Labour Conference (ILC) was also moving forward. The Office was finding these change processes challenging, but was committed to making them work.

Furthermore, it was not allowing the challenges of change to distract it from the demands of the world of work and international policy-making. While there was no Working Party on the Social Dimension of Globalization or High-level Policy Segment scheduled for this session, priority was being given to the inclusion of decent work, full employment and social protection in the post-2015 UN development agenda, to cooperation with the Australian G20 presidency, and to dialogue and cooperation with the International Monetary Fund and the World Bank. Developments in specific national situations were prominent on the agenda, demonstrating that the ILO must find solutions to assist member States. It had a proven record of doing just that, and he expressed hope that Bahrain and the Bolivarian Republic of Venezuela could be added to this record. An examination of the ILO's implementation performance over the last two years would help plot out the framework for future programming, and the Governing Body's guidance on the future Strategic Policy Framework (SPF) was therefore very important. Internal and external circumstances would make this process more complex still. The current session should seek consensus on time frames and other basic parameters of a framework; the substantive content would be examined in November. However, any guidance provided before then would be carefully considered. The substantive policy and cooperation issues before this Governing Body had undoubted significance and weight. Moreover, they linked directly into governance issues. In closing, the Director-General drew attention to the renewed commitment to and support for the International Programme on the Elimination of Child Labour (IPEC) that came out of the III Global Conference on Child Labour (Brasilia, 8–10 October 2013). He informed the Governing Body that the focus of his Report to the ILC would be migration. Finally, he referred to the issue of the ILO's supervisory system, which would require compromise if consensus was to be reached. It was, however, critical that the ILO possessed an effective and authoritative supervisory system in order to carry out its mandate.

Second item on the agenda

Agenda of the International Labour Conference (GB.320/INS/2)

6. *The Employer coordinator*, referring to paragraph (a) of the draft decision, said that his group's choice of option was, in order of preference: (1) effective ILO technical cooperation; (2) the revision of Recommendation No. 71, provided that it focused on enterprise and job creation; and (3) building a diverse and inclusive world of work provided that the approach proposed by the Office be revised. It was not in favour of an item on violence in the workplace. As to paragraph (b), it would be better to wait until the Special Tripartite Committee had met in April 2014 before placing the item in question on the 2014 Conference agenda. As to paragraph (c), a resolution concerning Convention No. 185 would be more appropriate than a Recommendation. As to paragraph (d), the preparations for the general discussions on small and medium-sized enterprises (SMEs) should be a collective effort, taking into account discussions in different global forums. The preparations for the general discussion on decent work in global supply chains should be refocused and take a constructive approach to solving the problems in that area. His group agreed with the content of paragraphs 27–29 of the documents but did not wish the suggestions contained in paragraph 30 to be taken into account in any subsequent work related to the agenda of the Conference. Any revision of standards should take place within the framework of a report adopted by consensus, such as the report of the Working Party on Policy regarding the Revision of Standards, which could serve as a starting point for discussions. His group was convinced that the revision of standards was of fundamental importance to the ILO as the Organization needed a body of relevant and up-to-date standards that attracted ratifications.

7. *The Worker Vice-Chairperson*, referring to paragraph (a) of the draft decision, said that his group's first preference was for an item on violence in the workplace. The new instrument would need to fully address gender-based workplace violence and sexual harassment, which were not currently the subject of any specific ILO standards, resulting in a legal lacuna in many countries. Even when legal provisions did exist, the definitions were often unclear. Violence in the workplace cost the economy millions of dollars in health care, court cases, lost wages and sick pay. Such an instrument would benefit workers, governments and employers alike and was central to the ILO's objective of promoting decent work. His group's second preference was for an item on the revision of Recommendation No. 71 to stress the need to promote decent work in post-conflict situations. Revising the Recommendation would also help to keep the ILO's body of standards up to date. His group was not in favour of an item on effective ILO technical cooperation or on building a diverse and inclusive world of work, as those subjects fell within the remit of the Governing Body. His group agreed with the proposal contained in paragraph (b). As to paragraph (c), his group was in favour of an item on a resolution concerning Convention No. 185 being placed on the agenda of the 2016 Conference. As to paragraph (d), his group was in favour of the proposed consultations to inform the preparations for the general discussions selected on the agenda for 2015 and 2016. With respect to the general discussion concerning SMEs in 2015, the report should address: the need to increase the rate of organization and collective bargaining within SMEs; wages and working conditions; trade, sectoral and macroeconomic policies; and quality of work in SMEs. The Office should better reflect the elements concerning the enabling environment for SMEs contained in the 2007 conclusions. The general discussion on decent work in global supply chains should also take account of developments outside the ILO. His group supported the paper's proposed items for future sessions of the Conference. He asked when the meeting of experts on non-standard forms of employment would take place. His group would also like to see the suggestions contained in paragraph 30 of the document taken up in the November 2014 paper.

8. *Speaking on behalf of the Africa group*, a Government representative of Kenya, referring to paragraph (a)(i) of the draft decision, said that his group supported the following agenda items in order of priority: effective ILO technical cooperation; the revision of Recommendation No. 71; building a diverse and inclusive world of work; and violence in the world of work. As to paragraph (a)(ii), the items that were not retained for 2016 could still be considered beyond 2016. His group agreed with the proposal contained in paragraph (b). As to paragraph (c), his group was in favour of an item on a Recommendation concerning Convention No. 185 being placed on the agenda of the 2016 Conference, as it could encourage increased ratification, but would not be opposed to a resolution. His group supported the proposals for the preparation of the general discussions selected on the agenda for 2015 and 2016. As to paragraph (e), since the seven-year cycle of the Social Justice Declaration would end in 2016, it was necessary to begin assessing its impact. That subject could be discussed at the 2015 Conference with a view to determining the next cycle of recurrent discussions. His group took note of the information provided on future sessions of the Conference referred to in paragraph (f) and endorsed the draft decision as a whole.

9. *Speaking on behalf of Denmark, Finland, Iceland, Norway, Sweden and Switzerland*, a Government representative of Denmark, referring to paragraph (a) of the draft decision and the ongoing discussions on the reform of the Conference, reiterated that there was no predetermined number of technical committees: two would have been sufficient; the process for determining their number had not been transparent and there was a need for a transparent agenda-setting process which would allow the Governing Body to determine the number of technical committees. He was reluctant to support the two proposed standard-setting items, as the standards review mechanism had still not been adopted and those items had not been the subject of a general discussion. However, there was merit in

discussing effective ILO technical cooperation in the light of the results of the ongoing field review and in holding a general discussion on building a diverse and inclusive world of work. The ILO already had a mandate to promote decent work for peace, security and disaster resilience, and to propose a strategy to eliminate violence in the world of work. The latter topic could be part of the recurrent discussion on labour protection in 2015 or become the subject of a general discussion. He asked why the item on the resolution of labour disputes had not yet been removed, recalling the recurrent discussion concerning social dialogue in 2013 and the fact that the Nordic countries together with the Netherlands and Switzerland had proposed the removal of this item at the 319th Session (October 2013).

10. *A Government representative of France* said that his Government was in favour of placing an item on effective ILO technical cooperation on the agenda of the 2016 Conference.
11. *A Government representative of Japan*, referring to paragraph (a) of the draft decision, said that his Government was in favour of placing an item on effective ILO technical cooperation on the agenda of the 2016 Conference. Technical cooperation in the ILO should be adapted to the new global challenges and the results of the review of field operations and technical cooperation should also be discussed at the 2016 Conference. A general discussion on technical cooperation could facilitate the adoption of a new strategic plan for 2018–21 in 2017. His Government was also in favour of including an item on the revision of Recommendation No. 71, which should be reviewed to adapt to contemporary needs and to include recovery from natural disasters, as well as from war. However, his Government would prefer the standards review mechanism to be adopted prior to that item being placed on the agenda.
12. *A Government representative of the Republic of Korea* opted for “Effective ILO technical cooperation in a changing global context” as an ad hoc item for the 105th Session (2016), because a comprehensive review of technical assistance projects would be valuable. With respect to the preparations for the general discussion on SMEs in 2015, she welcomed the approach proposed to include a summary of the best practices of SMEs and guidance on policies to support SMEs.
13. *A Government representative of the Netherlands* noted that there was no need to set up three technical committees at every session of the Conference and that further reflection on the agenda-setting process was necessary. While not being averse to the item “Building a diverse and inclusive world of work”, he said that the item “Violence against women and men in the world of work” would make for a more focused debate at the 105th Session.
14. *A Government representative of Canada* said that it would be useful to discuss “Violence against women and men in the world of work” in 2016. Canada also supported general discussions on “Effective ILO technical cooperation in a changing global context” and “Building a diverse and inclusive world of work”. Items suggested in paragraph 11 of the document which were not selected for 2016 should be retained for future consideration. If the Code of the Maritime Labour Convention, 2006, was to be amended at the April 2014 meeting of the Special Tripartite Committee, those amendments should be submitted for approval at the 103rd Session of the Conference in 2014. Further to the earlier discussion in the Governing Body on the Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185), ¹ her Government did not support the inclusion on the agenda of the Conference of an item involving consideration of a resolution or a Recommendation concerning the Convention.

¹ GB.320/LILS/5.

15. *A Government representative of the United States*, referring to paragraph (a)(i), thought that the agenda for the 105th Session in 2016 should be completed with the item “Violence against women and men in the world of work”. He supported point (b) of the draft decision in paragraph 32. With reference to point (f), he was in favour of including the five items listed in paragraph 28 of the document on the agenda of future sessions. He hoped that a discussion of non-standard forms of employment would lead to a greater understanding of that phenomenon, bring in the findings of researchers, include new approaches and assess its impact on enterprises and workers. It was ironic that those who had been out of work for a long time would have to wait until 2017 before Governments shared their collective wisdom on the topic of long-term unemployment.
16. *A Government representative of India* wished to have the item “Violence against women and men in the world of work” added to the agenda of the 105th Session, as physical or mental abuse could prevent the full optimization of a person’s potential. Cultural diversity should be borne in mind when formulating policy on safety at the workplace. She was also in favour of considering an item related to amendments of the Code of the Maritime Labour Convention, 2006. She welcomed the general discussion on SMEs placed on the agenda of the Conference in 2015 and the approach proposed to link SMEs interventions with other policies in order to boost the micro-, small and medium-sized enterprise sector.
17. *A Government representative of Cuba* could accept the inclusion of either “Building a diverse and inclusive world of work” or “Violence against women and men in the world of work” on the agenda of the 105th Session (2016). He recognized that technical cooperation was a highly complex subject, closely linked to other matters, however his delegation also gave priority to topics concerning social inclusion. He recalled that it had indicated during the 319th Session of the Governing Body, that the proposals not retained should not be discarded and this concerned in particular the proposed item relating to building a diverse and inclusive world of work. His delegation had nothing against the inclusion of the two additional proposals outlined in section B of the document and it agreed with the Office’s proposals in section C of the document. He welcomed the approach proposed by the Office concerning the preparations for the general discussions in 2015 and 2016, with particular reference to the discussion concerning SMEs and decent and productive employment creation.
18. *A Government representative of Germany* said that, as far as the selection of an ad hoc item for the 105th Session was concerned, his Government’s preferences were, first, “Violence against women and men in the world of work” and secondly “Effective ILO technical cooperation in a changing global context”, as that subject had not been debated since 2006 and that the topic should be discussed at the Conference.
19. *A Government representative of Hungary*, noting that the process of setting the agenda of the Conference needed to be improved, said that further discussions were necessary on the agenda of the 105th Session (2016) pending the outcome of the forthcoming 103rd Session (2014) and the reform of the Conference. She was not convinced of the added value of a standard-setting item on the revision of Recommendation No. 71: the standards review mechanism should be implemented. She supported including “Building a diverse and inclusive world of work” as an ad hoc item on the agenda of the 105th Session. In the draft decision, she supported point (b). With reference to paragraph 32(c) no decision could be taken on an item concerning Convention No. 185 prior to the outcome of the meeting of experts considered earlier on by the Governing Body.² Regarding paragraph 32(d), she appreciated the information on the preparations for the general discussions on SMEs in 2015, noting that the different organizational and operating patterns of micro-, small and

² dec-GB.320/LILS/5.

medium-sized enterprises should be a cross-cutting theme of the report to be prepared for the discussion.

20. *A Government representative of China* expressed a preference for the item “Effective ILO technical cooperation in a changing global context”, since it was necessary to ascertain how limited resources could be put to the best use to meet growing demands from member States.
21. *A Government representative of Australia*, referring to paragraph 32(a), said that “Violence against women and men in the world of work” should be discussed in 2016. His Government’s second option would be either “Effective ILO technical cooperation in a changing global context” or “Building a diverse and inclusive world of work”. He supported paragraph 32(b) of the draft decision.
22. *A Government representative of Italy* said that, as far as paragraph 32(a) of the draft decision was concerned, her Government’s order of preference was: (1) the proposed item relating to violence in the world of work; (2) the proposed item relating to technical cooperation; (3) the revision of recommendation No. 71; (4) the proposed item relating to building a diverse and inclusive world of work. Regarding paragraph 32(b), it was not averse to the inclusion of an item related to the approval of any amendments as might have been adopted by the Special Tripartite Committee to the Code of the Maritime Labour Convention, 2006. With respect to paragraph 32(c), as indicated by the Government representative of Hungary, a meeting of experts was likely to be held and therefore the subject was not ripe for discussion in the near future. With reference to paragraph 32(d), a general discussion on SMEs should also cover micro-enterprises. It would be premature to take any decision on paragraph 32(e).
23. *A Government representative of Uruguay* recommended the inclusion of the item “Violence against women and men in the world of work” on the agenda of the 105th Session (2016) with a view to establishing an international standard of protection against such acts.
24. *A Government representative of Mexico* was in favour of including the item “Effective ILO technical cooperation in a changing global context” on the agenda of the 105th Session (2016).
25. *A Government representative of the Russian Federation*, referring to paragraph 32(a), wished to examine the question of “Effective ILO technical cooperation in a changing global context” since such cooperation could strengthen States’ capacity to reduce unemployment. He supported paragraph 32(b) on the understanding that that was a preliminary decision and agreed with paragraph 32(c).
26. *A Government representative of Sri Lanka*, referring to paragraph 32(a), wished to see the inclusion of the items “Violence against women and men in the world of work”. He welcomed the inclusion on the agenda of the 2015 and 2016 sessions respectively of a general discussion on SMEs and a general discussion on “Decent work in global supply chains”.

(The Governing Body deferred the discussion on this item to a later session, as it was unable to reach a consensus.)
27. *A representative of the Director-General* (Deputy Director-General for Management and Reform (DDG/MR)) said that, following consultations, the Office proposed to complete the agenda of the 2016 Conference with the item on the revision of Recommendation No. 71, as it had received some level of support from all the groups, whereas none of the

other items had received unanimous support. He understood that the Workers' and the Employers' groups, as well as the Group of Latin American and Caribbean Countries (GRULAC), the Africa group and some Governments within the Asia and Pacific group (ASPAG) gave some level of support to the item. He recalled that there had been support for paragraph 32(b) of the draft decision; that paragraph 32(c) would be dealt with under a different discussion;³ that the Office would take note of the guidance provided in relation to paragraph 32(d); that the proposal in paragraph 32(e) was being examined separately by the Governing Body in its discussion on an evaluation of the Social Justice Declaration⁴ and that the Governing Body would take note of the information in relation to future sessions of the Conference referred to in paragraph 32(f).

28. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Canada said that her group was disappointed at being presented with a proposal for a third technical item that was not the first choice of any of the groups. It was necessary to find a better method for setting the agenda of the Conference.
29. *A Government representative of the United States* said that his Government was disappointed that the items on violence in the workplace and effective ILO technical cooperation, which were of great interest to a large number of Governments, had been discarded in favour of an item that appeared to be the lowest common denominator and which, furthermore, did not constitute a high priority for governments although ultimately they would be obliged to take into account any instrument that might be adopted. He suggested either holding a vote to select one of the priority items or deferring the decision.
30. *Speaking on behalf of Denmark, Finland, Iceland, Netherlands, Norway and Sweden*, a Government representative of Denmark said that, given that the proposed item was not the first choice of any of the groups and would involve the setting of a standard, the group would prefer to have only two technical items on the agenda. If a third item had to be chosen, a vote should be held on the two items that had received most support, namely violence in the world of work or technical cooperation. The decision could be deferred if necessary.
31. *A Government representative of Italy* agreed that, as the inclusion of a third technical was a tradition rather than a legal requirement. It would be preferable to have only two technical items on the 2016 agenda, but if a third had to be selected, her Government's preference was for the item on violence in the workplace. If that item was not selected, it should be retained as a possibility for the agenda of a future Conference. The decision could also be deferred if necessary.
32. *A Government representative of India* said that her Government still favoured the item on violence in the workplace. The item chosen should be a priority for the majority of the members of the Governing Body.
33. *A Government representative of Canada* said that her Government had supported the item on violence in the workplace, as well as the items on effective ILO technical cooperation and building a diverse and inclusive world of work. If no agreement could be reached, her Government suggested holding a vote or deferring the decision.

³ *ibid.*

⁴ dec-GB.320/INS/15/2.

34. *A Government representative of Hungary* said that there was no need, or formal requirement, to have three technical items on the agenda and that her Government preferred to have only two. Alternatively, further discussion could be held. It was necessary to improve the procedure for setting the Conference agenda.
35. *A Government representative of France* said that the item being proposed was a default choice, and the two items that seemed to be a priority for a large number of governments had been discarded. It was necessary to either defer the decision or to find a more legitimate method for selecting agenda items.
36. *A Government representative of the United Kingdom* said that it was necessary to find a better method for selecting agenda items for the Conference. Agenda items needed to be relevant and acceptable to all groups. The procedure for updating Conventions and Recommendations should be considered carefully before new standards were added.
37. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that, while his group's first choice had been the item on effective ILO technical cooperation, his group was willing to make the revision of Recommendation No. 71 its first choice in the interest of breaking the stalemate and moving forward. Deferring the decision would not resolve the issue at hand.
38. *The Employer coordinator* said that his group would have preferred to have only two technical items; alternatively, its preference for the third technical item was effective ILO technical cooperation. The proposed item was therefore not his group's first choice but the employers were nonetheless interested in discussing it. His group endorsed the proposal made by the Office.
39. *The Worker Vice-Chairperson* said that his group's first choice was the item on violence in the workplace and that the item should be retained for the agenda of future Conferences. However, the item on the revision of Recommendation No. 71 was its second choice. His group endorsed the Office's proposal.
40. *A Government representative of Brazil* said that his Government had expressed an interest in revising Recommendation No. 71 at previous sessions of the Governing Body. It was clear that the procedure for selecting agenda items needed to be re-examined.
41. *The representative of the Director-General (DDG/MR)* said that it was indeed necessary to re-examine the procedure for setting the agenda of the Conference. This was a long-standing issue that needed to be resolved. The proposed topic was the only one which was acceptable to all groups. A number of decisions had already been deferred to the November 2014 session of the Governing Body and to defer the current decision only to discuss the same issues would not be a productive use of the Governing Body's time. It was possible that the Governments which had not given strong support to the proposed item would embrace it once the relevant preparations had started, including consultations with constituents. He underlined that the work undertaken would not constitute merely a review of the Recommendation but that it could be far broader and embrace recovery from all sorts of disasters. He urged the members of the Governing Body to support the proposal as it stood.

Decision

42. *The Governing Body:*

- (a) *completed the agenda of the 105th Session of the International Labour Conference (2016) by selecting an item on decent work for peace, security and disaster resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) (standard setting, double discussion);*
- (b) *provisionally placed the topic relating to the approval of the proposed amendments to the Code of the Maritime Labour Convention, 2006, on the agenda of the 103rd Session (June 2014) of the Conference, subject to the submission of any amendments adopted by the Special Tripartite Committee in April 2014;*
- (c) *provided guidance on preparations for the general discussions concerning the item “small and medium-sized enterprises and decent and productive employment creation” for the 104th Session (2015) and “decent work in global supply chains” for the 105th Session of the Conference (2016);*
- (d) *took note of the information provided in document GB.320/INS/2 in relation to future sessions of the Conference.*

(GB.320/INS/2, paragraph 32, as amended.)

Third item on the agenda

Matters arising out of the work of the International Labour Conference

Follow-up to the resolution concerning the recurrent discussion on fundamental principles and rights at work: Implementation of the plan of action

(GB.320/INS/3/1)

43. *A representative of the Director-General (Director, Governance and Tripartism Department) introduced the document, noting that, as the plan of action was an Office-wide initiative involving headquarters departments and field offices, an overview of all accomplished activities was difficult. Ongoing activities, such as the preparations for the Conference discussion in June 2014 on a possible new instrument to complement the Forced Labour Convention, 1930 (No. 29), had not been mentioned in the document. Pending the evaluation of the plan in 2015, good practices emerging from implementation by the Office to date had been identified. A resource-mobilization strategy was being prepared to address the shortfall so that all of the activities in the plan could be implemented.*

44. *The Employer coordinator* welcomed the information that 30 per cent of non-ratifying member States were implementing new initiatives to give effect to the fundamental principles and rights at work. However, he wondered what criteria the Office was applying to the development of technical assistance programmes. The Employers, on a previous occasion, had stressed the need for the plan to be funded from regular budget resources but noted that little progress appeared to have been made in that regard. He recommended that the plan should continue to focus on leading the knowledge agenda, advocacy and information dissemination. He welcomed the increased visibility of fundamental principles and rights at work and suggested that its promotion be mainstreamed across all areas of the ILO's work, noting that capacity building was necessary to improve the promotion of fundamental principles and rights at work by the social partners. He commended the Office's work, with the International Organisation of Employers (IOE), on updating the employers' handbook to combat forced labour, and welcomed the promotion of fundamental principles and rights at work through international partnerships, especially in relation to the post-2015 development agenda.
45. *The Worker spokesperson* regretted that freedom of association and collective bargaining had not been given more emphasis in the plan of action, which needed to be based more explicitly on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. He renewed the appeal to member States to ratify the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). He was in favour of capacity building for employers' and workers' organizations and enhancing the role of labour inspection. He wondered why fundamental principles and rights at work had been integrated into only three out of eight ACIs and was surprised that only 16 per cent of technical cooperation projects approved in 2013 related to fundamental principles and rights at work. He also wondered what steps were being considered to meet outstanding requests for technical assistance and when the Office proposed to hold the meeting of experts on atypical forms of employment, which had been due to take place in June 2012. He called for increased efforts to include activities related to Conventions Nos 87 and 98 in Decent Work Country Programmes (DWCPs). He welcomed the statistics on union membership and the legal framework of labour relations. With reference to child labour, he welcomed the new statistics and the holding of a global conference. Regarding a possible new instrument on forced labour, his group was moving towards understanding why a Protocol combined with a Recommendation might be desirable. Fundamental principles and rights at work should be part of the post-2015 development agenda and respected by institutions in their anti-crisis measures. The positions on the fundamental principles and rights at work adopted by member States and in other bodies had to be coherent. He regretted the lack of funding allocated to national equality bodies and urged member States to give top priority to combating discrimination and promoting equality. He called for a restructuring of the document to facilitate evaluation and for the allocation of adequate resources for the ongoing implementation of the plan in the future.
46. *Speaking on behalf of the Africa group*, a Government representative of Kenya emphasized that further ratifications of fundamental Conventions were still needed to achieve the goal of universal ratification. Noting the cases of progress on Conventions Nos 87 and 98 and the adoption of two new national action plans on freedom of association and collective bargaining, he reiterated the importance of technical assistance in that regard. Fundamental principles and rights at work could only be realized if there was continuous capacity building for social partners to ensure harmonized and sustainable implementation. He looked forward to the report on the Office's strategies and actions to promote fundamental principles and rights at work in ten sample countries.

47. *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Italy said that Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Bosnia and Herzegovina, Norway, Republic of Moldova, Armenia and Georgia aligned themselves with her statement. Since respect for fundamental principles and rights at work was enshrined in the EU's legislation and external relations and in many of its policies, her group supported the ILO's efforts to promote fundamental principles and rights at work worldwide. She urged all member States to ratify and implement the eight core Conventions, recalling that membership in the ILO carried the obligation to uphold these principles. She encouraged the Office to continue engaging member States in good practices. Freedom of association was still not a reality in some countries but, as it was key to the realization of other human rights, the EU would continue to address restrictions in that area. She was concerned about the lack of reliable data on victims of forced labour. In the area of child labour, she called for support from the Office and member States to cooperate with the EU's work on updating the list of hazardous types of work. She urged countries to combat discrimination in employment and occupation and reiterated her group's previous call for an estimate of the resources needed to implement the plan of action.
48. *A Government representative of India* suggested that DWCPs could be an effective source of technical support for the incorporation of fundamental principles and rights at work in countries' socio-legal frameworks. While research was welcome, it should not be used for imposing conditions on member States or making comparisons. She encouraged capacity building for the social partners. Within international partnerships, there must be no shrinkage of the ILO's area of impact or core mandate. India's pragmatic approach to ratification took account of consensus-building, national priorities and socio-economic realities, including child labour, the elimination of which required long-term and comprehensive efforts. In that regard, she mentioned recent legislative action, including proposals for amendments to bring national law into conformity with Conventions Nos 87 and 98. For India, commitment to the principles enshrined in the fundamental principles and rights at work was more important than ratification, which would be a gradual process requiring ILO technical support. Fundamental principles and rights at work would be a key component in the post-2015 development agenda.
49. *A Government representative of Indonesia* recalled that her country had ratified all eight core Conventions. A current national programme aimed at bipartite empowerment was promoting social dialogue at the company level with a view to ensuring better conditions for workers, increased productivity and more harmonious industrial relations. Accordingly, she called for the ILO's continued support for social dialogue in her country.

Outcome

50. *The Governing Body took note of the information contained in document GB.320/INS/3/1 and requested the Office to take into account the views expressed during the discussion of this document.*

(GB.320/INS/3/1, paragraph 17.)

Follow-up to the resolution concerning sustainable development, decent work and green jobs (GB.320/INS/3/2)

51. *The Employer coordinator*, referring to the possibility of holding a tripartite meeting of experts on sustainable development, decent work and green jobs, did not disagree with the draft decision as such but thought it premature to discuss the issue. The discussion should be deferred until the 321st Session of the Governing Body, pending a fact-based analysis.
52. *The Worker Vice-Chairperson* thought that the proposed tripartite meeting of experts would be useful for several reasons; for example, it would underline the relevance of employment and social policy instruments to strategies supporting the post-2015 development framework, and serve as input to the UN conference on climate change due to be held in Paris in December 2015. With regard to the nine policy areas of the just transition framework, the meeting should take account of already adopted and agreed tripartite ILO resolutions, conclusions, recommendations and international labour standards related to those areas. He supported the draft decision.
53. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Bosnia and Herzegovina, Norway, Republic of Moldova, Armenia and Georgia aligned themselves with her statement. She expressed surprise at seeing the item on the agenda of the current Governing Body session, given that the decision adopted at the previous session had been for evidence-based analysis to be provided before the 322nd Session (November 2014) of the Governing Body. There appeared to be no compelling reason not to adhere to that timeline. She agreed that better ILO guidance was needed on the greening of economies and on aligning support with international labour standards. The application of labour standards, including with respect to labour inspection and occupational safety and health, was crucial. Equally important were the anticipation of future skills needs and the adoption of training policies in relation to green skills. She welcomed the building of a knowledge base and evidence-based policy guidance, which could help in formulating contributions to the post-2015 development agenda. The additional time before the Governing Body session in November would be valuable for providing more robust analysis, which was an essential basis for convening a tripartite meeting of experts. She proposed that the draft decision in paragraph 22 should be replaced by a new text, covering the points she had raised.
54. *Speaking on behalf of the Africa group*, a Government representative of Ghana said that his group had already specified the role that the ILO should play in helping Africa, where the creation of decent jobs and employment opportunities needed to be accompanied by investment in skills training and capacity building. His group welcomed the partnerships the ILO had established with other UN agencies with a view to mainstreaming sustainable development into DWCPs and promoting coherence between environmental, economic and social policies. The Turin Centre and the ILO Research Department (RESEARCH) could also contribute in that regard. He asked what criteria were used to select the countries that would benefit from ILO programmes and whether there were plans to roll out programmes in others. His group took note of the admission that policy guidance in that area was inadequate. It was in favour of holding a meeting of experts, provided that the Office gathered sufficient evidence to justify it.

55. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said that investment in sustainable land management practices could create varied employment opportunities. However, investment in such practices necessitated occupational training that would allow workers to access formal, better-paid jobs. The ILO should continue to follow up on that issue, especially in developing countries that had requested technical assistance from the Office. If the Office decided to provide technical assistance in the area of e-waste, it should do so in strict accordance with the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal and other legislation prohibiting the exportation of such material. When the ILO participated in forums such as the Green Growth Knowledge Platform, it should do so bearing in mind the decisions taken by the tripartite constituents. Any measure or decision on which a consensus was reached in such forums should be submitted to the Governing Body in a document for information or decision. The meeting of experts should: comprise at least three experts from each region, to be identified by the regional coordinators; allow the participation of observers; be flexible in length to ensure that all agenda items were covered; follow a specific agenda agreed upon ahead of time; ensure that the items for discussion and any recommendations made by the experts were in conformity with the Rio +20 outcome document; and bear in mind the fact that there was still no consensus on the definition of “green”. His group endorsed the draft decision. Furthermore, it encouraged the member countries of the ILO to take action to expedite the entry into force and effective implementation of the Minamata Convention on Mercury and requested the Office to continue to demonstrate willingness to collaborate with the Conference of the Parties to that Convention. An item on that subject should be placed on the agenda of the November 2014 session of the Governing Body. The Office could prepare a paper to facilitate the discussion with the assistance of the World Health Organization (WHO) and the United Nations Environment Programme (UNEP).
56. *A Government representative of the United States* said that the question of holding a meeting of experts should be considered at the November 2014 session of the Governing Body, which would give the Office more time to prepare the evidence-based analysis. In the meantime, it was important to ensure that workers could share in the benefits of the transition to a greener economy; that the fundamental rights of workers were respected when implementing new policies and investing in new sectors; and that social safety nets were in place to prevent those displaced by the transition from falling into poverty. Her Government recognized that the Office was already addressing those areas through building the ILO knowledge base and disseminating information on key issues, but remained unsure as to whether such a meeting would add value to the ongoing work of the Office in that area.
57. *A Government representative of India* said that poverty alleviation and full employment were still major challenges for the majority of the world’s population and that greening the economy should contribute to addressing those challenges. ILO initiatives on capacity building, policy guidance and technical assistance should take account of the country’s socio-economic situation, its national legal framework and the particular challenges it faced. Her Government was of the opinion that a meeting of experts could serve to tap into the global pool of knowledge on sustainable development, decent work and green jobs, and it therefore endorsed the draft decision.
58. *A Government representative of Switzerland* said that his Government concurred that an item on mercury and the Minamata Convention should be placed on the agenda of the November 2014 session of the Governing Body.

59. *A Government representative of China* said that, while a low-carbon economy could lead to many factories being closed and to many workers losing their jobs, it could also generate new sources of employment. His Government was in favour of holding a meeting of experts with a focus on skills development and it therefore endorsed the draft decision.
60. *A Government representative of Canada*, recalling the decision adopted at the October 2013 session of the Governing Body, said that her Government looked forward to receiving the evidence-based analysis with a view to continuing the discussion on the meeting of experts at the November 2014 session of the Governing Body.
61. *The Employer coordinator* said that his group endorsed the draft decision as amended by the EU.
62. *The Worker Vice-Chairperson* said that his group did not see the need for a more detailed document to conclude that the ILO should play a role in that area and that it was necessary to organize a meeting of experts to explore the subject in greater detail. He requested the EU to specify the additional information it would like to be included in the document.
63. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy, recalling the decision adopted at the October 2013 session of the Governing Body, said that the EU considered the short document prepared by the Office for discussion at the present session to be the evidence-based analysis referred to therein. After having examined the document, the EU required more evidence in order to consider convening a meeting of experts.
64. *The Worker Vice-Chairperson* said that all the necessary evidence was already in the document and that his group endorsed the draft decision as it stood.
65. *A representative of the Director-General* (Director, Enterprises Department) said that the document had been submitted for discussion at the current session of the Governing Body because the decision adopted in October 2013 had merely stated that the Governing Body should receive it before the November 2014 session. He requested clarification on the evidence sought by the EU. If the draft decision was adopted, a more detailed proposal for the meeting of experts, which would take into account all the suggestions made during the discussion, could be developed. The Office could prepare a document to that end.
66. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the EU would welcome more examples of the analytical work being carried out by the Office, mentioned in paragraph 10.
67. *The Worker Vice-Chairperson* suggested adopting the draft decision in principle and finalizing the details of the meeting of experts at a later date.
68. *A Government representative of Brazil* said that, while his Government was of the opinion that there was already enough information to organize a meeting of experts, it was not opposed to receiving an additional document from the Office.

Decision

69. *In the light of the information provided by the Office on the rationale for, and overall purpose of, a possible tripartite meeting of experts on sustainable development, decent work and green jobs, the Governing Body recommended the organization of a tripartite meeting of experts to review, amend and adopt draft policy guidelines as outlined in paragraph 20 of document GB.320/INS/3/2,*

subject to the availability of financial resources, and invited the Office to submit a proposal for the arrangements of such a meeting, including its intended outcome, composition, place and date, duration, costs and financing, to the 321st Session (June 2014) of the Governing Body.

(GB.320/INS/3/2, paragraph 22, as amended.)

Fourth item on the agenda

Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.320/INS/4)

70. *The Employer coordinator* said that, while achieving an increase in ratifications should not be the only focus of the follow-up to the Declaration, the ILO had a responsibility to assist member States that were not yet in a position to ratify the core Conventions. The “no change” reports from some governments did not necessarily reflect a loss of momentum; on the contrary, governments continued to demonstrate that they promoted respect for fundamental principles and rights at work without necessarily having ratified certain Conventions. Referring to the United Nations (UN) *Guiding principles on business and human rights*, he said that care should be taken to avoid confusion between ILO and UN texts, as the focus was different. His group requested specific information on technical assistance by the ILO with a view to evaluating the progress and efficiency of the annual review. Priority areas for ILO work were: technical assistance to promote the respect of fundamental principles and rights at work and potential ratifications; strengthening government reporting capacities, among others; policy and legislation assistance; strengthening tripartite dialogue; capacity-building for employers’ and workers’ organizations; and financial support to develop technical cooperation programmes in member States.
71. *The Worker Vice-Chairperson* said that his group was concerned by the downward ratification trend and the low ratification of Conventions Nos 87 and 98. His group urged the 47 countries that had yet to ratify one or more of the core Conventions to do so and to fully realize the fundamental rights that they contained. The weaknesses mentioned in the document with regard to institutional mechanisms, social dialogue, collective bargaining and labour inspection were not surprising in cases where there was an absence of organized social partners. The Office should give priority to the many requests for technical assistance from governments and from workers’ and employers’ organizations to overcome the challenges related to technical cooperation. Cross-departmental work should play an important role in that regard. The Office should also allocate the resources needed to ensure progress towards achieving universal ratification of ILO core Conventions. To that end, better use should be made of DWCPs, better synergies should be sought among the fundamental principles and rights at work, and ILO advocacy should be strengthened. The ILO should also carry out more research and engage constituents in discussing how to overcome practical barriers for the enjoyment of fundamental rights. Lastly, he noted that the information provided in paragraph 63 of the document on the ratification of Convention No. 87 did not reflect the views of the Central Organization of Trade Unions of Kenya (COTU–Kenya).

72. *Speaking on behalf of the Africa group*, a Government representative of Kenya said that the document highlighted challenges facing constituents with regard to capacity constraints, legal literacy and barriers, and a lack of awareness and political will, among others. The Office should redouble its efforts to respond to the large number of requests for assistance. To meet those demands, the technical cooperation budget should be rethought and delivery mechanisms should be defined in the context of ongoing reforms within the Office in order to optimize technical assistance initiatives. He requested further information on the Office's resource mobilization initiatives.
73. *A Government representative of the Republic of Korea* said that the amendment of the Trade Union and Labour Relations Adjustment Act mentioned in paragraph 26 of the document had taken place in 2011 and was therefore not relevant. Furthermore, the information in the same paragraph regarding violations against trade unions applied to only a few unions; his Government would submit further information in that regard in August 2014.
74. *A Government representative of Canada* said that, contrary to the information provided in the document, her Government was carrying out a review of Convention No. 138 with a view to its possible ratification. Furthermore, Canada's ratification of Convention No. 29 had not been taken into account.

Outcome

75. The Governing Body:

- (a) took note of the information presented in document GB.320/INS/4;*
- (b) invited the Director-General to take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work;*
- (c) invited the Director-General to take account of this goal in the Office's resource mobilization initiatives.*

(GB.320/INS/4, paragraph 147.)

Fifth item on the agenda

ILO engagement with the private sector

Strategy for wider ILO engagement with the private sector

(GB.320/INS/5/1)

76. *The Worker Vice-Chairperson* reiterated that the mutually reinforcing relationship between decent work and sustainable enterprises could only be established through interactions between government, management and workers' representatives. According to the 2007 conclusions on the promotion of sustainable enterprises, the concept of enterprise did not involve management alone. Underlining the need to move beyond corporate social responsibility (CSR), he noted the importance of building on international labour standards, the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and the UN Guiding Principles on Business and

Human Rights. Enterprises that wished to engage with the ILO should also be willing to engage with the respective Global Union federation. The ILO should not engage with enterprises that were not willing to engage with trade unions. The screening role of the Bureau for Workers' Activities (ACTRAV) was important in that regard. The ILO's engagement with enterprises should be concrete and focused on developing a roadmap for improving working conditions and labour rights and for promoting sound industrial relations. The strategy for engagement should also aim to create a coherent system of advice on international labour standards on which other public policy organs could draw. With regard to the section of the document on "Methodology and operations", he wished to emphasize the important role played by ACTRAV and the Bureau for Employers' Activities (ACT/EMP) in facilitating and strengthening ILO engagement with the private sector. The Enterprises Department should work with the two Bureaux on designing and implementing substantive work with enterprises. While supporting the draft decision, he called for the revised approach to be reviewed and evaluated at regular intervals.

77. *The Employer coordinator* said that she was shocked by the suggestion that enterprises which did not want to engage with Global Union federations should not be allowed to engage with the ILO. Employers were very keen to approach enterprises; that was why they had supported the establishment of the Helpdesk, for instance. There were different ways to establish codes of conduct on corporate responsibility, which did not only have to be in the form of a framework agreement signed with a Global Union federation. The relationship manager for enterprises wishing to engage with the ILO should be ACT/EMP, and for workers ACTRAV. The two Bureaux should cooperate very closely in a spirit of social dialogue. They were not there to make policy and did not have the right to veto an enterprise's engagement with the ILO; such political decisions were the prerogative of the Director-General. She therefore did not agree with the methodology outlined in paragraph 9 of the document, which would add a second layer of bureaucracy.
78. Noting that many international organizations were currently producing guidelines on principles for enterprises to apply to their international operations, she said that the Enterprises Department had a crucial role to play in drawing up and implementing a strategy of systematic institutional engagement with those organizations in order to ensure policy coherence. However, the Department should concentrate on implementing the programmes for which it was responsible, and should not duplicate the work done by ACT/EMP and ACTRAV in managing relationships with enterprises.
79. *Speaking on behalf of the Africa group*, a Government representative of Ghana noted that constructive engagement with the private sector must take into account the seven key messages emerging from the discussion at the 319th Session of the Governing Body. His group endorsed ILO engagement across the entire spectrum of the Office's activities. He took note of the three strategic components of the enterprise initiative and welcomed the processes of engagement described in paragraph 9 of the document. Nonetheless, with regard to the roles of ACT/EMP and ACTRAV as described there, he called for an integrated approach that took into account the tripartite nature of the ILO and asked how governments would be involved in that process.
80. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said that, with the processes described in paragraph 9, the cooperation offered by the ILO would be clearer, quicker and more pragmatic, and thus more extensive and efficient. He therefore supported the process whereby the Enterprises Department would be the technical lead department responsible for the coordination and execution of activities relative to enterprises, while also supporting the channelling of contacts from enterprises to ACT/EMP, or ACTRAV if the contact came from workers' organizations. However, all activities should respect the tripartite nature of the ILO. It was important to strengthen the

regional offices so that they could respond to interests expressed by enterprises and be involved in the three strategic components of the initiative.

81. *Speaking on behalf of IMEC*, a Government representative of Italy said that she was not entirely convinced that the process outlined in paragraph 9 met the criteria set out in the preceding paragraph, namely that it was “understood and respected across the Organization and ... enable[d] such contacts to be managed systematically and coherently”. The envisaged procedure involved passing through many actors, and it added steps that were not part of current practice. The purpose of directing all contacts to ACT/EMP and ACTRAV was not clear; she believed that the review and clearance procedure established for public–private partnerships (PPPs) under the guiding principles adopted by the Governing Body in 2008 were sufficient. Furthermore, the fact that the fields of work of PPPs were covered by many departments in the Office should be taken into account when designing the coordination function of the Enterprises Department. Decentralization was an approach to be encouraged, as was the involvement of the Research Department and the International Training Centre of the ILO (Turin Centre). The revised approach to the ILO’s engagement with enterprises should be evaluated no later than March 2016.
82. *A Government representative of the Islamic Republic of Iran* underscored the need for the ILO to develop an appropriate range of partnership and engagement models to implement its strategy to promote sustainable enterprises and decent work. The Office’s experience to date highlighted the role of management processes in achieving a coherent and systematic response, with full information sharing across the Organization. He attached considerable importance to internal management arrangements and acknowledged that they must meet the two criteria set out in paragraph 8 of the document. Research needs arising from the enterprise initiative should be the subject of consultation between the Enterprises and Research Departments.
83. *A Government representative of France* said that the document rightly described enterprises’ expectation of a clear and pragmatic response from the ILO. The corollary of that response was simple and pragmatic internal management. In that regard, some proposals in the paper (notably those concerning the involvement of several departments of the Office) required further clarification. It was essential to ensure suitable, flexible and, above all, efficient processes.
84. *A Government representative of Switzerland* supported the proposal to make the Enterprises Department responsible for activities under the enterprise initiative and encouraged the Office to pursue its efforts in that regard. She proposed that the procedure for PPPs and relations under the MNE Declaration should be the same, at least at the beginning, as that applicable for all engagement with the private sector. As the proposed internal management system slowed down the partnership process, units should be set strict and clear deadlines for engagement with enterprises. The revised approach should be evaluated no later than 2016.
85. *A Government representative of India* said that governments were vital to ensuring that the right conditions were in place for private sector-led growth. More issues relevant to less developed and emerging economies should have been included in the document. The ILO had a responsibility to create an enabling environment for small enterprise development, based on private sector initiatives in microfinance and microinsurance and CSR initiatives oriented towards informality. The skill and education levels of the workforce in emerging economies were low compared with those of advanced economies, and a clear strategy was needed to foster relevant skills. The development and implementation of international framework agreements as part of enterprise and supply chain policies should be within the national legal framework of each country: India, for example, had released guidelines on responsible social behaviour by business enterprises.

86. *A Government representative of the Russian Federation* supported the Office's proposal, but emphasized the importance of respecting the principle of tripartite representation and the special prerogatives of ACT/EMP and ACTRAV. It would be useful if the Enterprises Department could establish contacts with other organizations concerned with labour standards, although costs should not be excessive.
87. *A Government representative of Argentina* said that sustainable enterprises were critical to tackling the global employment crisis. Argentina welcomed the three strategic components proposed in the October 2013 document and the Enterprises Department's technical lead, but would like more information on how governments could participate in consultations with the private sector.
88. *The Worker Vice-Chairperson*, clarifying a previous comment, said that the ILO had to take the lead in the interpretation and implementation of labour standards and its values, principles and standards should always be taken into consideration when engaging with a private enterprise. Noting the significance of the activities outlined in the document, he expressed concern that the Multinational Enterprises Programme (EMP/MULTI) had not always been sufficiently resourced in the past. In conclusion, he noted that the final decision on whether to engage with a private enterprise lay with the Director-General.
89. *The Employer coordinator* emphasized the importance of the Director-General creating a simple and pragmatic procedure for enterprises, which fully respected the tripartite nature and the interests of the constituents.
90. *The Director-General* noted with satisfaction that the substance of the revised strategy had basically met with the approval of the Governing Body, and that most of the comments had related to the methodology and operational aspects of the initiative, responsibility for which normally lay with the Office. He assured the Governing Body that all arrangements under the initiative would adhere to the values, principles and standards of the ILO and fully respect its tripartite character. The question of the manner in which ILO engagement with enterprises could be achieved, and the substance of that engagement, was of concern to employers, workers and governments alike, and the arrangements to undertake the initiative should reflect that shared interest.
91. Noting that the prospect of the ILO expanding or renewing its engagement with private enterprises had raised questions about representation, he reaffirmed that the initiative would not weaken the representational mandate of employers' organizations, and, if successful, would even strengthen it. A large number of enterprises were already engaged with the ILO, but more could be done, not merely to continue past practices, but to do more and to do better. Employers' organizations would be a major, but not exclusive, actor, in facilitating access and contact with enterprises. Regarding the mechanisms for engagement, ACT/EMP and ACTRAV would have an entry point function: the processes should not be overly bureaucratic, or politicized. Governments, too, had access to the process, and had previously provided assistance in making contact with enterprises.
92. The enterprise initiative covered the panoply of ILO activities, and involved all units and technical departments, and yet the Enterprises Department had a very specific role to play. Its establishment answered the challenges of providing more information about the realities, needs and practices of modern business, and responding to the views of business. Nevertheless, attributing a proper role to the Department would not be to the detriment of other units, or to the roles of ACTRAV and ACT/EMP. The ILO ran the risk of being overly bureaucratic, slow and formalistic in its responses to business, and if it was, enterprises would not stay: a rapid, clear, pragmatic and agile system was therefore required.

93. He hoped that the Governing Body would agree to go ahead with the initiative, including in relation to the roles of ACT/EMP and ACTRAV and the leadership role of the Enterprises Department, on the understanding that the views expressed during the discussion would be fully taken into account and recognizing that, with regard to how prescriptive to be on the content of paragraph 9, it was difficult to satisfy everybody.
94. *The Employer coordinator* asked how employers' organizations could be major actors in facilitating ILO engagement with enterprises, when the document clearly stated that the Enterprises Department would take the lead. She cautioned that a duplication of management tasks could lead to excessive bureaucracy. Specifically, noting that projects between enterprises and the ILO were extremely diverse and that it was inefficient to regroup all of them under the Enterprises Department, she said that tasks would inevitably end up being delegated to other departments, making the process even more bureaucratic.
95. *The Director-General* explained that employers' organizations were fundamentally important in facilitating contact between enterprises and the ILO, but others could also play a role in that regard, including trade unions and governments. The involvement of ACT/EMP would ensure transparency, openness and dialogue with the employer community; he did not see that as a complicating issue. He agreed that duplication and overly heavy procedural arrangements should be avoided. While ACT/EMP would be able to participate in any process involving its interests, the ILO had an in-house technical capacity that had a role to play. The Enterprises Department had a slightly different role from other technical departments in coordinating the response to enterprise needs. Overall, the Office would use a pragmatic, flexible and operational approach, and would adapt the process as necessary.
96. The Director-General said that, while it was clear that the Governing Body welcomed the key messages in the document, there was disagreement with regard to the methodology and operations of the enterprise initiative, particularly from the Employers' group. Despite the efforts by the Office to resolve the issues that had been raised, it had not been possible to find a common understanding. Therefore, the only appropriate course of action would be to delay a decision on the item until the 321st Session (June 2014) of the Governing Body. The Office would engage directly and energetically with all parties concerned, in order to prepare a draft decision that would meet with the agreement of them all.
97. *The Employer coordinator* said that, while his group supported the enterprise initiative in principle, it would not be able to provide its full political support unless there was recognition of the role played by enterprises in the group; without that support, the initiative would not be able to achieve the desired objectives. He looked forward to the Director-General's engagement in resolving the matter, so that a decision could be taken in June.
98. *The Worker Vice-Chairperson* said that, as the ILO's engagement in the private sector was so important, it was crucial to have the support of all constituents. He therefore agreed with the Director-General's proposal.

Decision

99. ***The Governing Body decided to defer its consideration of the strategy for wider ILO engagement with the private sector until its 321st Session (June 2014).***

(GB.320/INS/5/1.)

An analysis of public–private partnerships (PPPs)

(GB.320/INS/5/2)

100. *The Worker Vice-Chairperson* reiterated that ILO principles and values should be reflected in all PPPs and emphasized the need for greater participation of the social partners. Social dialogue, international labour standards and industrial relations should be core issues in PPPs. A much more proactive approach should be taken towards promoting the MNE Declaration in PPPs; for example, all companies wishing to establish a partnership with the ILO should discuss with the Office ways to include proposals for its implementation and promotion. While private entities could be proactive in the design, delivery and evaluation of PPPs, the Office should have managerial responsibility for the implementation of technical cooperation activities financed by PPPs. While he supported cooperation with the private sector, he did not support the privatization of the UN system and highlighted that UN member States are responsible for providing Official Development Assistance, not the private sector.
101. The information provided by the Office on the implementation of PPPs between 2008 and 2013 would need to be further disaggregated in relation to the 19 outcomes. An evaluation of results would also be needed. Some areas of work, such as employment, microinsurance, child labour and Better Work had received substantial resources from PPPs. The Office should take a proactive approach to direct PPPs to other key areas of work, particularly international labour standards and labour relations, and reduce the imbalance among the 19 outcomes. Noting that the term “PPP” normally referred to partnerships between governments and the private sector, whereas at the ILO it was used to refer to partnerships between the ILO and non-governmental actors, he suggested that a different term could be found to avoid confusion. The Office should review the methodology for measuring the involvement of the social partners in PPPs.
102. Arrangements to promote a more proactive approach in the field should adhere to the guiding principles on PPPs established by the Governing Body. An initial screening process involving ACTRAV and ACT/EMP to verify prospective partners’ eligibility to work with the ILO was essential. Next, the content of the proposed PPP should be approved, again with the involvement of the workers’ and employers’ representatives. An important component of evaluation was the proposals’ contribution to achieving decent work objectives, as well as the proposed participation of social partners. Strategic monitoring, including regular reviews and an assessment of the outcomes, was key. Companies must not use PPPs with the ILO to gain its stamp of approval, and then disrespect fundamental principles and rights at work. The ILO constituents needed to be engaged in the PPP strategic reorientation process. Collaboration with the Turin Centre was important with regard to capacity building.
103. *The Employer coordinator* supported PPPs, as they were beneficial both for the ILO and businesses. The ILO could improve its decent work outcomes by engaging with business, and the measure of business contribution to the partnership would be the results achieved, such as employment generation or improvement of working conditions. For PPPs to be successful, there should be a sound business case and the potential for them to deliver benefits for all partners. As underlined in the document, the business contribution should not be seen primarily in terms of fundraising, but also in terms of access to expertise, knowledge, resources and skills for PPPs’ beneficiaries. Therefore, research projects, campaigning or advocacy, capacity building and training, and temporary placement of personnel were useful elements for PPPs. The voluntary nature of PPPs was critical to their success. Therefore, the ILO needed to be tuned in to companies’ profiles and needs. Too rigid rules would hamper the development of PPPs. The fact that during the period under review PPPs had increased and had followed a programmatic approach was an achievement, and the Office could now address more outcomes. It also had to be noted that PPPs were not limited to enterprises but also

covered foundations, think tanks, academia and other non-State actors. She agreed with the proposals made in the document for a more focused and proactive approach and the roles which should be taken by ACT/EMP and ACTRAV, which should be applied also to the enterprise initiative, to ensure coherence in the Office approach.

104. *Speaking on behalf of the Africa group*, a Government representative of Ghana noted that PPPs had become an effective way of delivering technical cooperation to ILO constituents, allowing for innovation, efficiency, productivity and cost-effectiveness. Although funding from PPPs had decreased, the number of partnerships had significantly increased. Since PPPs did not always come with financial contributions, this was what the ILO needed to implement technical cooperation programmes at the country level. He noted that it was positive that most PPPs were in the domain of employment generation, with a strong focus on labour standards and that Africa benefited from the highest concentration of PPPs. In subsequent reports, he would like more information on the effectiveness of the interventions, rather than on figures. The ILO should also devise a strategy to increase PPPs in regions that currently benefited least from them. On PPP collaboration in social dialogue, social protection and elimination of child labour, he appreciated the increase in results achieved from six, in 2008, to 14 outcomes, in 2013, and pointed to the need to deepen further engagement in more areas of activity, and to develop action plans and capacities.

105. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica highlighted the value added of PPPs and indicated that his region provided a favourable context to develop these initiatives both in areas that had already received the highest percentage of financial resources, including the fight against child labour and the improvement of employment policies, and those that could become higher priorities in the near future, including social security and SMEs. The increase in the number of PPPs since 2008 was a positive development. Continued tripartite participation in the implementation and evaluation of future PPPs was essential. He supported the proposals for a more targeted and proactive approach with the participation of tripartite constituents.

106. *Speaking on behalf of IMEC*, a Government representative of Italy said that PPPs could promote knowledge and expertise sharing and pool resources for sustainable development. They could produce mutually beneficial gains for all. They could introduce innovations in the ILO and, at the same time, facilitate the incorporation of the ILO's values and goals into businesses. As indicated in the analysis, funding was not an objective in itself or the only indicator of engagement for PPPs. There had been an increase in PPPs since 2008, with a record peak in 2013, although funding had not increased. Thanks to its tripartite structure, the ILO was very well placed compared to other UN agencies, and should reinforce the positive trend. She strongly supported the proposals for a focused and more proactive approach, with the direct involvement of the field offices. The Office already had a well-defined clearance and review mechanism and the clearance procedure was sufficient to ensure the involvement of Employer and Worker representatives. The ILO should improve timely responses and avoid adding burdensome or unclear procedures. The Turin Centre should be fully involved in coordination, knowledge sharing, strategic monitoring and communication. It would be useful to appraise the resources invested in the PPP strategy, to compare them with the return from concluded partnerships.

107. *Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)*, a Government representative of Viet Nam appreciated the analysis and the fact that PPPs were established for exchanging added types of resources between actors rather than for funding. However, it would be useful to know whether the decrease in funding over the last two years was due to the economic crisis or other reasons. He recommended stimulating a more proactive approach by regional and country offices. He supported the proposals to refine the PPP strategy.

- 108.** *A Government representative of Switzerland* indicated that the projects funded by Switzerland needed to become sustainable and independent. For this purpose, it was crucial to have an efficient and agile system for PPPs, so that projects could be partially or fully funded by the private sector in the future. The ILO had concluded PPPs with Swiss companies, or based on projects supported by Switzerland, but the approval process was slow. It was important to have a unique PPP coordinating department, with experience and knowledge of all the ILO's products and an effective internal approval procedure with binding deadlines should be established.
- 109.** *A Government representative of the Republic of Korea* noted that the number of private actors engaging in partnerships with the ILO was on a steady rise and PPPs with companies made up the largest proportion of such partnerships. It was noteworthy that enterprises preferred country-specific initiatives to global level partnerships. Although further research might be needed to establish the reasons for that preference, it appeared that enterprises expected their initiatives to be visible and tangible. The ILO should fully consider enterprises' preferences when planning PPPs. The ILO should establish an action plan to strengthen the capability of its regional offices, to enable them to initiate more PPPs.
- 110.** *A Government representative of Argentina* supported the proposals to refine the PPP strategy. The proposal for a more targeted, systematic and proactive approach was particularly pertinent. In this regard, it was important to reinforce the field offices' role. Tripartite participation with regard to all aspects of PPPs was equally important.
- 111.** *A Government representative of India* said that expanding the role of the private sector allowed public agencies to tap into private sector technical and financial resources in new ways, both financial and non-financial. PPPs should take into account the diversity and socio-economic conditions of the constituents. The Indian Government was committed to improving the level and quality of its economic and social infrastructure services including through a substantive role for PPPs. She suggested that a refined ILO PPP strategy could be based on a sectoral approach. PPPs should focus, among other things, on skills enhancement in the least developed countries and emerging economies and on SMEs, to ensure that the most vulnerable part of the global workforce benefited from the ILO's Decent Work Agenda.
- 112.** *A Government representative of the Islamic Republic of Iran* indicated that the analytical information presented in the report effectively served the purpose of developing a more targeted, systematic and proactive approach to PPPs. She encouraged the Office to increase the PPPs in her region; deepen its engagement over further areas; develop regional action plans and capacities; further strengthen the quality appraisal mechanism; introduce more strategic monitoring of partnerships; and boost research, knowledge sharing and innovation through PPPs.
- 113.** *A representative of the Director-General* (Director, Partnerships and Field Support Department (PARDEV)) highlighted that the existing procedure ensured that ACT/EMP and ACTRAV were actively involved and that ILO values and principles were respected in each and every PPP. However, the procedure could still be improved, for example through a differentiated approach and introducing deadlines. In reply to the Workers' request for more disaggregated data on the specific 19 outcomes, he indicated that the PARDEV website would have a full listing of PPPs by outcome and also provide in-depth analyses. Training on PPPs would be arranged in 2014 for field offices to ensure their increased involvement. The Office had noted a growing interest of private companies and foundations in international labour standards in global supply chains and this was likely to become a priority.

Decision**114. *The Governing Body requested the Office to:***

- (a) implement, on the basis of the guiding principles, the proposals in paragraph 25 of document GB.320 /INS/5/2 for a refined PPP strategy; and*
- (b) report on progress in relation to such implementation no later than March 2016.*

(GB.320/INS/5/2, paragraph 26.)

Sixth item on the agenda**Report on ILO activities in Myanmar**

(GB.320/INS/6(Rev.))

- 115.** *The Worker Vice-Chairperson* reiterated that a clear picture of the situation with regard to ILO activities in Myanmar was vital to gauge progress with regard to compliance with the Forced Labour Convention, 1930 (No. 29). However, the current report was merely an update on previously submitted summary reports, and did not enable meaningful conclusions to be drawn. The ILO should furnish a comprehensive report on its activities to the Governing Body in June 2014. Further information should be provided, in particular, on: how a rights-based approach was being applied; the involvement of trade unions in ILO projects; the attention being given by the ILO to conflict areas in view of the recent reports of cases of forced labour and of the forced recruitment of children by the military in those areas; the ILO's current, or anticipated, response to the problem of forced evictions; and why a project advisory committee involving the social partners did not yet exist. Reiterating his group's concerns about investment in the energy sector, he said that the ILO should help develop an independent public inspection system to ensure that forced labour did not occur during onshore oil and gas exploration projects, with unions playing a critical role. His group had also repeatedly voiced concerns about forced labour accountability, specifically about military officers avoiding sanction. The Office needed to furnish sufficient information on sanctions and detail the role the social partners played in its work against forced labour. He supported the extension of the Supplementary Understanding forced labour complaints mechanism.
- 116.** After outlining the areas of particular concern for his group, which included the ineffectiveness of the Settlement of Labour Dispute Law and the arrests under the controversial Peaceful Assembly and Procession Act, he said that the ILO should work with the Government to identify priority reforms. Despite marked improvements, there remained shortfalls requiring urgent action. The Government should revise its legislation to be consistent with the ILO's Conventions and Recommendations.
- 117.** *The Employer coordinator* said that the work of the ILO Office in Myanmar was extremely important. He trusted that the Director-General would make the necessary resources available without delay, to ensure that the Office's work had an impact.
- 118.** *A Government representative of Myanmar* said that the Government and the ILO were effectively implementing the Joint Action Plan to eliminate forced labour by 2015, which included awareness raising. Subsequent to its ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), Myanmar was collaborating with the ILO on a project to eradicate child labour. The Government had established a land utilization committee

with offices in various townships to resolve land ownership disputes. Since the enactment of the Labour Organization Law in March 2012, over 1,000 labour organizations had been established. Deliberations on minimum wages were under way following the adoption of the Minimum Wage Law in June 2013. The ILO and international donors were providing support for technical cooperation in eight areas under the “Decent Work – A Tool for Economic Development and Poverty Reduction” agenda. The Government welcomed foreign direct investment, while keeping labour rights a top priority. In December 2012, it had established an initiative to promote transparency and better management in extractive industries. Through a joint project with the ILO, the Government was focusing on the well-being and rights of its workers abroad.

119. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Norway, Serbia, Albania, Republic of Moldova and Georgia. She expressed strong support for the country’s democratic and economic transition and welcomed the Office’s activities in the country, in particular its emphasis on fundamental principles and rights at work. Noting that the participation of the social partners in building the institutions necessary for a modern, inclusive society was of the utmost importance, she said that the EU would help achieve the objective of eliminating all forms of forced labour by 2015 by contributing, among other things, to the creation of the best possible regulatory environment and promoting responsible investment. For example, it aimed to launch an investment agreement in 2014 in the context of the EU–Myanmar Task Force.
120. *A Government representative of Thailand* welcomed the progress achieved to promote socio-economic development, well-being, peace and national reconciliation and stressed the importance of maintaining momentum in that regard. He fully supported Myanmar’s efforts and commended it on the tangible improvements in labour rights and growing cooperation with the ILO.
121. *A Government representative of the Russian Federation* noted with satisfaction that the Government had made a great deal of progress in a short space of time towards establishing modern labour relations and said that foreign investment had improved labour relations and strengthened Myanmar’s economy.
122. *A Government representative of Viet Nam* welcomed the developments made in Myanmar, particularly those relating to the elimination of forced labour, awareness raising, freedom of association, social security, and the drafting of new laws.
123. *A Government representative of the United States*, observing that there was movement in the right direction with regard to the elimination of forced labour, commended the Government of Myanmar on its recent ratification of Convention No. 182 and urged it to step up its efforts to address the remaining concerns in that area. The adoption of the Labour Organization Law and the Settlement of Labour Dispute Law were important steps forward, but significant work still had to be done to implement and enforce those statutes. The Government should ensure adequate protection for workers seeking to form labour organizations prior to, and after, official registration. Transparent mechanisms should be established to document, implement and monitor decisions rendered by arbitration and conciliation bodies at all levels. It was important for the ILO to continue to assess and reinforce progress, particularly with regard to capacity building and training.
124. *A Government representative of Japan* commended the recent adoption of laws on a minimum wage, employment and skills development, and social security. His country was ready to draw on its own experience and cooperate with the Government of Myanmar and the ILO in tackling the remaining problems.

125. *A Government representative of the Islamic Republic of Iran* welcomed the progress made by the Government of Myanmar in protecting and promoting labour rights, and especially the ratification of Convention No. 182. He also welcomed the Government's three broad policy objectives of establishing sustainable peace, rural development and poverty reduction, and expressed appreciation of the Office's pursuit of its specific programme in Myanmar.
126. *A Government representative of India* noted that Myanmar was successfully implementing a programme of economic, social and political reform. He commended the Government's review of the social policy framework with community involvement, and its protection and promotion of labour rights. It should continue to engage with the ILO in technical cooperation activities, while the Office and member States should continue to extend technical assistance to Myanmar.
127. *A Government representative of Australia* welcomed the joint efforts made by the Government of Myanmar and the ILO to eliminate all forms of forced labour. He noted that the ILO technical assistance programmes initiated in Myanmar included expansion of the Tripartite Action to Protect and Promote the Rights of Migrant Workers within and from the Greater Mekong Subregion from Labour Exploitation (the GMS TRIANGLE project), which was supported by his country.
128. *A Government representative of China* noted that tangible progress had been achieved. Among other measures, he particularly welcomed the fact that the Government had undertaken awareness-raising activities to eliminate forced labour and established a complaint mechanism for the recruitment of child soldiers.
129. *A Government representative of Canada* welcomed the many positive steps taken together, by the ILO Liaison Office and the Government, and encouraged them to continue to work closely so as to maintain the momentum achieved to date.
130. *A Government representative of Sri Lanka* appreciated the significant progress made by Myanmar with regard to forced labour, freedom of association, ratification of Conventions and enactment of legislation.
131. *A Government representative of Indonesia* welcomed the efforts made by the Government to promote labour rights in Myanmar, in close cooperation with specialized agencies of the UN system, particularly the ILO. She noted that a full ILO programme had been introduced in response to identified Government priorities.
132. *A Government representative of the Bolivarian Republic of Venezuela* congratulated the Government on developing the ILO programme, especially with respect to the abolition of forced labour. He valued the progress made and the strengthening of trade unions and freedom of association.
133. *A Government representative of the Republic of Korea* welcomed the objective, jointly agreed by the Government and the ILO, to eliminate all forms of forced labour by 2015. Efforts to that end were gaining momentum, and the beginnings of substantive improvements were visible. The activities of the ILO Liaison Office had undoubtedly helped to enhance the capacity of constituents in the country.
134. *A Government representative of Cuba* recognized the usefulness of ILO's continuing support to Myanmar and took note of the considerable improvement in working conditions for the ILO Liaison Office.

135. *A Government representative of Cambodia* noted that Myanmar was implementing technical cooperation programmes in eight prioritized areas. Full implementation of those programmes would certainly lay the foundation for decent working conditions in the country.
136. *A Government representative of Switzerland* attached particular importance to strengthening respect for human rights and establishing peace. Capacity building was an essential stage for successful implementation of future activities, and her country would continue to support projects in that area, as well as those aimed at improving working conditions in the garment and tourism sectors.
137. *A representative of the Director-General* (Liaison Officer, ILO Liaison Office in Myanmar) confirmed that the strategy for the Office was focused on strengthening the regulatory framework, building capacity and raising awareness. Accountability was being heightened, but more remained to be done. Legislation concerning the harassment of workers was being considered by Parliament, and the Office was cooperating with the Government on a total of 18 bills that were in different stages of preparation. In-depth discussions were being held with the Government on the recognition of labour organizations.

Outcome

138. *The Governing Body took note of the report on ILO activities in Myanmar (document GB.320/INS/6(Rev.)), and provided guidance thereon to the Office.*

(GB.320/INS/6(Rev.), paragraph 43.)

Seventh item on the agenda

Belarus: Follow-up given to the recommendations of the 2004 Commission of Inquiry (GB.320/INS/7)

139. *The Worker Vice-Chairperson* expressed deep concern about the situation of trade union and workers' rights in Belarus. The current State policy made trade union pluralism impossible since independent unions were marginalized, new organizations could not register and existing ones were losing their members due to a system of fixed-term contracts. The situation of Belarusian workers was worsening as they were pressured to join the State-controlled unions; the regime was clearly pushing towards a monopolistic trade union movement as the Federation of Trade Unions had lost any democratic elements; and the tripartite Council for the Improvement of Legislation on the Social and Labour Sphere was not functioning. Under the current regime, the recommendations made by the Commission of Inquiry a decade previously might never be fully implemented; the Government's repeated statement that some were no longer relevant reflected its lack of commitment and disregard for the ILO. The ILO should maintain political pressure on the Government to induce a change of attitude, develop contacts with it to intensify national social dialogue and collective bargaining, and encourage the participation of independent unions in the tripartite Council, with a view to ensuring the implementation of the Commission of Inquiry's recommendations. He urged the Government of Belarus to develop concrete measures, to be assessed by the Committee on the Application of Standards in June.

140. *The Employer coordinator* expressed regret that no significant progress had been reported in the implementation of the recommendations. It was positive that members of the tripartite Council viewed that body as a useful platform for discussing the recommendations; however, it had no agreed workplan or methods, it met irregularly, and disagreements on the agenda were frequent, making it difficult to solve issues brought to its attention. All efforts should be made to transform the Council into an effective forum with full tripartite active involvement.
141. *A Government representative of Belarus* said that his Government's work with the ILO had led to stronger relations between constituents and the adoption of a number of measures to ensure the implementation of the recommendations. The Government and social partners had worked constructively with the direct contacts mission to enable it to carry out its tasks. The mission had attached particular importance to the work of the Council, which was a tripartite body and included representatives of Belarus's two main trade union associations. Not a single party of the Council had called into question the usefulness of the body – a direct result of the Government's commitment to trade union pluralism and social dialogue. The Government had received written confirmations from all trade unions and Employers' groups stating their readiness to work on the implementation of the mission's suggestions, and would shortly begin dialogue with the ILO on specific mechanisms.
142. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Albania, Norway and Republic of Moldova aligned themselves with her statement. Her group was committed to a policy of critical engagement with Belarus, but bilateral relations under the Eastern Partnership were conditional on Belarus's progress towards respect for the principles of democracy, the rule of law and human rights. Her group was concerned by the lack of progress towards implementation of the recommendations and by the new problems reported. She called on Belarus to amend, or repeal, legislation not in conformity with the right of workers to organize, and to eliminate obstacles to trade union registration, especially Presidential Decree No. 2. The Office should scale up its technical assistance to Belarus.
143. *A Government representative of India* noted with satisfaction that appropriate steps were being taken by the Belarusian Government to implement the recommendations and, in particular, that the Council included the two trade union associations. India encouraged further dialogue and cooperation between the ILO and Belarus to resolve all outstanding issues.
144. *A Government representative of the Russian Federation* said the direct contacts mission was a good opportunity to renew dialogue over Belarus. He applauded Belarus for the high-level reception given to the ILO mission, which demonstrated the country's willingness to cooperate. The recommendations had been adopted ten years earlier and some had become less relevant; the registration of primary trade union organizations was no longer problematic. In addition, each State had its own procedure for reviewing normative legislation, particularly for controlling associations' finances, but that should not be interpreted as an infringement of freedom of association. He urged the tripartite constituents of Belarus to find joint resolutions to the outstanding issues at round table discussions.
145. *A Government representative of the United States* appreciated that the Government had accepted the mission but was disappointed by its findings. The main underlying issues raised by the Commission of Inquiry had still not been resolved and new problems had arisen. He urged the Government to engage in meaningful and sustained cooperation with

the ILO and hoped that it would be able to demonstrate that it had begun the necessary steps to implement the recommendations prior to the ILC in two months.

146. *A Government representative of Cuba* welcomed the positive findings of the direct contacts mission and its proposals to enable Belarus to continue on a constructive path.

Outcome

147. *The Governing Body took note of the report and requested the Office to take into account the observations and guidance provided during the discussion.*

(GB.320/INS/7.)

Eighth item on the agenda

Report of the high-level tripartite mission to the Bolivarian Republic of Venezuela

(Caracas, 27–31 January 2014)

(GB.320/INS/8)

148. *The Employer coordinator* recalled that the reason for the mission was a complaint presented by the Venezuelan Federation of Chambers of Commerce and Manufacturers' Associations (FEDECAMARAS) and the IOE, alleging the violation of freedom of association under Convention No. 87, resulting in Case No. 2254 before the Committee on Freedom of Association. The complainants in this case alleged acts of violence and intimidation against FEDECAMARAS and its officials; seizure and recovery of estates and enterprises; the adoption of legislation violating Conventions Nos 87 and 98 and a lack of social dialogue and tripartite consultations. He expressed his appreciation to his fellow Officers for their active participation in the mission and to the Government of the Bolivarian Republic of Venezuela for having enabled the mission to take place. Before reaching its conclusions, the mission had met with various tripartite constituents. It had found that the Venezuelan Government's statement about a widespread inclusive dialogue did not equate to tripartite social dialogue as proclaimed by the ILO and covered issues that fell outside the scope of the ILO's mandate. The Office had offered the Government technical assistance with a view to set up criteria to determine the representativeness of employers' and workers' organizations. The report concluded that the Government must devise a plan of action with specific stages and time frames for engagement in tripartite dialogue in order to find solutions to settle all matters pending in Case No. 2254. The Government's devising of a plan of action in consultation with the social partners and engagement in technical cooperation with the ILO would be viewed as an act of adherence, and a substantial step towards peace and social dialogue in the country.
149. *The Worker Vice-Chairperson* also thanked the Government for its hospitality. Noting that the mission had fulfilled the mandate it had been given by the Governing Body, he recalled that the mission had also held meetings with trade unions, in accordance with the principle of tripartism. He welcomed the Government's statements that: it was open to reviewing all workers' complaints and allegations concerning the violation of trade union and collective bargaining rights; it was ready to continue to improve dialogue with employers' and workers' organizations; and it was open to receiving technical assistance. He reiterated that inclusive democracy, as enshrined in the 1999 Venezuelan Constitution, was not incompatible with the social dialogue enshrined in Conventions Nos 87 and 98. He endorsed, in particular: the need for a constructive approach to social dialogue to address

the outstanding issues in Case No. 2254; the establishment of a regular tripartite round table on industrial relations and draft legislation; and the invitation to the Government to avail itself of technical assistance on representativeness. Furthermore, he expressed the hope that the Government would devise a plan of action to give effect to the mission's conclusions.

150. *The Deputy Minister of Labour of the Bolivarian Republic of Venezuela* clarified that the reasons for the postponements to the mission on several occasions were out of the Government's control. Concerning the seven issues mentioned in paragraph 8 – six relating to alleged assaults and human rights violations and one relating to a lack of bipartite or tripartite social dialogue – he said that: (1) the police investigation had found that the attack on Ms Albis Muñoz had resulted from common criminality, had not been anti-union in nature and the trial of two suspects was under way; (2) the former President of FEDECAMARAS had not been investigated, prosecuted or called as a witness; (3) having spent much time with FEDECAMARAS, the mission had not witnessed any acts of violence against that organization or its officials; (4) the cases relating to land did not concern seizures but rather recoveries of land carried out in accordance with a lawful procedure, and did not represent persecution of trade unionists or of employers' officials; and (5) social dialogue was widespread in the country and only problematic with FEDECAMARAS, which had declined invitations to participate in all but one dialogue forum. The Government had made a commitment to establish bipartite dialogue with Worker representatives of the Governing Body to review all allegations on violation of freedom of association communicated to the mission. It had been unaware of new allegations from FEDECAMARAS, to which it would have responded.
151. The Government would respond in due course to the mission report and to the offer of technical assistance. It was willing to engage in bipartite dialogue with FEDECAMARAS to settle the unresolved issues in Case No. 2254. As for tripartite dialogue, FEDECAMARAS must comply with the labour law governing the registration of the most representative organizations, and should take its place at the round table meetings involving other employers' organizations. The Government was already working on an action plan including four such meetings. He felt that the report prepared by the Office was not entirely impartial and failed to cover all aspects of the mission; he would submit a document providing a preliminary, detailed response to the report, and requested that that document be brought to the attention of the Committee on Freedom of Association in relation to Case No. 2254.
152. *A Government representative of Costa Rica* said that the following countries aligned themselves with the statement: Argentina, Barbados, Brazil, Plurinational State of Bolivia, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, Trinidad and Tobago, and Uruguay. They welcomed the cooperation and information provided by the Venezuelan Government. In particular, they took note of the measures taken against common criminality and violence, and the Government's assurances that the social partners were not specific targets of violence or of its land recuperation policies. They trusted that the pending judicial proceedings would be brought to court soon, that due compensation would be paid for recuperated lands, and that tripartite dialogue would be improved. They were confident that the Government would provide a detailed response to the report, and asked the Governing Body to ensure due follow-up.
153. *A Government representative of Algeria* noted the Venezuelan Government's willingness to combat violence. It would be advisable for the ILO to provide more technical assistance towards strengthening the social dialogue with Venezuelan employers and workers. He supported the referral of Case No. 2254 back to the Committee on Freedom of Association.

154. *A Government representative of Brazil*, noting with satisfaction the measures taken by the Venezuelan authorities to investigate the events in question, said she trusted that the pending cases would soon be resolved. She acknowledged Venezuela's willingness to continue to engage in extensive dialogue with employers' and workers' organizations and with the ILO. Emphasizing her faith in the ILO's system for supervising standards, she reaffirmed how important it was for the social partners to be heard in a balanced and transparent fashion.
155. *A Government representative of the Russian Federation* congratulated the Venezuelan Government and social partners on their constructive cooperation with the high-level tripartite mission. It was clear that the Venezuelan Government was taking the appropriate steps to investigate the acts of violence mentioned in the report and was willing to cooperate with the ILO. Technical assistance should be given to the Bolivarian Republic of Venezuela if its Government so requested. The mission report should be submitted for further consideration to the Committee on Freedom of Association without the inclusion of any new topics.
156. *A Government representative of Sri Lanka* said that the ILO should support the Venezuelan Government by offering whatever technical assistance it required to strengthen the process of social dialogue. The Governing Body should take note of all the statements made during the debate, pass on information regarding Case No. 2254 to the Committee on Freedom of Association and allow the Venezuelan authorities sufficient time to respond to the recommendations contained in the report.
157. *A Government representative of Cuba* commented that the Venezuelan Government's cooperation with the high-level tripartite mission was a token of its political will and commitment. It was clear from the statement of the representative of the Venezuelan Government that the latter was prepared to pursue its action on the matters referred to in the report.
158. *A Government representative of India* was pleased to note the support given to the high-level tripartite mission by the Venezuelan authorities and that an inclusive social dialogue was being maintained. Due cognizance should be given to the Venezuelan Government's constructive engagement with the ILO.
159. *A Government representative of Egypt* said that the report of the high-level tripartite mission's visit to the Bolivarian Republic of Venezuela reflected the will of the country's Government to cooperate with workers' and employers' organizations to settle the points at issue. Respecting the decisions of the Venezuelan judiciary would be in the best interests of the tripartite constituents. The ILO should provide technical cooperation to support the Government's efforts.
160. *A Government representative of Argentina* hoped that the national programme referred to in the report would make it possible to put an end to violence. He trusted that due legal process would be observed when dealing with Case No. 2254 in the Venezuelan courts. Social dialogue in that country should include representatives of FEDECAMARAS. Since the problems outlined in the report could be resolved only through dialogue and technical cooperation, he was in favour of referring the report and the replies of the Government of Venezuela to the Committee on Freedom of Association.
161. *A Government representative of Lebanon* expressed the hope that the Venezuelan Government's intention to continue both its dialogue with workers and employers and the anti-violence programme would yield results in the near future. He noted the Government's commitment to improving the position of trade unions. Lastly, he trusted

that the recommendations made to the Government would result in a speedy conclusion of Case No. 2254.

162. *A Government representative of China* said that the Venezuelan Government should be given more time to study the recommendations contained in the report. The ILO should supply the Bolivarian Republic of Venezuela with technical cooperation to help it to comply with the Conventions in question.
163. *A Government representative of the Islamic Republic of Iran* asked the Office to assist the Venezuelan Government to settle all the outstanding issues.
164. *The Employer coordinator* said that proceedings in the case of Ms Albis Muñoz should not end in impunity for her assailants, and that there was apparently room for discretion in expropriation matters. He noted some ambiguities and contradictions with regard to recognition of the representative nature of FEDECAMARAS which should not exist. Some of the contentions of the representative of the Venezuelan Government did not square with the findings of the report. Social dialogue and technical cooperation offered the best solution to the outstanding problems, which had to be tackled without delay in the best interests not only of the tripartite constituents in the Bolivarian Republic of Venezuela but also of the international community. His group therefore urged the Government to propose a plan of action in consultation with the social partners and with the technical cooperation of the ILO in order to resolve all the issues which had given rise to Case No. 2254.
165. *The Worker Vice-Chairperson* said that the measures outlined in paragraph 54 of the report were vital. The round table should have an independent chairperson. The Government would be well-advised to avail itself of technical assistance with issues related to the representative nature of FEDACAMARAS. His group advocated the implementation of the plan of action and asked the Governing Body to support that recommendation.
166. *The Deputy Minister of Labour of the Bolivarian Republic of Venezuela* said that his Government would evaluate the plan of action proposed in paragraph 54 of the report. It would welcome technical cooperation provided that it was consonant with the country's Constitution. He would immediately discuss a plan of work with the trade unions and all the many other parties to the ongoing dialogue. The case of Ms Albis Muñoz, which concerned an ordinary crime, was being handled by the courts. FEDECAMARAS was not an officially registered organization and could not therefore be regarded as more representative than another. He hoped that if Case No. 2254 were referred back to the Committee on Freedom of Association it would resolve many of the issues.
167. *Speaking on behalf of 16 countries in GRULAC*, a Government representative of Costa Rica said that the following countries supported an amendment to the decision: Argentina, Plurinational State of Bolivia, Brazil, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Mexico, Nicaragua, Peru, El Salvador, Trinidad and Tobago, Uruguay and Bolivarian Republic of Venezuela. The amendment sought to align the decision with the report of the high-level mission, proposing the following wording in subparagraph (b):
 - (b) invites the Government of the Bolivarian Republic of Venezuela to consider the recommendations contained in the report of the high-level tripartite mission and, within that framework, prepare a plan of action, in consultation with the national social partners; and requests the Director-General to provide the necessary assistance requested by the Venezuelan Government for that purpose;
168. *Government representatives of Algeria, Egypt and Cuba* said that their Governments supported the amendment submitted by GRULAC.

169. *A Government representative of Viet Nam* encouraged the Venezuelan Government to continue to work with the social partners to address the challenges still remaining and called on the ILO to strengthen its technical assistance in that process. His Government supported the amendment submitted by GRULAC.
170. *The Employer coordinator* said that in view of the seriousness of the situation in the country, which dramatically affected the activity of both employers' and workers' organizations, his group could not accept any softening in the request for action to the Venezuelan Government. The decision went beyond the case in question to the core principles and values of the ILO. His group therefore supported the original draft decision, requesting the ILO to pursue the matter coherently and efficiently, and to employ the relevant supervisory tools if progress was not observed in the short term.
171. *The Worker Vice-Chairperson* said that his group supported the original draft decision, which provided the greatest coherence with the conclusions of the high-level mission.
172. *The Worker Vice-Chairperson* underscored the fact that the amendment proposed by his group simply invited the Government of the Bolivarian Republic of Venezuela to develop and implement a plan of action in consultation with national social partners and requested the Director-General to provide the required assistance.
173. *The Employer coordinator* said that, in view of the serious situation in the Bolivarian Republic of Venezuela, his group could not support any softening of the recommendations in the report. It supported the draft decision put forward by the Officers of the Governing Body, as amended by the Workers' group.
174. *Speaking on behalf of 16 countries in GRULAC*, a Government representative of Costa Rica wondered if a decision could be adopted solely on the strength of support from the Employers' and Workers' groups, without taking account of governments' views. Governments had not had time to study and hold consultations on the new proposal, on which there appeared to be no consensus.
175. *A Government representative of Germany*, also speaking on behalf of the Netherlands, endorsed the current draft decision as it stood.
176. *A Government representative of the Bolivarian Republic of Venezuela* said that there was no consensus on the text of the draft decision before the Governing Body and that paragraph 46 of the rules applicable to the Governing Body referred solely to consensus and made no mention of a majority. The decision taken should be consistent with those rules, in particular with paragraph 46 thereof, which established that consensus was characterized by the absence of any objection. His Government and the GRULAC countries did not accept the formulation of the draft decision as it stood. Paragraph 54 of the report recommended the establishment of a tripartite committee, the main purpose of which would be to hold consultations on any new labour, social or economic legislation. That obviously constituted a grave infringement of the country's sovereignty. The draft decision concerned recommendations that his Government would not be able to implement, as they were not consonant with the Constitution, and which even fell outside the mandate of the ILO, as they sought to ensure that the laws and socio-economic policy of the Bolivarian Republic of Venezuela would be discussed at a tripartite round table, which would never be accepted.
177. *A Government representative of the Russian Federation* said that his delegation had been willing to support the text of the decision officially circulated by GRULAC. It did not support the current decision as it stood.

178. *Speaking on behalf of Denmark, Finland, Norway and Sweden*, a Government representative of Denmark endorsed the comments of Germany, the Netherlands, the Workers' group and the Employers' group.
179. *The Director-General* said that, in the absence of consensus, a decision could be adopted by the majority. The support of the Workers and Employers and of several regular Government members of the Governing Body provided a clear majority in favour of the draft decision put forward by the Officers of the Governing Body, as amended by the Workers' group.

Decision

180. *The Governing Body:*

- (a) took note of the information contained in the report of the high-level tripartite mission to the Bolivarian Republic of Venezuela (27–31 January 2014) and thanked the mission for its work;*
- (b) urged the Government of the Bolivarian Republic of Venezuela to develop and implement the plan of action recommended by the high-level tripartite mission in consultation with national social partners and requested the Director-General to provide the required assistance to that end;*
- (c) submitted the report of the high-level tripartite mission to the Committee on Freedom of Association for its consideration in the framework of the next examination of Case No. 2254 at its meeting in May–June 2014.*

(GB.320/INS/8.)

181. *A Government representative of the Bolivarian Republic of Venezuela* drew attention to the fact that his country had been one of the founding members of the ILO. There was no consensus on the text just adopted. Did the countries which had been in favour of that text have a supralegislative body? In his country the only body which could draft and adopt laws was the legislature. A consultative tripartite committee could not do so. Yet that was what the text which had been adopted required. His Government could not apply the text because it was unconstitutional and the rules applicable to the Governing Body had not been respected. In the dialogue currently under way in the Bolivarian Republic of Venezuela, FEDECAMARAS was in the process of agreeing on a plan of action different to that proposed in the decision. Was it therefore necessary to suspend that process and to tell FEDECAMARAS to leave the negotiating table?
182. *A Government representative of Cuba* noted with sadness that it had not been possible to achieve consensus. His Government maintained its support for the amendment proposed by a large number of countries in GRULAC.
183. *The Director-General* assured the members of the Governing Body that they could have the fullest confidence in the integrity and impartiality of all ILO staff at all times. He had that confidence. It was his responsibility to ensure that the standards of performance expected of the Organization were respected and applied.

Ninth item on the agenda

Complaint concerning non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 101st Session (2012) of the International Labour Conference under article 26 of the ILO Constitution (GB.320/INS/9)

- 184.** *The Special Representative of the Director-General for Guatemala* provided an update to the report and noted that while efforts in relation to social dialogue were being made, improvements were still necessary. The Public Prosecutor had requested that the ILO continue to conduct training for officials and investigators on International Labour Standards. The Ministry of the Interior had recently introduced the 22 new investigators at the trade union round table that would cooperate with the Public Prosecutor's Office in the investigations concerning acts of violence against trade union leaders. In recent days, the Office had received reports alleging anti-union practices in state organs. There was an urgent need to increase awareness in the public sector of the principles of freedom of association, and the Government must exemplify them. With the support of the international community, awareness-raising and training activities had taken place. In the following months, the committee for dispute settlement in areas of freedom of association and collective bargaining would initiate its activities, with the support of the Office.
- 185.** *The Worker Vice-Chairperson* highlighted that while there was a commitment to break the cycle of impunity, no arrests had been made since the signing of the Memorandum of Understanding; the Government had provided identical information on arrest warrants, as it had in September 2013, and little progress had been made on verdicts. The 16 new murders that had taken place since 2012 should be included in the investigations. The joint agreement between the Public Prosecutor's Office and trade unions had helped build trust and create a direct channel for unions. However, the group urged the President of Guatemala to choose a successor to the current Chief Public Prosecutor based on independent criteria and impartiality. It was satisfied with the signing of the cooperation agreement between the Public Prosecutor's Office and the International Commission against Impunity in Guatemala (CICIG) and hoped that progress and preliminary results would be reported to trade unions. There was still a great need for the protection of union officials and workers under threat. The telephone hotline had not yet been set up. He commended the Guatemalan trade unions for continuing to believe in the opportunity to engage in dialogue. The final provisions of the Ministry of the Interior's protocol on the security of human rights defenders had the full support of the trade unions. The group expected the measures to take immediate effect. Regarding bringing legislation into line with Conventions Nos 87 and 98, the group hoped that the Government and employers would soon respond to a proposal submitted by the workers to the Tripartite Committee on International Labour Affairs. The Government of Guatemala had breached an important commitment it had made to the ILO by not allowing labour inspectors to impose administrative penalties. He was concerned that the mediator to the committee for dispute settlement had not yet been appointed and that the Government had not allocated sufficient resources for the functioning of tripartite organs. He called on the international community to facilitate the necessary resources to help implement the Memorandum of Understanding and the roadmap. While the group agreed to defer the decision on the Commission of Inquiry, it expected progress to be made on the roadmap implementation by November 2014.

186. *The Employer coordinator* stated that the document showed that the Government of Guatemala was moving towards a solution and was showing renewed efforts in completing the roadmap and promoting trade union freedom. It was identifying groups of criminals that were generating violence which jeopardized the work of the ILO. He agreed with the Workers that the Government must continue reforming legislation and strengthening social dialogue. Contrary to what had been said by the Workers, he had been informed that the mediator for the committee for dispute settlement had indeed been appointed.
187. *The Government representative of Guatemala* (Minister of Labour and Social Security) said that labour legislation, decent work, respect for trade unions and collective bargaining must become a reality, and that the investigations carried out by the Public Prosecutor's Office with the CICIG to combat impunity had produced effective results in many cases before the competent court; a permanent dialogue forum had been created with the agreement of the Public Prosecutor's Office and trade union leaders to exchange information on investigations; and investigators had been trained and instructions issued on the investigation of anti-union crimes. His Government had set up a round-table discussion to analyse attacks against trade unionists and to establish protection mechanisms, and had strengthened the committee against attacks on human rights defenders. Four of the 20 appointed investigators had been specifically assigned to crimes against trade unionists. It had strengthened the labour inspectorate by increasing the number of inspectors and transforming the methodologies and programmes used for inspecting enterprises throughout the national territory, leading to positive results, especially with regard to the enforcement of labour legislation.
188. The Government had conformed to the roadmap and timeline on legislative matters and had presented to Parliament, together with the proposals from the sectors, the draft reforms to the Labour Code agreed upon in the dispute with the United States in the framework of the Central American–Dominican Republic Free Trade Agreement, relating to punitive procedures, which it was hoped would be adopted soon. Discussions on draft reforms to bring domestic legislation into line with ILO Conventions continued, but often the lack of a quorum, frequently in the absence of the workers, hindered progress. He urged Worker and Employer representatives to enhance their knowledge and analysis of such matters so that legislative solutions could be found that would be of benefit to the country. There had been an increase in fines paid for labour law violations and cases of non-compliance with court rulings could be prosecuted for disobedience. The Supreme Court, in compliance with the roadmap, had submitted draft legislative reforms to Congress with the aim of developing the careers of court officials, and strengthening control and penalty measures. Good practices related to social dialogue and collective bargaining were being diffused via forums, with considerable success. He referred to the tripartite committee for dispute settlement and the recent unanimous appointment of its mediator. Such elements underpinned a national campaign to raise awareness of and promote a culture of respect of such issues.
189. As for the labour market, 80 per cent of total employment was informal, creating difficulties for decent work and trade unions, and an environment of non-compliance with legislation. An increase in formal, decent employment and stable enterprises would lead to respect for freedom of association and collective bargaining, and would benefit the State in increased tax revenues, enabling it to advance in collective bargaining processes and ensure peace and development. The Government planned to focus on revitalizing the labour market and promoting decent work, without losing sight of the fight for compliance with the law and respect for workers' rights. He requested support from the ILO, acknowledging how essential the Organization's contribution and support had been in the results achieved, particularly the presence of the Special Representative of the Director-General in Guatemala, to whom he expressed his thanks. He also expressed his appreciation to the country's international partners.

190. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica noted with satisfaction the various measures being taken to implement the roadmap and confirmed that her group had been informed that the draft revisions to the Labour Code were being analysed by the social partners, but that agreement had not been reached on a unified text. She urged the tripartite constituents to continue their dialogue. GRULAC also noted that the judiciary was building capacity and developing mechanisms for verifying the enforcement of rulings. She welcomed the information campaign that had been launched and encouraged the tripartite constituents to participate actively in all stages of the campaign. She commended the constituents on the agreement reached concerning the appointment of a mediator to the committee for dispute settlement in the areas of freedom of association and collective bargaining. She called on all sectors to continue working jointly on implementing the roadmap.
191. *A Government representative of the United States* said that it was dismaying to see that developments in relation to pending problems had not taken place at the desired pace. There were several areas in which compliance with the roadmap and time line had not been achieved: the Labour Code had still not been brought into conformity with the recommendations made by the ILO supervisory bodies; there was a lack of evidence that labour law violations were being remedied within the prescribed time frames; the budget allocation requested for labour inspection in 2014 appeared to represent a decrease from the previous year; there remained a widespread lack of compliance with labour court orders and failure to sanction judges for not enforcing them; the roadmap failed to address the issue of preventing irregular workplace closures; and there was a lack of progress in the Government's efforts to develop a more effective programme for protecting union members against violence. Unless significant progress was made before the 322nd Session of the Governing Body, serious consideration must be given to the appointment of a Commission of Inquiry at that time.
192. *A Government representative of Cuba* thanked the Minister of Labour and Social Welfare of Guatemala for the information he had provided about the follow-up action being taken, including cooperation with the ILO.

Decision

193. *In light of the information contained in document GB.320/INS/9, and its appendix, the Governing Body decided to defer the decision on the appointment of a Commission of Inquiry to its 322nd Session (November 2014) and to place this item on the agenda of its 322nd Session (November 2014).*

(GB.320/INS/9, paragraph 8.)

Tenth item on the agenda

Follow-up to the resolution on the trade union situation in Fiji, adopted by the Governing Body at its 316th Session (November 2012)
(GB.320/INS/10)

Eleventh item on the agenda

Complaint concerning non-observance by Fiji of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 102nd Session (2013) of the International Labour Conference under article 26 of the ILO Constitution (GB.320/INS/11)

194. *The Chairperson* proposed that the tenth and 11th agenda items, both concerning Fiji, be considered together. Before opening the discussion, she proposed the adoption of the draft decision in paragraph 6 of GB.320/INS/10.

Decision

195. *The Governing Body decided to include the discussion of the issues raised by this item in relation to the trade union situation in Fiji for consideration within the framework of the complaint against the Government of Fiji (document GB.320/INS/11). Please see the decision taken under item 11.*

(GB.320/INS/10, paragraph 6.)

196. *The Worker Vice-Chairperson* said that the Workers would favour the appointment of a Commission of Inquiry. Since the article 26 complaint had been filed against the Government of Fiji in June 2013, the regime had engaged in blatant violations of freedom of association. A strike voted for overwhelmingly by the Fiji Sugar and General Workers Union had been called off in the wake of threats and intimidation from the management, the police and the military. The scope of the Essential National Industries (ENI) Decree had been extended with apparent anti-union motives. The President of the Fiji Trades Union Congress (FTUC) had been arrested for instigating an unlawful strike; the resulting charges had been subsequently dropped but previous extradition charges against him still stood. Such reprehensible behaviour showed contempt for the ILO and its constituents. The reality in Fiji was very different from that depicted by the Government, which had no grounds for refusing a Commission of Inquiry. The Government had failed to act on the request of the Committee of Experts to conduct an investigation into acts of assault and intimidation against various trade unionists, including Mr Felix Anthony, who was attending the present meeting. Nor had the Government taken the requested steps to drop all charges that had been brought in connection with legitimate trade union activities. Some trade unionists were still subject to restrictions. The trade unions in general had now been effectively excluded from the political process as a result of the Political Parties Decree. Parts of the new national Constitution could be invoked to severely limit fundamental labour rights. The Government of Fiji had been given every opportunity to take appropriate action and, having failed to do so, clearly viewed trade unions and the international community with contempt. With apologies for its lateness, the Worker Vice-Chairperson proposed a new draft decision, which read as follows:

In the light of the continuing concerns regarding the trade union situation in Fiji, the Governing Body:

- (a) once again calls on the Government of Fiji to accept the ILO 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 on Case No. 2723;
- (b) if the direct contacts mission does not take place in time for a report to the 322nd Governing Body session in November 2014, then the 322nd Governing Body session will appoint a Commission of Inquiry under article 26.

- 197.** *A Worker member from Fiji* recalled the previous efforts of the Governing Body to have the Government of Fiji accept a direct contacts mission. The Government had also been urged by the Governing Body to amend the ENI Decree to bring it into line with Convention No. 87, but instead it had increased its scope. The Government's claim that the Decree was in line with international standards was unfounded. It had also failed to act on the comment by the Committee on Freedom of Association that the Employment Relations Promulgation of 2007 should be amended. The Public Emergency Regulations had been replaced, and expanded, by the Public Order (Amendment) Decree of 2012. Among other things, that Decree provided that the courts had no jurisdiction to hear claims challenging the validity, legality or propriety of any decision made by a public officer; imposed a penalty of five years' imprisonment for holding an unauthorized public meeting; conferred extensive police powers to refuse permits for such meetings; and redefined terrorism, which could now incur life imprisonment. The Political Parties Decree amounted to a denial, not just of freedom of association, but also of freedom of expression. Decisive action was required from the Governing Body, since adopting a similar recommendation to the previous one would be counterproductive. The election in Fiji had no bearing on the Government's capacity for immediate action; its claims that it was too busy to act because of the election process were unfounded, since it clearly had enough time to attend Governing Body sessions precisely in order to present those claims.
- 198.** *The Employer coordinator* recalled that, one year previously, a direct contacts mission had been to Fiji but had been expelled. The question was really whether the Government had acted reasonably by not having already accepted such a mission in the country. A direct contacts mission was needed sooner rather than later. He looked forward to the mission report; any subsequent steps needed to be taken in an informed way. There were no grounds for allowing the Government of Fiji to accept a direct contacts mission at a time of their choosing; rather, it was for the Government to allow what had previously been decided by the Governing Body to occur in full freedom.
- 199.** *A Government representative of Fiji* said that his Government was still prepared to accept a direct contacts mission following its general elections in September 2014. The ILO could send a senior official to assist the Fijian Government with its preparations for the direct contacts mission, including the finalization of the terms of reference, to ensure that the direct contacts mission could achieve its objective. During their visit to Fiji, the senior official could also assist the Fijian Government in developing and adopting a DWCP in consultation with the social partners. All matters concerning the direct contacts mission and the DWCP could be submitted to the Governing Body for endorsement and adoption at its June 2014 session. The report of the direct contacts mission could be submitted to the Governing Body at its November 2014 session.
- 200.** The preparations for the general elections included the establishment of an independent electoral commission responsible for registering voters and ensuring free and fair elections. His Government was also finalizing the electoral laws, which would be published in the near future. So far, more than 540,000 out of approximately 600,000 eligible voters had been registered in Fiji and abroad. Members of the public could access the National Register of Voters to verify and correct their personal details. The Register had also been

made available to the four registered political parties. The general elections would take place under a new voting system based on proportional representation. The electoral commission was responsible for raising awareness of the elections and appointing a supervisor of elections.

- 201.** It was also necessary to prepare the country's parliamentary machinery for the first sitting of Parliament after the general elections. The new location of the Parliament complex had been identified and construction works would soon begin. Countries including Australia, India and New Zealand had pledged to assist the Fijian Government in that endeavour. In view of the new requirement for public officials to step down if they intended to contest the general elections, the Prime Minister of Fiji had stepped down as the Commander of the Fijian military.
- 202.** To carry out a direct contacts mission or to establish a Commission of Inquiry in Fiji at the present time would be inappropriate, as the current political climate would make it difficult to guarantee their independence and impartiality. Moreover, aspiring candidates could take advantage of the ILO's presence to gain political advantage and undermine the electoral process. In 2014, government employees had received pay rises of up to 23 per cent. Reforms had been carried out to preserve and create jobs, to sustain industries essential to the Fijian economy and to improve living standards. The Fijian Government had also lowered the income and corporate taxes payable by nearly all Fijians and increased the income tax threshold so that low earners were exempt from income tax. A national minimum wage had been introduced in March 2014. The Ministry of Labour had recruited and trained 18 additional labour inspectors to help enforce the new national minimum wage.
- 203.** The Fijian Government had taken significant steps to review and modernize current policies, labour laws and practices in view of the comments of the Committee of Experts on the Application of Conventions and Recommendations and was in the process of bringing domestic legislation into conformity with ILO Conventions. A tripartite social dialogue process had been launched under the auspices of the Employment Relations Advisory Board. The tripartite constituents had agreed with nearly all the proposed amendments to the Employment Relations Law. The revised Law would improve the social protection afforded to Fijian workers. The compensation scheme for workers was currently being reviewed with a view to implementing a no-fault social security scheme that would cover all workers for injury or death at work.
- 204.** Certain trade unionists in Fiji were using workers' rights, the ILO and its Governing Body to further their personal agenda. The claims of alleged violations of Convention No. 87 and the lobbying for Fiji to receive a direct contacts mission only began when the trade unionists, Mr Felix Anthony and Mr Daniel Urai, were removed from their positions as board members of the Fiji National Provident Fund and Natadola Bay Resorts Ltd owing to serious governance issues. The ILO should not stand by and allow individuals to use their personal agendas to trample on workers' and employers' rights. The trade unionists who purported to protect and promote Fijian workers' rights and freedoms represented less than 30 per cent of the formal employment sector. The complaints filed against Fiji contained serious misconceptions and inaccuracies. All complaints concerning alleged assault and physical attacks filed with the police were investigated. The police and the Office of the Director of Public Prosecutions took independent decisions as to whether charges were to be laid. The decisions were informed by whether there was sufficient evidence to secure a conviction and by whether it was in the public interest to prosecute. Only the Director of Public Prosecutions could take decisions on the appropriateness of charges. It had decided to drop the charges laid against Mr Daniel Urai on evidence-related grounds.

- 205.** As to the Public Order Amendment Decree, a permit was only required for meetings in public places for the purpose of closing roads and deploying law enforcement officers. Trade union meetings had been taking place without hindrance. Any call to amend or repeal such decrees or any other law would be premature, as the incoming Parliament would have the authority to do so. Under section 16 of the Constitution, any trade union official could challenge the limitations of prescribed laws, such as decrees and acts of Parliament, before an independent and impartial court, and that court would determine what limitations were reasonable. Any individual could participate in, or stand for, elections in Fiji. However, individuals in public office had to step down to be able to do so. The FTUC's argument that section 6(5) restricted the rights and freedoms guaranteed by the Bill of Rights so that workers' rights could be crushed was erroneous and made in ignorance of human rights law.
- 206.** In the light of the progress that Fiji had made towards holding its first truly democratic elections and of the reforms it had carried out, he requested that the decision be deferred to the November 2014 session of the Governing Body. By then, the general elections would have taken place and a direct contacts mission would have visited Fiji and provided solutions to the problems facing the country.
- 207.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Norway and Republic of Moldova. The EU called upon the Fijian Government to honour its commitments on human rights and fundamental freedoms, and to respect democratic principles and the rule of law. It urged the Fijian Government to ensure that freedom of expression and assembly were respected. The Fijian Government should accept a direct contacts mission so that its report could be presented at the November 2014 session of the Governing Body. The Fijian Government should work with the ILO to organize the direct contacts mission far in advance and accept the visit of a senior ILO official to ensure that the mission was conducted in good time. The EU endorsed the draft decision as amended by the Workers' group.
- 208.** *A Government representative of Australia* said that the Government of New Zealand aligned itself with the statement. His Government continued to encourage Fiji to re-engage with the ILO. Fiji had made a firm commitment to receive a direct contacts mission following the general elections in September 2014. His Government had also noted Fiji's request for a senior ILO official to visit Fiji before September to assist with the preparations for the direct contacts mission. The Pacific Islands Forum ministerial contact group had welcomed Fiji's efforts to prepare for its general elections, including the registration of four political parties and around 540,000 voters, and the establishment of the independent electoral commission. His Government welcomed the fact that the Prime Minister had stepped down as the Commander of the Fijian military to contest the elections as a candidate. Ministers had reiterated the need for all political parties to engage fully with the electoral process and had stated that it would be in Fiji's interest for the fairness of the elections to be judged according to accepted international standards. The international community should be allowed to observe the elections to dispel any doubt as to their legitimacy. In view of the significant progress made by Fiji in the run up to its elections and towards restoring parliamentary democracy, his Government wished to amend the draft decision contained in paragraph 11 to reflect: Fiji's commitment to accept a direct contacts mission in sufficient time for its report to be submitted to the November 2014 session of the Governing Body; Fiji's willingness to receive a senior ILO official to assist with the preparations for the direct contacts mission; and the Governing Body's support for deferring the decision on a Commission of Inquiry until November 2014. Paragraph 12 of the draft decision should be deleted.

- 209.** *A Government representative of India* said that his Government welcomed the Fijian Government's commitment to accept a direct contacts mission from the ILO after its general elections. The fact that Fiji was preparing to hold its first democratic elections should be taken into consideration when adopting a decision. The consideration of complaints submitted under article 26 should be deferred until the November 2014 session of the Governing Body, by which time the direct contacts mission would have taken place and submitted its report. His Government endorsed the amendment proposed by Australia to defer the decision on a Commission of Inquiry until then.
- 210.** *A Government representative of Thailand* said that in view of the ongoing developments in that country, his Government supported Fiji's proposals to postpone the visit of the direct contacts mission until after its September 2014 elections and to receive a senior ILO official to prepare the direct contacts mission and to finalize its terms of reference. In the meantime, Fiji should continue to inform the ILO of progress made in the area of freedom of association. Accordingly, the consideration of the appointment of a Commission of Inquiry should be deferred until the 322nd Session of the Governing Body. His delegation supported the amendment submitted by Australia.
- 211.** *A Government representative of the Russian Federation* appealed to the Government of Fiji to adopt urgent measures to ensure the respect of fundamental rights at work. To that end, it was important to establish constructive dialogue with the ILO, namely through a direct contacts mission. His Government was convinced that the mission would not hinder the preparation of the national elections in Fiji. It was, however, willing to support the amendment submitted by Australia.
- 212.** *A Government representative of the United States* said that, despite the progress under way towards democracy, the violations of human and labour rights in Fiji were still of great concern. A direct contacts mission would provide a basis for constructive dialogue with a view to establishing the facts and finding appropriate solutions. The terms of reference of that mission should not be subject to negotiation, but should follow the original mandate established in 2012. Moreover, the development of a DWCP should wait to be informed by the results of the direct contacts mission. His Government recommended the appointment of a Commission of Inquiry at the current session, postponing the commencement of its work until November 2014. Nevertheless, it supported the amendment proposed by the Workers' group.
- 213.** *A Government representative of the Islamic Republic of Iran* said that in the light of Fiji's commitment to promote rights at work, his Government endorsed the amendment submitted by Australia.
- 214.** *A Government representative of Canada* said that he was concerned that the direct contacts mission had still not been carried out under its original terms of reference, demonstrating disregard for the decisions of the Governing Body. However, in view of the broader context in Fiji and the need to support its move towards democracy, his Government supported the amendment submitted by Australia. Nevertheless, it could only be supported if the direct contacts mission had taken place in time to report to the 322nd Session of the Governing Body.
- 215.** *A Government representative of Japan* said that he was concerned that Fiji had not yet accepted a direct contacts mission, and hoped that it would do so at the earliest possible date and, in any event, in time to report to the Governing Body in November 2014. The appointment of a Commission of Inquiry should await the results of the direct contacts mission. He supported the decision as amended by Australia.

216. *A Government representative of China* said that, in view of Fiji's willingness to cooperate with the ILO and the preparation of its elections, his Government supported the amendment submitted by Australia.
217. *A Government representative of Australia* formally withdrew the amendments that his delegation had previously tabled to the draft decision, and proposed an amendment to the draft decision put forward by the Workers' group.
218. *The Worker Vice-Chairperson* supported the amendments.
219. *The Employer coordinator* supported the draft decision, as amended.
220. *A Government representative of India* said that his delegation did not support the draft decision, which already pronounced a judgement for the 322nd Session. The decision on whether or not to appoint a Commission of Inquiry should be deferred until that session, on the basis of whether or not the direct contacts mission had taken place.
221. *A Government representative of the United States* supported the draft decision as amended.
222. *A Government representative of Japan* supported the amendment proposed by the Government of Australia to the draft decision proposed by the workers.
223. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy supported the draft decision as amended.

Decision

224. *In the light of the continuing concerns regarding the trade union situation in Fiji, the Governing Body:*
- (a) *called once again on the Government of Fiji to accept the ILO direct contacts mission under the previously agreed terms of reference, which were based on the conclusions and recommendations of the ILO Committee on Freedom of Association on Case No. 2723;*
 - (b) *decided that, if the direct contacts mission did not take place in time for a report to the 322nd Session of the Governing Body (November 2014), then the 322nd Session should appoint a Commission of Inquiry under article 26.*

(GB.320/INS/11, paragraph 12, as amended.)

Twelfth item on the agenda

Reports of the Committee on Freedom of Association (GB.320/INS/12)

371st Report

225. *The Chairperson of the Committee on Freedom of Association* said that the 371st Report covered 146 pending cases, 32 of which had been examined on their merits. In Cases Nos 2765 (Bangladesh), 2786 (Dominican Republic), 2871, 2896, 2923, 3007, 3008 and 3013 (El Salvador), 2708, 2948, 2967, 2978 and 2989 (Guatemala), 3018 (Pakistan), 3019 (Paraguay), 3021 (Turkey), 2968 and 2917 (Bolivarian Republic of Venezuela), the Committee had observed that, despite the time which had elapsed since the submission of the complaints, it had not yet received the observations of the Governments concerned, and had appealed to them to transmit their comments as a matter of urgency.
226. The Committee discussed its impact, visibility and working methods. It continued to highlight its concern in instances where it was obliged to examine cases in the absence of a Government reply and called upon the Office to take action to re-establish dialogue with the Governments concerned so that it could carry out its work in full knowledge of the facts. The Committee welcomed the efforts made by the Office to improve the impact of its reports through press releases and the ILO website. With regard to the increasing workload and the effective use of its procedures, the Committee highlighted the principles of universality and equal access to its complaints mechanism that underpinned its work and recalled the importance of its *Digest of decisions and principles of the Freedom of Association Committee*. Lastly, he asked the Office to continue to give high priority to the capacity building of governments and social partners and to foster the further development of national complaints mechanisms.
227. With regard to the follow-up given to the recommendations of the Committee, 19 cases had been examined in which the Governments had kept it informed of the measures taken to give effect to its recommendations. The Committee welcomed an agreement reached between a university and a union to engage in good faith voluntary collective bargaining on behalf of graduate teaching assistants, which had been the subject of Case No. 2547 (United States). The Committee further noted, with interest, in cases concerning Peru, the setting aside of charges that had been brought against strikers (Case No. 2854), the signing of a collective agreement (Case No. 2900) and the reintroduction of check-off facilities and trade union leave (Case No. 2915).
228. The Committee wished to draw to the attention of the Governing Body two serious and urgent cases, namely Cases Nos 2508 (Islamic Republic of Iran) and 2982 (Peru). The first case concerned allegations of harassment and arrest of trade union leaders and members, which dated back to 2006. The Committee expressed its deep concern for the state of health of Mr Reza Shahabi, the Treasurer of the Syndicate of Workers of Tehran and Suburbs Bus Company (SVATH) and urged the Government to secure his pardon and immediate release, the dropping of any remaining charges, the restoration of his rights and the payment of compensation for damage suffered. It requested the Government to report to it on the outcome of the independent investigations carried out into the allegations of ill treatment of Mr Shahabi and Mr Madadi, Vice-President of the SVATH union. Lastly, it asked the Government to take concrete steps for the de facto recognition of the SVATH union and welcomed the Government's request for ILO technical cooperation to train its

disciplinary forces in the proper management of labour protests, expecting that the Government would engage with the Office in that respect without delay.

- 229.** The second serious and urgent case concerned Peru (Case No. 2982). The allegations related to the murder of three union leaders and three union members in the civil construction sector, as well as to a climate of violence, threats and extortion by criminal mafia groups in pseudo-unions. The Committee expressed concern about the seriousness of the allegations and expected that the criminal investigations would lead to the identification of all the perpetrators and instigators of the murders and would ensure that those found guilty were severely punished. While appreciating the measures taken by the Government, the Committee invited it to continue taking measures in the framework of the existing tripartite dialogue to eradicate the intolerable situation of violence. Given the divergence of views as to the cause of the violence between the Government and the complainants, the Committee suggested that the Public Prosecutor's Office should be instructed to conduct a thorough investigation into the reasons for the violence, those responsible for it and to follow up with penal action.
- 230.** *The Employer coordinator in the Committee* recalled the wide range of cases submitted to the Committee, which was due to the fact that freedom of association was a mandate with broad application as it was not limited solely to Governments that had ratified Conventions Nos 87 and 98, but to all member Governments.
- 231.** A number of the cases examined at the session were particularly pertinent to the Employers. In two cases relating to the Islamic Republic of Iran (Cases Nos 2508 and 2807), the Government had been invited on several occasions to take measures to bring its law and practice into conformity with the principles of freedom of association. The situation of Mr Shahabi was of particular concern and the Employers would like the Government to explain why it had not taken the requested measures. Case No. 2882 (Bahrain) was a serious case, rooted in the Arab Spring, relating to freedom of association and the right to express individual views of social and economic policy. While the Employers welcomed the steps that had been taken to resolve the cases, especially through tripartite agreements, it was regrettable that such framework agreements were necessary. Finally, in Case No. 2988 (Qatar), the Employers stressed that economic progress brought with it certain responsibilities, including in respect of international labour standards and especially the rights of freedom of association and collective bargaining. Considerable progress could be made in that case if the Government amended its legislation in the manner recommended by the Committee.
- 232.** Case No. 2947 (Spain) concerned the national response to the economic crisis. However, the Committee acknowledged the Government's intention to arrest the high unemployment rate and noted the scope that existed under freedom of association principles for responses to an economic crisis. Case No. 2655 (Cambodia) highlighted the difficulties encountered by the Committee where a long period had elapsed without a Government reply. A reply was required so that the case could be finally resolved as the lack of a reply interfered with the operations of the Authority concerned and the efficient working of the Committee. In contrast, in Case No. 2953 (Italy), the Government had provided a detailed reply, which had assisted the Committee in its deliberations.
- 233.** A disproportionately high number of cases related to Latin America. While some of the cases relating to Peru concerned relatively minor or isolated alleged infringements of freedom of association, Case No. 2982 was a serious and urgent case dealing with allegations of murder and violence in the construction sector. The Committee considered it positive that the complainant union was seeking global transparency on the issue and expected the Government to do the same by conducting an investigation into the murders and acts of violence, whether they were inter-union in nature or not.

- 234.** Case No. 3037 (Philippines) was a further example of inter-union disputes, but quite an unusual case in that it related to freedom of association within a complainant organization. The Government was being asked to keep the Committee informed of the judicial processes that would determine the status of elections at the Trade Union Congress of the Philippines.
- 235.** The Employers deplored the fact that Case No. 3016 was being added to the numerous cases concerning freedom of association violations in the Bolivarian Republic of Venezuela. They hoped that the Government would move more swiftly than it had for previous cases, particularly given that as the high-level tripartite mission had submitted its conclusions there was no further reason to delay its responses.
- 236.** Finally, with respect to the impact, visibility and working methods of the Committee, the Employers remained concerned about the Committee's workload and the constant build-up of new allegations in existing cases. They remained keen for their decision-making to be of high quality and of relevance to the contemporary world of work. While many Governments collaborated with the Committee, those that failed to respond to its appeals constituted cause for concern. In closing, the speaker thanked the Committee members for their work and supported the adoption of the Report.
- 237.** *The spokesperson for the Workers' group in the Committee* welcomed the fact that the issue of the Committee's working methods had been examined. He recalled that the guarantees contained in the Digest of decisions and principles were essential for the advancement of freedom of association and the rights of workers in general. It should not be forgotten that, although the Committee's reports often highlighted the difficulties faced by workers, the objective of the work was more generally to re-establish social dialogue and the fundamental rights of association and collective bargaining. The Workers hoped that the improvements proposed and the greater visibility of the Committee's conclusions would prompt the incriminated Governments to respond more rapidly to the recommendations addressed to them.
- 238.** In Case No. 2882 (Bahrain), the Workers welcomed the signature of the Tripartite Agreement but regretted that no progress had been made in respect of the very serious allegations of torture and ill treatment of the trade union leaders Abu Dheeb and Jalila al-Salman. Case No. 2988 (Qatar) was also extremely worrying and the Government should rapidly take the necessary measures to amend the provisions of its legislation to give effect to the fundamental principles of freedom of association and collective bargaining, in accordance with the Committee's conclusions.
- 239.** The situation in the Republic of Korea was addressed in two complaints submitted in Cases Nos 2620 and 1865 respectively, the latter dating back almost 20 years. The Committee yet again reiterated its previous recommendations and the Workers hoped that everything possible would be done to encourage the country to avail itself of ILO technical cooperation. Two cases related to the Islamic Republic of Iran, namely Case No. 2508, a serious and urgent case, where new allegations had been received, and Case No. 2807, which raised the matter of trade union pluralism. Once again it was imperative for the Government to comply rapidly with the Committee's recommendations.
- 240.** Case No. 2982 (Peru) was another serious and urgent case, involving allegations of murder and threats against union leaders and members in the construction sector. Two other cases concerning Peru led the Committee to caution against the use of precarious contracts, which weakened freedom of association.

241. Case No. 2947 (Spain) again called attention to the fact that the economic crisis, resulting from the financial crisis, had had far-reaching negative repercussions for workers. Strengthening competitiveness through flexibility and by reducing labour costs jeopardized the collective bargaining process. For the Workers, a focus on social justice, giving priority to collective bargaining and tripartite consultation, would put the real economy back in its rightful position and revive production to lead the way out of the crisis. The ILO's recommendations should be fully recognized and applied, by both governments and by the organizations in the multilateral system.
242. In Cases Nos 2516 (Ethiopia) and 2913 (Guinea), the governments had shown a positive attitude, although further investigations were still necessary, namely in Guinea. In Cases Nos 3001 (Plurinational State of Bolivia), 2655 (Cambodia), 2963 (Chile), 2928 (Ecuador), and 3031 (Panama), the Governments were called upon to bring their legislation and practice into conformity with the principles of freedom of association and collective bargaining.
243. The Workers highlighted the fact that the governments must conduct enquiries into allegations of anti-union discrimination in enterprises, as in Cases Nos 2908 (El Salvador) and 2953 (Italy), and must refrain from any form of interference in the operation of trade unions and in trade union elections, as in Case No. 2979 (Argentina). They also stressed that it was not acceptable for requests for information by the Committee to go unanswered or for incomplete replies to be sent, and cited two cases concerning Paraguay by way of example. Finally, the Workers' group recommended the adoption of the Committee's Report.
244. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica noted that a large number of the cases submitted to the Committee related to its region; in fact 76 of the 146 cases mentioned in paragraph 3 of the Report and 120 of the 242 cases mentioned in the document concerned the regional group.
245. Freedom of association and the right to collective bargaining were widely recognized in the region and the vast majority of the countries had worked with ILO assistance to help promote those rights. GRULAC had always endeavoured to respond to the Committee's requests, as evidenced by the fact that 21 of the 27 observations received from governments were from the region.
246. With regard to the increasing workload and the effective use of the Committee's procedures, GRULAC welcomed the reference made to the three main elements listed by the Committee and mentioned in paragraph 19 of the Report. Concerning the matrix of essential elements to be included in a complaint that the Office had been invited to prepare, GRULAC reiterated its previous observations and would give its views once the documents were available. It supported the preparation of a brochure presenting very clearly all the points relating to the receivability of complaints, containing definitions to explain the differences between interim reports and definitive reports, and explaining why closed cases could be reviewed by the Committee.
247. Lastly, GRULAC thanked the Office for its collaboration and the technical cooperation it had provided to a number of countries in the region, which had allowed them to put in place internal dispute resolution mechanisms.

Decision

248. *The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–133, and approved the recommendations made in paragraphs: 153 (Case No. 2979: Argentina); 170 (Case No. 2987: Argentina); 194 (Case No. 2882: Bahrain); 212 (Case No. 3001: Plurinational State of Bolivia); 221 (Case No. 2655: Cambodia); 238 (Case No. 2963: Chile); 255 (Case No. 2620: Republic of Korea); 269 (Case No. 2992: Costa Rica); 294 (Case No. 2908: El Salvador); 316 (Case No. 2928: Ecuador); 465 (Case No. 2947: Spain); 481 (Case No. 2516: Ethiopia); 522 (Case No. 2749: France); 537 (Case No. 2203: Guatemala); 549 (Case No. 2913: Guinea); 569 (Case No. 2508: Islamic Republic of Iran); 579 (Case No. 2807: Islamic Republic of Iran); 626 (Case No. 2953: Italy); 639 (Case No. 3031: Panama); 654 (Case No. 2937: Paraguay); 669 (Case No. 3010: Paraguay); 704 (Case No. 2982: Peru); 732 (Case No. 2998: Peru); 743 (Case No. 2999: Peru); 765 (Case No. 3033: Peru); 813 (Case No. 3037: Philippines); 862 (Case No. 2988: Qatar); 887 (Case No. 2713: Democratic Republic of the Congo); 901 (Case No. 2797: Democratic Republic of the Congo); 925 (Case No. 2925: Democratic Republic of the Congo); 936 (Case No. 2892: Turkey); 972 (Case No. 3016: Bolivarian Republic of Venezuela); and approved in full the 371st Report of the Committee on Freedom of Association.*

(GB.320/INS/12.)

Thirteenth item on the agenda**Report of the Working Party on the Functioning
of the Governing Body and the International
Labour Conference****Oral report of the Chairperson
of the Working Party**
(GB.320/INS/13)**Improving the functioning of the
International Labour Conference**

- 249.** *The Employer coordinator and the Worker Vice-Chairperson supported the draft decision in paragraph 12 of the report.*
- 250.** *Speaking on behalf of the Africa group, the Government representative of Niger supported the draft decision in paragraph 12.*
- 251.** *Speaking on behalf of IMEC, the Government representative of Hungary regretted that the report, which contained a newly proposed draft decision on the review of the implementation of the Governing Body reform, had only been made available that morning. Progress had been made in the Working Party, though some issues still required further consultation. IMEC supported the draft decisions in paragraphs 12 and 20.*

Decision

252. *The Governing Body decided to:*

- (a) *recommend to the Conference that it implement, on a trial basis, the proposed arrangements for the 103rd Session of the International Labour Conference as presented in document GB.320/WP/GBC/1;*
- (b) *request the Office to prepare for its 322nd Session (November 2014):*
 - (i) *an analysis of the arrangements trialled at the 103rd Session of the Conference;*
 - (ii) *a detailed programme and tentative plan of work for the two-week session of the Conference that will be trialled in 2015;*
 - (iii) *a consolidated summary of all proposals on which a tripartite agreement has been reached and of issues that require further consultations and discussion.*

(GB.320/INS/13, paragraph 12.)

Review of the implementation of the Governing Body reform

253. *The Employer coordinator and the Worker Vice-Chairperson* supported the draft decision in paragraph 20 of the report.

254. *Speaking on behalf of the Africa group*, the Government representative of Niger said that her group's position on the High-Level Section, as expressed during a previous discussion, had not been faithfully recorded in paragraph 17 of document GB.320/INS/13. Referring to the draft decision in paragraph 20, she said that her group supported points (a)(1) and (2) and (b)(1). Concerning point (b)(2), she stressed the importance of the lasting presence of the High-Level Section in the Governing Body structure, recalling the statement in document GB.310/9/1 on Governing Body reform to the effect that the High-Level Section would continue the Governing Body's role as a forum for global policy discussion and strategic guidance without allowing types of debate more appropriate to the ILC or other bodies. The Working Party on the Social Dimension of Globalization had proved its worth as a forum for dialogue between members and non-members of the Governing Body and external players. The Strategic Policy Segment enabled Governing Body members to hold discussions on relevant cross-cutting themes or recent trends of strategic interest for the ILO. Hence, there were grounds for holding the High-Level Section at least once a year, focusing on topical matters capable of generating interactive discussions. Her group supported points (c)(1)–(3) of the draft decision. Concerning point (c)(4), she urged the Office to take account of the difficult situation in certain regions in its pursuit of a paperless policy.

Decision

255. *The Governing Body noted that relevant follow-up action should be taken by the Officers, the Tripartite Screening Group and the Office, as appropriate, with regards to the following issues identified in document GB.320/WP/GBC/2:*

- (a) follow-up action to be taken by the Officers with regards to:*
 - (i) the process for consideration of the deferral of agenda items where the Governing Body has previously determined that an item be considered at its next session;*
 - (ii) enhancing the role of the Officers and ensuring early communication of information submitted to the Officers' meetings;*
 - (iii) ensuring greater fluidity of the Governing Body by adopting time-management procedures, strict observance of starting time of the sittings and the role of the Chairperson, Vice-Chairpersons and Government representatives in chairing parts of the meetings;*
 - (iv) reviewing the mandate of the High-Level Section and making better use of both of the Strategic Policy Segment and of the more flexible setting of the Working Party;*
 - (v) retaining the option of starting the Governing Body autumn sessions during the last week of October (as in 2014);*
- (b) follow-up action to be taken by the Tripartite Screening Group with regards to:*
 - (i) the composition and timing of the Screening Group;*
 - (ii) ensuring that the Governing Body agenda is a manageable size, that there are no duplications, that is, topics being debated in several sections and segments;*
 - (iii) ensuring an appropriate balance between the number of items allocated to the various sections and segments;*
 - (iv) structuring the agenda thematically;*
 - (v) ensuring a governance-oriented approach and effective use of the respective mandates through appropriate planning and distribution between the sections/segments;*
 - (vi) putting more emphasis in the Social Dialogue Segment on labour administration and labour law issues, and in the Technical Cooperation Segment on strategic policy issues; strengthening the agendas of the Employment and Social Protection Segment and Multinational Enterprises Segment to include more substantial items; convening the High-Level Section only when required and ensuring that its agenda makes more efficient use of the Strategic Policy Segment and of the more flexible setting of the Working Party on the Social Dimension of Globalization;*
 - (vii) providing for sufficient time for group meetings;*

(c) *follow-up action to be taken by the Office with regards to:*

- (i) *providing the Screening Group with an annotated list of agenda proposals for the following Governing Body, indicating clearly the rationale for each proposed item, any previous decisions to which they refer and the estimated time needed for the discussion of each item;*
- (ii) *ensuring the same degree of involvement between the three groups, by communicating concurrently any change in the proposed list of items to all members of the Screening Group;*
- (iii) *maintaining the institutional memory to ensure appropriate follow-up of previous Governing Body and International Labour Conference discussions;*
- (iv) *providing advice to the Screening Group on the appropriate scheduling of Governing Body agenda items;*
- (v) *communicating to the three groups, at an early stage, a tentative order of business for the entire Governing Body as well as a consolidated programme, including an assessment of the time required for the discussion of each item, to enable delegates to plan their attendance, and consulting with the three groups promptly when changes to the programme or the order of business are anticipated;*
- (vi) *improving the process for submitting amendments to draft decision points, as well as the presentation of the proposed amendments;*
- (vii) *ensuring the same degree of involvement for the three groups in preparatory discussions for Governing Body debates;*
- (viii) *enhancing the consultation process through the Geneva-based Tripartite Consultative Group;*
- (ix) *pursuing such initiatives as the organization of a one-day orientation seminar in Geneva for diplomats newly arrived in Geneva;*
- (x) *ensuring that Governing Body papers are reader friendly and decision oriented;*
- (xi) *continuing efforts to move toward a paperless policy;*
- (xii) *giving consideration to extending the deadline for web posting the draft minutes due to the heavy workload of some sections.*

(GB.320/INS/13, paragraph 20.)

Fourteenth item on the agenda

Report of the Director-General (GB.320/INS/14)

Progress in international labour legislation and internal administration

Outcome

256. *The Governing Body took note of the information presented in document GB.320/INS/14.*

(GB.320/INS/14.)

Obituaries

(GB.320/INS/14(Add.) and GB.320/INS/14(Add.1))

Mr Marc Blondel

257. *The Director-General* said that Marc Blondel, a former Worker member of the Governing Body, had had a profound impact on the history of the Organization for two-and-a-half decades. Despite his passionate character and the directness with which he expressed firmly held views, he was never above engaging with the minutiae of the Organization. His commitment to the ILO was indeed deep. He was particularly remembered for his role in filing the complaint against the Government of Poland in 1982, leading to the launching of the Commission of Inquiry, characterized by Lech Wałęsa as a significant contribution to changing the history of Poland and of Europe, and in advancing democracy. While he was a most rigorous defender of the Workers' bench, he was deeply committed to tripartism and freedom of association, which he considered to be at the centre of freedom itself. His career represented the engagement and the role of France in the ILO, as reflected in the many tributes paid to him in that country. The Organization had lost a friend and colleague, who would be greatly missed.

258. *The Worker Vice-Chairperson* said that Marc Blondel had made a significant impact in France, Europe and the international trade union movement. He was deeply committed to the ILO and his participation in its constitutional organs stood as a reference for anyone wishing to reform the organization without losing its essence. He had been a true disciple of the French trade unionist Léon Jouhaux. Although a fervent proponent of secularism, he was instrumental in filing the complaint against Poland in support of a Christian-based trade union organization. He was also a strong defender of trade union rights worldwide, especially in francophone Africa and in countries where dictatorship prevented the exercise of those rights. He had, moreover, been active in defining the place of minimum international labour standards for a fair globalization. As the Worker spokesperson on the Programme, Financial and Administrative Committee until 2008, he renewed his call for further government funding on numerous occasions, notably saying in 2007 that it was better to fund work rather than war. His strong conviction that the ILO, as the home of workers, should be open to all, had contributed to making it one of the most accessible organizations in Geneva. He was always prepared to listen and enter into dialogue, never compromising his principles. For him, trade unionism was a faith, a goal and an ideal. He

wished to continue the construction of a world where workers had a place beside governments and employers, an endeavour that the Workers' group would continue to make their own.

- 259.** *A Worker member from France* said that among the many epithets that could be attributed to him, Marc Blondel was above all a trade unionist and an internationalist. He was convinced that the defence of rights and the settlement of disputes between workers and employers through action and collective bargaining were the key to social progress and justice. He considered that international labour standards and social justice should be the common language of the ILO. He was deeply passionate about the ILO and transmitted that passion to all those around him. He rejected imposed ideas, most notably presenting the complaint against the Government of Poland in 1982, quoting Rosa Luxembourg's belief that freedom of association was "the freedom to think differently". His observations in 1982 regarding the consequences of unemployment, particularly among young people, and the essential role of the ILO supervisory system, were still relevant and should continue to be taken into consideration. He believed that international labour standards should provide a guarantee for workers, employers and governments alike.
- 260.** *The Employer coordinator* paid tribute to Marc Blondel's intellectual honesty and the strength of his convictions. He was a constant promoter of dialogue and was deeply committed to freedom. He was both a militant and an idealist, combining both qualities magnificently. He left his mark on the ILO, most notably by filing the complaint against the Government of Poland in 1982. In 2001, along with the then Employer coordinator, Jean-Jacques Oechslin, he had created the French Association for the ILO. He was deeply respected internationally and would be remembered for his firm belief in the values of the ILO, in social dialogue and in the need to strengthen tripartism, both within the Organization and beyond.
- 261.** *A Government representative of France* said that Marc Blondel had left no one indifferent, as seen by the number of national and international tributes paid to him. Over his life of service, he had worked tirelessly to strengthen social progress. France would remember him as a tireless trade unionist, as a republican, and as a citizen of the world, deeply committed to the principles of freedom, equality and fraternity. He brought honour to France and to the Organization.

Decision

- 262.** *The Governing Body paid tribute to the memory of Mr Marc Blondel and invited the Director-General to convey its condolences to Mr Blondel's family and to the General Secretary of Force ouvrière.*

(GB.320/INS/14(Add.), paragraph 4.)

Mr Dierk Lindemann

- 263.** *The Employer coordinator* said that Mr Lindemann had devoted the whole of his professional life to the cause of seafarers. He had brought his immense knowledge and unique expertise of international maritime labour law to the various bodies on which he had served at the ILO, and he had been one of the driving forces behind the Maritime Labour Convention, 2006 (MLC, 2006). After its adoption, he had continued to lobby for its ratification and had held seminars at the Turin Centre.

- 264.** *The Worker Vice-Chairperson* said that Mr Lindemann had been a committed ambassador of the maritime sector, a skilled negotiator and a fair and competent partner who had fully understood the living and working conditions of seafarers. His experience, especially as Managing Director of the German Shipowners' Association, had been invaluable during the drafting of the MLC, 2006.
- 265.** *A Government representative of Germany* expressed his deep sorrow at the loss of a man who had so greatly served the cause of national and international maritime law. In 2008, Mr Lindemann had been awarded the Order of Merit of the Federal Republic of Germany in recognition of his leading role in developing the MLC, 2006.

Decision

- 266.** *The Governing Body paid tribute to the memory of Mr Dierk Lindemann and invited the Director-General to convey its condolences to the family of Mr Lindemann, to the International Shipping Federation, and to the President of the German Shipowners' Association.*

(GB.320/INS/14(Add.1), paragraph 5.)

First Supplementary Report: Update on the internal reform (GB.320/INS/14/1)

- 267.** *The Employer coordinator* noted that the paper did not contain details of the reform of the ILO's field operations and structures and asked when such information would be available.
- 268.** *The Worker Vice-Chairperson*, thanked the Director-General for his commitment to the internal reform of the Office and of field operations and structures.
- 269.** *Speaking on behalf of the Africa group*, a Government representative of Kenya expressed optimism that the ILO would focus on equity and inclusiveness when reviewing its field operations and structures. His group looked for a more cohesively managed relationship between headquarters and the field, under the banner of "one ILO". He took note of the appointment of a head of internal communications and the development of a single, integrated communications approach, and he looked forward to the release of the redesigned ILO global website. He also looked forward to a report on the outcomes of the internal reform, and especially on the impact of the reform initiatives.
- 270.** *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said that the regional offices should play a greater role in the decentralization of the ILO's functions under the field operations reform. Countries with the most extreme needs should have a larger ILO presence and sufficient professional and economic means to perform their tasks effectively. He asked for more information on measures proposed to improve relations, understanding and cooperation between headquarters and the field offices, and also on the programme to engage headquarters and field directors and specialists with the communications reform roadmap. GRULAC urged the Office to strengthen the Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) to meet the need for professional training in his region. Finally, he asked whether the report submitted by the Review Team in December 2013, containing various proposals, would be published.

271. *Speaking on behalf of ASPAG*, a Government representative of Australia suggested that an independent review should be conducted of the staff ratio between headquarters and field operations in comparison to other UN specialized agencies – there were currently almost double the number of staff at headquarters compared to in the field. ILO technical professionals should also work more closely with constituents in the field.
272. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said that IMEC would welcome a prompt response from the Director-General on decisions such as the establishment of a task force on change management, and looked forward to the progress report on the implementation of the comprehensive Office-wide internal communication strategy by the new head of internal communications. IMEC welcomed the measures taken by the Office to improve information sharing and advocacy, the release of a more user-friendly ILO website, and the development of an integrated approach to ILO communications. The travel rules for Governing Body members should be harmonized with those applicable to ILO staff, since past adjustments of travel rules had generated considerable savings. IMEC called on the Office to maintain a results-focused approach throughout the reform agenda and ensure that the impact of all initiatives was accurately measured and regularly reported to the Governing Body.
273. *A Government representative of China* expressed his country's wish to see the ILO website translated into Chinese and thereby expand the ILO's impact in Chinese-speaking regions.
274. *The Director-General*, noting that the report contained the same level of detail as the previous one, which had met with the Governing Body's approval, said that further information on field operations and structural reform was available online, in the field review report and in a video broadcast on the issue. The Office had achieved a clear understanding with regard to decision-making responsibilities and would continue to respect those responsibilities and carry out its duties in that regard. The report emphasized the importance of the "one ILO" modus operandi, which was central to the review process. It brought headquarters and field operations closer together, with the objective of providing constituents with high-quality services relevant to their needs. The Office would continue to consult closely with constituents as it moved forward in its decision-making, particularly concerning structural arrangements and with regard to CINTERFOR. The right way to proceed with the field reform was to establish clear working methods and functions.
275. All technical staff in Geneva and elsewhere should be part of the supply chain of quality services. Regarding staff ratios, although it was helpful to make comparisons with other organizations, the level of comparability with organizations was relative to the difference of the work. The issue of travel rules would be examined before the start of the next Governing Body session, and then, following consultations, the Office would present the Governing Body with proposals.
276. *A representative of the Director-General (DDG/MR)* provided an update on the implementation of decisions arising from the previous communications review. A concerted effort had been made not only by the Department of Communication and Public Information (DCOMM) but also by communications staff in each of the regions. DCOMM would ensure regular liaison between headquarters and communications staff in the field, to keep headquarters informed of what was being communicated in the field and to guarantee consistency. Improvements would be made to the ILO website throughout the year.

Outcome

277. *The Governing Body took note of the information contained in document GB.320/INS/14/1.*

(GB.320/INS/14/1.)

**Second Supplementary Report: Follow-up
to the discussion on the dissolution of the
International Institute for Labour Studies
and the establishment of the central
Research Department
(GB.320/INS/14/2)**

- 278.** *The Employer coordinator* said that the three groups of constituents should have a greater role in setting the Organization's strategic research agenda, rather than setting it solely through the programme and budget process on a biennial basis. Dual reporting to both the Deputy Director-General for Policy and the Director-General should not lead to an erosion of the focus on strategic long-term research: the urgent should not drive out the important. He asked for more information on how the Research Review Group would operate and whether the three groups of constituents could be involved in the discussions on its establishment.
- 279.** *The Worker Vice-Chairperson* said that the arrangements for reporting lines partly responded to the concerns raised by his group, but it remained to be seen whether the dual reporting structure would allow for smooth cooperation between technical and research departments and the strategic and visionary research agenda. He welcomed the fact that the research agenda would be determined through the programme and budget process, but sufficient resources should be allocated for research that had a longer time horizon. His group agreed on the methodology for preparing the research agenda but stressed the need for the experts in the Research Review Group to be independent and of recognized standing.
- 280.** *Speaking on behalf of the Africa group*, a Government representative of Kenya said that his group looked forward to the speedy completion of the Field Operations Review so as to learn of arrangements for research work carried out in the regions and its relationship with the Research Department. His group requested regular updates on the integration of the Research Department into existing ILO organs, and reiterated that the guarantees available to member countries concerning high-quality research under the previous International Institute of Labour Studies (IILS) should be maintained.
- 281.** *Speaking on behalf of GRULAC*, a Government representative of Costa Rica expressed support for the creation of the Research Department. This should help address the fragmentation of research activities and ensure greater coherence in ILO's analytical work. Her group welcomed the efforts made to guarantee objectivity and relevance of the work of the Research Department and congratulated the Director on his nomination. GRULAC supported the establishment of a new Research Fund, as set out in the draft decision of GB.320/PFA/6, to strengthen the research strategy and activities of the new Research Department.

- 282.** *Speaking on behalf of ASPAG*, a Government representative of Australia said that the incorporation of the ILS into the Research Department would significantly enhance the ILO's research and technical capacities and its contribution to international economic policy-making. He welcomed the nomination of the new Director of the Research Department and hoped that this would facilitate coherence between the Department's research agenda and the direction set by the Governing Body.
- 283.** *Speaking on behalf of IMEC*, a Government representative of Germany appreciated the Director-General's transparency with respect to the appointment of the Director of the Research Department, and requested further information on staff numbers. He referred to document GB.320/PFA/13, saying that IMEC hoped the human resources reform plan would have a positive impact on maintaining and improving levels of staff qualifications. He assumed that the Director-General had good administrative reasons for not requesting the Director of the Research Department to report directly to him on all matters. He would appreciate information regarding the measures taken to reinforce the Statistics Department, as well as information on how its work would be integrated with the Research Department. IMEC wished to be involved in the decisions related to broad research priorities. The two departments should jointly focus on the themes that were most relevant to constituents, and on working methods that leveraged the ILO's overall research capacity. All research should be applied research, and aligned with the Organization's mandate, objectives and priorities. The group asked to be kept informed about the Research Review Group. The ILO's Intranet and Internet needed to be restructured to reflect internal organizational changes, including the involvement of the Turin Centre with the Research Department. IMEC invited the Director-General to present another progress report at the November 2014 session of the Governing Body, taking into account its observations.
- 284.** *A Government representative of France* took note of the information that the Office had provided, particularly in response to requests made at the previous Governing Body session. Regarding reporting lines, he reiterated the need for the Director-General to play a central role in establishing the strategic direction. He therefore hoped that the reporting lines that had been established would permit this. He stressed the importance of autonomy in the conduct of research and commended the Office for the creation of the Research Review Group; however, he requested information on its composition and competences. He underlined that its members should be internationally recognized experts.
- 285.** *A Government representative of India* appreciated the ILO's initiatives in building a strong empirical foundation and hoped that the Research Centre would be able to carry out all technical and strategic requirements for the Organization and its member countries. She hoped that the research would take into consideration the member countries' socio-economic diversities. The collaboration between the Research Department and the Turin Centre should lead to the effective implementation of policy guidelines. Research databases and methodologies should be developed in consultation with regional offices. Results-based management would improve the effectiveness of the ILO only when resources were optimally dispersed. She underlined that member countries should be kept informed on the development of the research agenda, and on the evaluation of the Research Review Group.
- 286.** *A Government representative of Switzerland* commended the Director-General on the Research Review Group and highlighted the crucial role that the Research Department would play in evaluating policies. He underlined that research should be based on methodologies that guaranteed independence, objectivity and scientific rigour. The Research Department should be involved in all evaluations of existing policies, including technical policy units. He supported the direct link between the Department and the Director-General.

- 287.** *A Government representative of the Islamic Republic of Iran* said that the initiative would revitalize research in order to meet the diverse challenges of the Organization. He emphasized the role of the Research Department as a repository of international, high-quality research on the world of work. He welcomed the appointment of the Director of the Research Department.
- 288.** *A representative of the Director-General* (Director of the Research Department) took note of the comments made by the delegates, and stated the importance of a balance between operational research on policies that work and analysis of emerging trends, with a long-term strategic vision. The methodologies had to take into account the diversity of the countries involved, notably the different levels of development and factor endowments. The Research Review Group had to comprise highly intellectual individuals with diverse academic backgrounds, both in their expertise and geographical origins. He noted the need for the research to be conducted rigorously and with impartiality, while addressing issues of relevance to the Governing Body's mandate. Strict and independent guidelines and methodologies had to be adhered to. It was essential for the different units to work closely together. He provided details on the staff positions within the Research Department.
- 289.** *The Director-General* said that he was encouraged by the comments made and that the Office was determined to fulfil the expectations of the Governing Body. The organizational structure and reporting lines had been carefully considered, and he was confident that the Office would be able to reconcile the immediate demands made upon the Organization in respect of research. He gave his assurances that he would provide strategic leadership, and agreed that the Research Review Group had to be independent and composed of individuals of the highest intellectual standing; as stated in the document, the group would provide periodical reports. He also gave his assurances that the services provided by the ILS would be transferred to the Research Department. While the aim was to consolidate research, the Office had been careful to ensure that the Department would interact closely with the technical departments at headquarters and in the different regions, and with the Turin Centre.

Outcome

- 290.** *The Governing Body took note of the developments reported in document GB.320/14/2 and provided guidance thereon to the Office.*

(GB.320/14/2, paragraph 11.)

Third Supplementary Report: Situation of trade union rights in Bangladesh (GB.320/INS/14/3)

- 291.** *The Worker Vice-Chairperson* said that, despite the significant measures taken in Bangladesh, workers still struggled to exercise their rights to freedom of association and collective bargaining. The Government should follow through with further legal reforms, as agreed under the Global Sustainability Compact, which would address the issues raised by the Committee of Experts. It should also ensure that the labour law reforms were effectively implemented and that all acts of anti-union discrimination were dealt with quickly. The new trade unions in the ready-made garments industry represented only a small fraction of workers and were ineffective if members were unable to bargain collectively. Employers had made no move to engage in collective bargaining and the Government had failed to provide encouragement or enforce the law in that regard. Trade union rights had not spread to other sectors and there was a continued lack of commitment

to ensuring the rule of law. Workers in a factory outside Dhaka had recently been subjected to rounds of mass dismissals, violence and pressure from the employer following attempts to register a trade union. There was growing concern at the creation of company unions to prevent worker-led trade unions. In the export processing zones (EPZs), worker welfare associations, which substituted for trade unions, existed in some factories, but the Bangladesh EPZ authority (BEPZA) had not only failed to promote collective bargaining but had actively undermined the process. There was no indication that union representatives had been consulted in the preparation of the draft EPZ law. He hoped that they would be given the opportunity to comment on the text and that their views would be taken into consideration. His group urged the Government to further increase the numbers of labour inspectors and to ensure that new recruits were well trained and had the necessary tools to carry out their work. The group looked forward to working with the ILO to develop workers' capacities to strengthen the democratic trade union movement. Regarding the launch of the Better Work programme, there was concern that without a firm commitment to social dialogue and freedom of association in Bangladesh, the programme would be unable to address the fundamental deficits in the garment industry. Greater emphasis should therefore be placed on social dialogue at the enterprise, industry and national levels. In view of the seriousness of the situation in Bangladesh, his group would have welcomed more details in the Office report.

- 292.** *The Employer coordinator* encouraged the Government of Bangladesh to continue its work to ensure freedom of association and requested that it continue to provide reports on efforts to bring legislation into full compliance with Conventions Nos 87 and 98. While his group appreciated the work to launch the Better Work programme in Bangladesh, he recalled that it was not a substitute for the DWCP, the Government or the national laws. He raised a concern regarding the inclusion of the joint statement on the Sustainability Compact between the Government of Bangladesh, the EU and the ILO in the appendices to the report, as reference was made to the ILO's participation, yet its constituents had not been involved in negotiating the text. He stressed that in order to achieve productive results in Bangladesh, an inclusive and constructive engagement of local workers, employers and Government was crucial.
- 293.** *A Government representative of Bangladesh* said that the amendment of the Labour Act had been based on wide consultations among relevant stakeholders and in particular sought to ensure workers' welfare, rights and safety. The reform was a continuous process and his Government highly valued the ILO's assistance. Important progress had been seen through the simplified trade union registration process; the abolishment of the submission of lists of trade union members to factory management; the establishment of workers' right to form participatory committees; the recruitment of additional labour inspectors; and the declaration of an increased minimum wage for the garment sector. Work was under way on a separate, comprehensive EPZ labour act and the BEPZA was monitoring the respect of workers' rights in EPZs. His Government appreciated the constructive engagement of the ILO and partners to promote rights at work in Bangladesh through a number of projects, including the Better Work programme. The Government was committed to ensuring labour rights, but the country needed time, understanding and cooperation to achieve that objective.
- 294.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Albania, Norway and Republic of Moldova. As Bangladesh's largest trade partner, the EU was particularly concerned by the labour conditions in Bangladesh. Her group welcomed the progress outlined in the Office's report and encouraged the Government to address remaining shortcomings, and to continue to follow up on its commitments under the Global Sustainability Compact. It should also continue working with the ILO to improve the overall occupational safety framework,

including the ratification of relevant ILO Conventions. The EU had provided support through projects targeting working conditions and vocational training. It also supported the European social partners' promotion of a corporate social responsibility framework in the clothing sector and welcomed their follow-up to the accord on fire and building safety in Bangladesh. The group confirmed its commitment to promote labour rights and factory safety in Bangladesh and urged the Office to continue its work in that regard.

- 295.** *A Government representative of the Netherlands*, speaking on behalf of Canada, the Netherlands and the United Kingdom, said that they welcomed the growth in registered trade unions, and supported the focus of work in the garment sector on increasing the capacity of workers to develop effective relationships with management, while noting that capacity building for management was also important. Trade union support programmes in Bangladesh should coordinate their activities to avoid overlap and should keep donors informed. He requested information regarding the support that Bangladeshi employers' organizations had received from the ILO and from employers' organizations in other countries.
- 296.** *A Government representative of China* welcomed the positive steps taken in Bangladesh to amend its labour act, enhance labour inspections and improve working conditions.
- 297.** *A Government representative of the United States* encouraged the Government of Bangladesh to continue working with the ILO and other partners to promote effective freedom of association and collective bargaining across all sectors, and to build the capacity of the labour inspectorate. It should take action to protect the members of newly registered trade unions and ensure timely and effective investigations into allegations of unfair labour practices. His Government encouraged the continued review of the Labour Act, particularly with regard to the issues raised by the Committee of Experts, and to its extension into the EPZs. The role of the BEPZA as the agency responsible for enforcement and implementation of labour laws in EPZs should be reconsidered and the Government should invite the ILO to future meetings of its EPZ review committee.
- 298.** *A Government representative of India* commended the steps taken by Bangladesh to improve labour rights and strengthen the labour inspectorate. He encouraged the ILO and all member States to continue to assist Bangladesh by means of technical cooperation and guidance.
- 299.** *A Government representative of Switzerland* encouraged the Government of Bangladesh and all the other parties concerned to apply the new laws and ensure respect for fundamental rights at work. In order to achieve the full potential of the Better Work programme, compliance with international standards and the commitment of all partners were essential. The Government should continue to make every effort to enable the ILO to play a central coordinating role in all activities linked to fundamental principles and rights at work in the textile industry.
- 300.** *A Government representative of Pakistan* commended the Government of Bangladesh on the steps which it had taken to improve trade union rights, strengthen the labour inspection mechanism and amend the Bangladesh Labour Act to bring it into line with ILO Conventions. He urged the ILO to extend the Better Work programme to other countries.
- 301.** *A Government representative of the Islamic Republic of Iran* welcomed the enhancement of trade union rights in Bangladesh and improvements in labour legislation. He encouraged the Government of Bangladesh to pursue its efforts and called on the Office to provide continued assistance.

302. *A Government representative of Australia* welcomed the joint endeavours of Bangladesh and the ILO to improve industrial safety, and encouraged Bangladesh to continue to strengthen its compliance with Conventions Nos 87 and 98. Many Australian companies had signed an accord on fire and building safety in Bangladesh which would lead to better working conditions in all industrial sectors.
303. *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships (DDG/FOP)), responding to the call to involve the tripartite constituents in negotiations concerning trade union rights, said that the ILO worked closely with employers and workers and their respective associations in Bangladesh; that they received training in preparation for inspections; and that cooperation between local employers and multinational companies was good. He emphasized the importance of the support of development partners. Among the main challenges remaining were the question of compensation for workers' injury or death, and the inspection of some 3,500 buildings.

Outcome

304. *The Governing Body provided guidance in relation to the situation reported in document GB.320/INS/14/3 and the action undertaken by the ILO described in the document with respect to freedom of association in Bangladesh.*

(GB.320/INS/14/3, paragraph 12.)

Fourth Supplementary Report: Developments in relation to the agreement between the ILO and the International Organization for Standardization, including in the field of occupational safety and health (GB.320/INS/14/4)

305. *The Worker Vice-Chairperson*, reiterating that standard setting in the area of occupational safety and health management systems (OSH–MS) was a matter for the ILO, expressed concern that the development of a standard on the subject by the International Organization for Standardization (ISO) might undermine ILO standards. ISO regrettably decided to go ahead with the standard, and the ILO should engage to provide binding advice on the standard in order to ensure consistency with the relevant international standards. The ILO could best respond to the privatization of standards and make optimum use of its resources by encouraging the ratification and implementation of its own standards. It should assess participation in the ISO OSH–MS standard before trialling other models of cooperation with the ISO. ACTRAV and ACT/EMP should be consulted in the process of submitting any comments to the ISO on new items for standard setting.
306. It was vital to ensure that the definitions and terminology used in ISO standards reflected ILO instruments, and evaluation criteria should be established in that regard, including with the involvement of ACTRAV and ACT/EMP. Such criteria should be the basis for ILO comments made to ISO members voting on draft standards. Allowing the ISO to set standards that were within the remit of the ILO would lead to the privatization of standards and a commercial approach, given their use for certification. It was questionable whether two organizations with such different mandates as those of the ISO and the ILO would succeed in cooperation in the future. He supported the draft decision.

- 307.** *The Employer coordinator* said that the ILO's priority should be to ensure consistency between its work on occupational safety and health and the outcome of ISO work, but not aim to have ILO standards referred to in the OSH–MS requirements. For the sake of its credibility, the ILO should continue to be involved in the work of the ISO technical committee on OSH–MS until the standard had been drafted, but that did not imply general agreement with the ILO's involvement in ISO work. Each project should be considered on its own merits and in the light of its relevance to ILO activities. He supported the draft decision.
- 308.** *Speaking on behalf of the Africa group*, a Government representative of Kenya said that the development of ISO 45001 required the Office's effective participation in a complex drafting process that called for the Office to become familiar with ISO approaches and procedures and for the ISO to learn about ILO standards. The ILO should also take part in the review of ISO 26000 in order to make sure that ILO standards were upheld. However, all ISO standards should be complementary and add value to ILO mechanisms that already existed and not duplicate them. The ILO should check that ISO standards in the employment and labour sector were consistent with its own, since ISO standards must not replace or dilute those of the ILO as provided in the ILO–ISO agreement. His group was in favour of the draft decision.
- 309.** *A Government representative of India* asked for more information about the rationale for accepting the agreement between the ILO and ISO (GB.319/INS/INF/1) and the progress achieved in its implementation. The role of the ILO was too limited as it had no binding power over ISO. The short time limit for the submission of ILO comments on new work item proposals rendered the exercise meaningless. The fact that any invitation to attend meetings of the ISO Technical Management Board was subject to its discretion and that the ILO had no voting rights over ISO standards detracted from the standing and effective presence of the ILO. It was disheartening to learn that some key terms and conditions in the drafting of the OSH–MS standard had yet to be settled despite the agreement's condition of conformity of ISO standards with relevant ILO standards.
- 310.** The ILO, as the only organization with a global mandate to establish occupational safety and health (OSH) standards, must lead the way in all policy setting and activities on that subject. Voluntary or private labour standards might create a protectionist agenda and hamper the trade of developing and less developed countries on the international market. The ILO must maintain its position of authority when collaborating with other international organizations in labour-related issues. For that reason, any further collaboration with the ISO should be made subject to the condition that critical concepts were identified and agreed and that the ILO's leadership in labour matters was not undermined.
- 311.** *A representative of the Director-General* (Senior Counsellor to the Deputy Director-General for Policy (DDG/P)) replied that the pilot implementation would show whether the safeguards on which the Governing Body had insisted, and which had been embedded in the agreement, could be realized in practice. The Office was attentive to ways to pilot less intensive models of involvement and fewer resources would need to be devoted to the OSH–MS drafting if the ILO approach to OSH–MS was incorporated in the ISO standard. The ILO's technical team interacted closely with ACT/EMP and ACTRAV and cooperated with the IOE and the International Trade Union Confederation (ITUC) representatives in ISO committees, while also seeking governments' input.

Decision

312. *The Governing Body:*

- (a) *decided to extend for one year the pilot implementation of the ILO–ISO agreement signed on 6 August 2013, noting in particular that collaboration on OSH–MS was still under development, and to review the implementation of the agreement at its 323rd Session (March 2015);*
- (b) *provided guidance on priorities and challenges to be taken into account in continued piloting of the ILO–ISO agreement, and on particular elements for assessing its effectiveness.*

(GB.320/INS/14/4, paragraph 13.)

**Fifth Supplementary Report:
Report of the 19th International
Conference of Labour Statisticians
(Geneva, 2–11 October 2013)
and the Tripartite Meeting of Experts in
Labour Statistics on the Advancement of
Employment and Unemployment Statistics
(Geneva, 28 January–1 February 2013)
(GB.320/INS/14/5)**

- 313. *The Employer coordinator* said that many Governments were still unable to report statistics in line with the resolutions of the 18th International Conference of Labour Statisticians (ICLS), let alone with those of the 19th ICLS. While considerable support would be required in order to give effect to them, any arrangements to hold more frequent meetings would obviously have to adhere to the constraints of the programme and budget. He supported the draft decision.
- 314. *The Worker Vice-Chairperson* highlighted the importance of allocating sufficient resources for follow-up on the issues mentioned in paragraphs 7 and 12 of the report. Labour should be regarded as fully utilized only if work generated a living wage and was consonant with a person's skills. Statistics on those matters were therefore vital. The updated manual referred to in paragraph 12 would be most useful. He wondered what time line was envisaged for action on the two abovementioned paragraphs. He agreed with the draft decision.
- 315. *Speaking on behalf of the Africa group*, a Government representative of Kenya expressed support for resolution I concerning statistics of work, employment and labour underutilization adopted by the 19th ICLS and urged the ILO to seek funding for the priority areas identified therein. Resolution V concerning the functioning of the ICLS and the updating of its Standing Orders should be considered at the 322nd Session of the Governing Body. The report should be widely distributed. He endorsed the draft decision.
- 316. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that resolution I concerning statistics of work, employment and labour underutilization, adopted by the 19th ICLS, prepared the ground for covering a wider range of types of work, while giving countries flexibility regarding implementation. Mismatches

between labour supply and demand were posing a significant challenge, the measurement of which would be facilitated through the new concept of labour underutilization. His group endorsed the draft decision.

- 317.** *A Government representative of Mexico* underlined the need for constant strengthening of technical assistance through training and capacity building. Hence Mexico was interested in participating in the development of a manual setting out methodology for assessing new concepts of work and employment in line with resolution I. Some adjustment needed to be envisaged with regard to the definition of informal work in relation to subsistence farmers before an agreement could be made to implement resolution I, in view of the fact that they would still not be taken into account in the context of informal work. Mexico was willing to participate in the working group which would aim to define international standards on labour migration statistics. He supported the draft decision.
- 318.** *A Government representative of Japan*, noting that the adoption of resolution I was a substantial accomplishment in the field of international labour statistics, said that it was important to create an environment where member States could implement the statistics on employment and unemployment. He supported the Office's proposed guidebook on the interpretation of new standards, the expert manual and information on good practices. He endorsed the draft decision.
- 319.** *A Government representative of India* said that the various resolutions needed to be studied in detail by each country in terms of its own national statistical system and concepts. Noting the particular emphasis on the development of labour migration statistics, she wished to study the implications of the proposed changes in terms of coverage and the data collection mechanism. She supported the draft decision.
- 320.** *A representative of the Director-General* (Director, Department of Statistics) said that the 19th ICLS constituted the most significant review of labour statistics that had taken place since 1982. The Office had already made provision for commencing implementation during the present biennium, as far as resources permitted. The preparation of manuals, in particular one on wages, had also been included in the plan of work; discussions would take place in the current biennium and it was hoped that drafts would be prepared for tripartite discussion during the next biennium in order to prepare for the 20th ICLS. Implementation of the ICLS resolutions implied the mobilization of significant resources which went beyond the scope of the ILO, and the Office was seeking partnerships with other institutions and organizations in that regard.

Decision

321. *The Governing Body:*

- (a) took note of the report of the Conference;*
- (b) requested the Director-General to consider the recommendations of the Conference in carrying out the future programme of work of the Office;*
- (c) requested the Director-General to submit to a future session of the Governing Body a document with proposals to give effect to resolution V of the 19th ICLS; and*

- (d) *authorized the Director-General to distribute the report of the Conference to:*
- (i) *the governments of member States and, through them, to the national employers' and workers' organizations concerned, drawing particular attention to the five resolutions contained in Appendix III to the report;*
 - (ii) *the international employers' and workers' organizations concerned;*
 - (iii) *the UN and other intergovernmental organizations;*
 - (iv) *non-governmental organizations represented at the Conference.*

(GB.320/INS/14/5, paragraph 20.)

Sixth Supplementary Report: Documents submitted for information only (GB.320/INS/14/6)

Outcome

322. *The Governing Body took note of the information contained in the documents listed in the appendix to GB.320/INS/14/6.*

(GB.320/INS/14/6, paragraph 4.)

Seventh Supplementary Report: Appointment of an Assistant Director-General (GB.320/INS/14/7)

Decision

323. *The Governing Body noted that the Director-General, after having duly consulted the Officers of the Governing Body, had appointed Mr Aeneas Chapinga Chuma as Regional Director of the ILO Regional Office for Africa at the Assistant Director-General level. Mr Chuma made, and signed, the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.*

(GB.320/INS/14/7, paragraph 4.)

Eighth Supplementary Report: Report of the committee set up to examine the representation alleging non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), made under article 24 of the ILO Constitution by the International Trade Union Confederation and the Building and Woodworkers International
(GB.320/INS/14/8)

Decision

324. The Governing Body:

- (a) *approved the report contained in document GB.320/INS/14/8;*
- (b) *requested the Government, in light of the conditions of work that certain migrant workers might face and in order to ensure that they enjoyed the protection provided for in the Convention, to take into account the action requested in paragraphs 45, 46, 47, 48, 51, 53, 56, 57, 58 and 63 of document GB.320/INS/14/8, and in particular:*
 - (i) *to review without delay the functioning of the sponsorship system so that the system did not place migrant workers in a situation of increased vulnerability to the imposition of exploitative work from which they could not leave;*
 - (ii) *to ensure without delay access to justice for migrant workers, so that they could effectively assert their rights, including by strengthening the complaints mechanism and the labour inspection system, as well as through the empowerment of migrant workers;*
 - (iii) *to ensure that adequate penalties were applied for violations relating to forced labour contained in the Penal Code, the Labour Law and Law No. 15 of 2011 on combating trafficking in persons;*
- (c) *invited the Government to provide information on the measures taken to give effect to the recommendations of the Committee, including relevant data regarding the number and nature of violations of the relevant legislative framework and the specific penalties applied, for examination by the Committee of Experts on the Application of Conventions and Recommendations at its next session in November–December 2014;*
- (d) *invited the Government to avail itself of the technical assistance of the International Labour Office to implement these recommendations;*
- (e) *made the report publicly available and closed the procedure initiated by the representation.*

(GB.320/INS/14/8, paragraph 65.)

Fifteenth item on the agenda

Reports of the Officers of the Governing Body

First report: Complaint concerning 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.320/INS/15/1)

- 325.** *The Worker Vice-Chairperson* expressed his group's full satisfaction with the draft decision proposed by the Officers of the Governing Body. He hoped that the breakthrough achieved would secure full implementation of the tripartite agreements of 2012 and 2014; to that end, close follow-up and monitoring would be required. Meeting the requirements resulting from ratification of Convention No. 111 remained a serious challenge, and he accordingly welcomed the proposal in the draft decision for the Committee of Experts on the Application of Conventions and Recommendations to follow up on the implementation of those agreements. Notwithstanding the continued fragile situation in Bahrain, the success achieved could serve as a model for an inclusive national effort to further address the discriminatory nature of the labour market governance system. While commending the constructive role played by the Minister of Labour and the Bahrain Chamber of Commerce and Industry (BCCI), he saluted the efforts and determination of the General Federation of Bahrain Trade Unions (GFBTU).
- 326.** *The Employer coordinator* welcomed the Supplementary Tripartite Agreement, 2014, reached by the Government, the GFBTU and the BCCI, which (together with the Tripartite Agreement, 2012) addressed all the issues in the complaint and provided for measures to settle all the remaining matters. He accordingly called for the procedure under article 26 of the ILO Constitution to be closed.
- 327.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia and Republic of Moldova aligned themselves with her statement. She reiterated the call for Bahrain to comply fully with its international human rights commitments and called on all States to implement the core ILO Conventions, which was essential for social and economic stability in any country. She welcomed the Supplementary Tripartite Agreement, 2014, and supported the draft decision proposed.
- 328.** *A Government representative of Qatar* thanked the Minister of Labour of Bahrain for the updated information provided and commended the vital role played by the ILO. He valued the efforts made by the Government and the social partners, which had led to the signing of the Supplementary Tripartite Agreement, 2014, and the settlement of all issues. He supported the draft decision and considered the closure of the complaint to be final.
- 329.** *A Government representative of Egypt* congratulated the Government, workers and employers on reaching a comprehensive agreement. It proved the Government's desire to fulfil its international commitments and was an example to be followed.

- 330.** *A Government representative of Sudan* valued Bahrain's efforts to bring about genuine reform. An independent fact-finding committee had been set up to investigate the events that had swept through the country in early 2011; the comprehensive programmes of reform put in place in a number of sectors, as recommended by the committee, had laid the foundation for a return to development and progress in the country. It was accordingly wise for the Governing Body to give the social partners in Bahrain the space and opportunity to implement those recommendations.
- 331.** *A Government representative of Thailand* commended the efforts made by the Government of Bahrain, the BCCI and the GFBTU to resolve the complaint amicably, culminating in the signing of the Supplementary Tripartite Agreement in March 2014.
- 332.** *A Government representative of India* said that the GFBTU's approval of the Government's list of workers requiring further consideration was indicative of an atmosphere of constructive partnership and trust, and that no further action was required by the ILO.
- 333.** *A Government representative of the United States* said that he trusted that the tripartite parties would avail themselves of ILO technical assistance in the implementation of the Supplementary Tripartite Agreement and further cooperation between Government and social partners, to ensure a free and independent environment for trade union activists. He welcomed the fact that the ILO Committee of Experts on the Application of Conventions and Recommendations would follow up on these issues.
- 334.** *A Government representative of Viet Nam* noted the tripartite parties' commitment to resolving the complaint, and considered that the Governing Body should close the case.
- 335.** *A Government representative of Lebanon* added his congratulations on the successful tripartite efforts. He called on all partners to implement the agreement to bring peace to Bahrain, which in turn would enable development.
- 336.** *A Government representative of Canada* was pleased to note that the additional time for constructive dialogue since the 319th Session of the Governing Body had led to the closure of the case. He welcomed the fact that the paper for the item had been distributed in a more timely manner than prior sessions' papers had been, however, further procedural improvements were possible.
- 337.** *A Government representative of Pakistan* extended his congratulations to the ILO and the Government of Bahrain, the GFBTU and the BCCI for resolving the complaint in a cooperative and timely manner, and supported the Governing Body's closing of the case.
- 338.** *A Government representative of China* expressed his appreciation for the productive tripartite cooperation with the ILO since November 2013, and hoped that the Governing Body fully recognized the important work done.
- 339.** *A Government representative of Algeria* added his congratulations on Bahrain's resolution of the case. The Supplementary Tripartite Agreement would undoubtedly benefit Bahrain's workers and economy.

Decision

- 340.** *On the recommendation of its Officers, in the light of the developments set out in document GB.320/INS/15/1, the Governing Body:*

- (a) *welcomed the Supplementary Tripartite Agreement, 2014, reached by the Government, the GFBTU and the BCCI which, together with the Tripartite Agreement, 2012, addressed all the issues contained in the complaint and provided for measures to settle all the remaining matters;*
- (b) *invited the Committee of Experts on the Application of Conventions and Recommendations, in its examination of the application by the Government of Bahrain of Convention No. 111, to follow up on the implementation of the Tripartite Agreement, 2012, as well as the Supplementary Tripartite Agreement, 2014;*
- (c) *invited the Office to provide technical assistance, if so required by the Government of Bahrain, the GFBTU and the BCCI for the full and effective implementation of the Agreements referred to above;*
- (d) *decided that the complaint called for no further action on its part;*
- (e) *declared closed the procedure under article 26 of the ILO Constitution concerning the abovementioned complaint.*

(GB.320/INS/15/1, paragraph 20, as amended.)

- 341.** *A Government representative of Bahrain (Minister of Labour) expressed his thanks to all who had helped the work towards the successful closure of the case. The decision ended a state of emergency and marked the start of a bright period for Bahrain, one in which the Government and the social partners would seek to strengthen cooperation and overcome difficulties with a responsible, patriotic spirit. It demonstrated Bahrain's determination and ability to fulfil its commitments and maintain its achievements in the fields of labour and rights. It would contribute to the development of an atmosphere of universal understanding and trust.*

Second report: Evaluation of the impact of the ILO Declaration on Social Justice for a Fair Globalization, 2008

(GB.320/INS/15/2)

- 342.** *A representative of the Director-General (DDG/MR) pointed out the link between the paper under consideration and document GB.320/INS/2 dealing with the ILC, particularly subparagraph (e) of the draft decision in the latter document. Regarding the proposed evaluation of the impact of the Social Justice Declaration, it had to be decided whether to conduct the evaluation at the 105th Session (2016) or 106th Session (2017) of the Conference. The recurrent item discussion scheduled for 2016, on fundamental principles and rights at work, was the last in the seven-year series. It was necessary to consider whether it was appropriate or practical to conduct the review of the Declaration at the same Conference session or to defer the recurrent item discussion to 2017, after the review. One advantage of conducting the evaluation in 2016 was that it would assist in the Conference's and the Governing Body's consideration of the SPF, which would also be considered at the Conference in 2017. Conducting both the review of the Declaration and the development of the next SPF in the same year could also create complications. He suggested that the Governing Body discuss both agenda items together (GB.320/INS/15/2 and GB.320/INS/2) in order to hear delegates' views and then defer a decision until later in the week to allow time for consultation within and between the groups. It was important to try to resolve all agenda matters during this session of the Governing Body as it would not*

be practical to defer them to June, when there would be a very short Governing Body meeting and a new Governing Body which would not have been associated with the history of the issues, and a delay until November could create difficulties in the preparation of Conference papers.

- 343.** *The Worker Vice-Chairperson* said that, while positive steps had been taken, further action was required to realize the full potential of the Social Justice Declaration, including: sharing knowledge and good practices; assisting Members; establishing new partnerships with non-State entities; devising appropriate indicators of progress; coordinating positions in international forums; promoting decent work by other organizations; and evaluating other organizations' policies. Technical assistance and advisory services had not been fully implemented, in particular the development of impact evaluation tools. In the area of research, the envisaged peer reviews had never been tested. The evaluation would need not only to consider how the Declaration had helped promote pursuit of the four strategic objectives but also to examine the other provisions on social justice. The possible participation of interested multilateral organizations in the evaluation might involve an exchange of views with the Governing Body. It would be useful to have the evaluation in 2016 since it would inform the SPF discussions in March 2017. However, conducting the evaluation at the same time as the discussion on fundamental principles and rights at work would not be ideal. One possibility might be to conduct the evaluation in two steps, with the first in 2016 using the Selection Committee and the second involving a technical committee in 2017. At the time of negotiation of the Declaration, the envisaged cycle had been five years, since when the Employers had requested a double cycle for employment and the Workers had requested a double cycle for fundamental principles and rights at work. If a return to the original five-year cycle was envisaged, the issue would need to be revisited in November. A decision on the next cycle should be taken by the Governing Body prior to the Conference evaluation. Regarding the General Survey, the current format should be kept, namely a discussion in the Committee on the Application of Standards one year before the review of the corresponding strategic objective in the recurrent discussion.
- 344.** *The Employer coordinator* agreed on the possibility of holding discussions in 2016 in the Selection Committee with tripartite participation, in particular titular members of the Governing Body. The Governing Body would need to analyse the question in November with a view to presentation to the new Governing Body. Regarding the General Survey, he also favoured keeping the current format. The analysis would inform the discussion on the length of cycles. The evaluation of the Declaration could begin in 2016 within the Selection Committee with a view to subsequent analysis at the 2017 session of the Conference. Meanwhile the Office could present a report on the basis of current contributions and comments to the November session of the Governing Body. The Employers and Workers needed to agree on the initial evaluation format, before seeking consensus with the Governments.
- 345.** *Speaking on behalf of the Africa group*, a Government representative of Kenya supported the proposed decision to place an item on the evaluation of the impact of the Declaration on the agenda of the 106th Session (2017) of the Conference, in order to give the Office time to prepare an evaluation report for consideration by the constituents. He supported placing the item on the agenda of the November 2014 session of the Governing Body, although further consultation was still needed.
- 346.** *Speaking on behalf of IMEC*, a Government representative of Canada recalled that her group had addressed the issue in its statement on the sixth item on the LILS agenda.
- 347.** *A Government representative of Algeria* supported placing the evaluation on the agenda of the 106th Session (2017) of the Conference and opening discussions on the subject at the 322nd Session (November 2014) of the Governing Body.

348. *The representative of the Director-General (DDG/MR) said that, following consultations, the Office proposed to the Governing Body that it place the evaluation of the Social Justice Declaration on the agenda of the 2016 Conference so that the outcome of that discussion could inform the development of the SPF in 2017. Consequently, the Office proposed to defer the recurrent discussion on fundamental principles and rights at work to the 2017 Conference.*
349. *Speaking on behalf of IMEC, a Government representative of Canada said that her group would have liked to have been informed of the publication of the report in question ahead of time. As to paragraph (a) of the draft decision, her group would prefer the evaluation of the Social Justice Declaration to be discussed at the 2017 Conference. Her group endorsed paragraph (b). The evaluation should cover the modalities for recurrent discussions, including their seven-year cycle. The evaluation should also determine the extent to which the recurrent discussions had given effect to the Social Justice Declaration. While her group did not agree with the Workers' proposal for the discussion on the evaluation to begin in the Selection Committee in 2016, it could accept the proposal made by the Office.*
350. *A Government representative of Brazil said that his Government would have preferred to discuss the evaluation at the 2017 Conference. However, if a consensus had emerged on the Office's proposal, his Government would endorse it.*

Decision

351. *In view of the information set out in document GB.320/INS/15/2, the Governing Body decided to:*
- (a) place the evaluation of the impact of the Social Justice Declaration on the agenda of the 105th Session (2016) of the Conference;*
 - (b) place an item concerning the evaluation of the impact of the Social Justice Declaration by the International Labour Conference on the agenda of the 322nd Session of the Governing Body (November 2014); and*
 - (c) defer the recurrent item discussion on fundamental principles and rights at work from the 105th Session (2016) to the 106th Session (2017) of the International Labour Conference.*

(GB.320/INS/15/2, paragraph 10, as amended.)

Third report: Representation alleging non-observance by the Government of Chile of Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the First Inter-Enterprise Trade Union of Mapuche Bakers of Santiago
(GB.320/INS/15/3)

Decision

352. In the light of the information set out in the report (document GB.320/INS/15/3), and on the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.

(GB.320/INS/15/3, paragraph 5.)

Fourth report: Representation alleging non-observance by Chile of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), made under article 24 of the ILO Constitution by the Teachers' Association of Chile
(GB.320/INS/15/4)

Decision

353. In the light of the information set out in the report (document GB.320/INS/15/4), and on the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.

(GB.320/INS/15/4, paragraph 5.)

Fifth report: Representation alleging non-observance by the United Kingdom of the Forced Labour Convention, 1930 (No. 29), submitted under article 24 of the ILO Constitution, by the trade unions UNISON, GMB and Napo
(GB.320/INS/15/5)

Decision

354. In light of the information set out in the report (document GB.320/INS/15/5), and on the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee for its examination.

(GB.320/INS/15/5, paragraph 5.)

Sixteenth item on the agenda

Composition and agenda of standing bodies and meetings (GB.320/INS/16)

Decisions

Global Dialogue Forum on Wages and Working Hours in the Textiles, Clothing, Leather and Footwear Industries
(Geneva, 23–25 September 2014)

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

- *European Apparel and Textile Organization (EURATEX);*
- *Ethical Trading Initiative (ETI);*
- *Fair Wear Foundation (FWF);*
- *IndustriALL-Europe;*
- *IndustriALL Global Union;*
- *International Apparel Federation (IAF);*
- *UNI Global Union;*
- *World Federation of the Sporting Goods Industry (WFSGI).*

(GB.320/INS/16, paragraph 7.)

18th American Regional Meeting
(Lima, Peru, 13–16 October 2014)

356. *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:*

- *Building and Wood Workers' International (BWI);*
- *Caribbean Congress of Labour (CCL);*
- *Congreso Permanente de la Unidad Sindical de los Trabajadores de América Latina (WFTU/FSM Americas);*
- *Education International (EI);*
- *IndustriALL Global Union;*
- *International Federation of Journalists (IFJ);*

- *International Transport Workers' Federation (ITF);*
- *International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF);*
- *Public Services International (PSI);*
- *Trade Union Council of Central America and the Caribbean (CSU);*
- *UNI Americas.*

(GB.320/INS/16, paragraph 10.)

Meeting of Experts on Maritime Occupational Safety and Health
(Geneva, 13–17 October 2014)

357. *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:*

- *Cruise Lines International Association (CLIA);*
- *International Association of Classification Societies (IACS);*
- *International Maritime Health Association (IMHA);*
- *International Seafarers' Welfare and Assistance Network (ISWAN);*
- *International Shipping Federation (ISF);*
- *International Transport Workers' Federation (ITF).*

(GB.320/INS/16, paragraph 12.)

Global Dialogue Forum on the Adaptabilities of Companies to
Deal with Fluctuating Demands and the Incidence of Temporary
and Other Forms of Employment in Electronics
(Geneva, 9–11 December 2014)

358. *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:*

- *Electronic Industry Citizenship Coalition (EICC);*
- *Global e-Sustainability Initiative (GeSI);*
- *GoodElectronics;*
- *IndustriALL Global Union.*

(GB.320/INS/16, paragraph 15.)

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

359. *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 Collective in Support of Fishworkers (ICSF);***
- ***International Committee on Seafarers' Welfare (ICSW);***
- ***International Confederation of Water Transport Workers' Unions (ICWTWU);***
- ***International Maritime Health Association (IMHA);***
- ***International Transport Workers' Federation (ITF).***

(GB.320/INS/16, paragraph 18.)

Policy Development Section

Employment and Social Protection Segment

First item on the agenda

Area of critical importance on jobs and skills for youth (GB.320/POL/1)

- 360.** *A representative of the Director-General (DDG/P)* recalled that eight ACIs had been identified in the Programme and Budget for 2014–15 for priority action during that biennium, in addition to the 19 outcomes in the SPF 2010–15. Immediately after its adoption at the 102nd Session of the International Labour Conference in June 2013, multidisciplinary task teams of staff from headquarters and the field had been established for each ACI, so the Office had been in a position to start work at the beginning of the year. While it was too early to give results in terms of impact on the ground, substantive progress had been made in preparatory work on the eight ACIs.
- 361.** *A representative of the Director-General (Director, Employment Policy Department (EMPLOYMENT))*, introducing the paper, noted that the vision for the ACI was embedded in the 2012 Conference resolution “The youth employment crisis: A call for action”⁵ and was consistent with the seven-year follow-up plan adopted by the Governing Body in November 2012. The strategic focus was to build knowledge and capacity of “what worked” for youth employment in different contexts. The strategy and workplan reflected a balanced approach to demand- and supply-side policies, interaction between protection and activation, the quality and quantity of employment, and the issues of rights. A community of practice involving field and headquarters staff would monitor implementation of activities and ensure broad dissemination of findings and application of lessons learned. A key point of the strategy revolved around the importance of multi-faceted partnerships for disseminating broadly the results and lessons learned on “what works”.
- 362.** *The Employer coordinator* agreed with the vision, strategic focus and main deliverables of the ACI but suggested that identifying both what did and did not work and in which circumstances might yield a better understanding of how best to allocate resources. Assessment of the impact of new trends and government policies, as well as of the ILO’s own work, would ensure effective and efficient use of resources. He also agreed with the four streams of work on filling knowledge and research gaps, taking a balanced approach to demand- and supply-side interventions, evaluating the effectiveness of policy packages and disseminating the findings. One approach that was missing, however, was to evaluate the rate of return or efficiency of investments in initiatives to promote youth employment, which would require the incorporation of objective indicators.
- 363.** He noted the importance of linking the work of the ACI with other important work of the Office. However, it was a matter of concern that work under the ACI would focus only on interactions between employment and social protection policies for young people, without taking account of policies for promoting sustainability and enabling environments in

⁵ The text of the resolution and conclusions can be found on the ILO website at: http://www.ilo.org/ilc/ILCSessions/101stSession/texts-adopted/WCMS_185950/lang--en/index.htm.

enterprises, which were the main source of youth employment. The scope of the ACI should also be expanded to cover youth entrepreneurship, and development of skills in that regard could be a strategic area of intervention. The appropriate macroeconomic, sectoral and fiscal policies depended on the economic and institutional context in which they were to be applied; studies of the impact of such policies on the labour market and its regulatory and administrative institutions should be carried out before they were implemented. The reference in the paper to temporary and involuntary part-time work was also a cause for concern. The ILO and its constituents needed to understand the benefits of flexible forms of employment, both for enterprises and for workers; they were a complement to, not a substitute for, traditional forms of employment. For many young people, temporary work served as an important entry point to permanent employment. Employers were deeply concerned about the problem of youth unemployment; one initiative had been to set up the Global Apprenticeships Network (GAN), in order to exchange knowledge and experience and to foster international cooperation on tackling it.

364. Two further concepts should be emphasized in the ACI: the need to connect secondary education with the vocational training required by enterprises, and the role of innovation in giving young people the impetus to learn.
365. *The Worker spokesperson* said that the two priorities in the youth employment crisis were macroeconomic policies to determine the level of youth employment, and the quality of jobs and rights for young people against a background of increasing precariousness and job insecurity for youth. Most of the ILO's work over the previous decade, which had been marked by sluggish growth and low demand, had focused on supply-side measures insufficient for tackling youth employment; she appreciated the stronger focus on employment-centred macroeconomic policies. She also welcomed the focus on what worked for youth employment and encouraged the Office to focus on both the quantity and quality of jobs and to take into account the opinions of young people. The ILO's proactive policies should take account of all perspectives. She asked for clarification of the synergies between the jobs and skills for youth ACI and the seven-year follow-up plan; the number of countries benefiting from the ACI and the criteria for selecting them; and whether there were sufficient funds for the large number of knowledge products included in the ACI plan. She suggested that the thematic mutual learning activities and the examples of deliverables in the appendix should focus more on demand-side interventions; that rights, standards and quality of employment for youth should receive more attention in the ACI, including strategies to address double discrimination, collective bargaining and the promotion of stable and direct employment relationships; and that the ACI should be linked to the ACIs on protection of workers from unacceptable forms of work and on promoting more and better jobs for inclusive growth. She requested information on how demand-side measures would be appropriately integrated into the ACI and on the resources available for capacity building.
366. *Speaking on behalf of the Africa group*, a Government representative of the Congo stressed the importance of sustainable strategies at the country level, taking account of national circumstances, to promote decent work for young people. Africa had seen a substantial increase in the informal economy as a result of the crisis, which required policies to address gaps in jobs and skills for young people, and to promote more and better jobs, quality apprenticeships and the transition to the formal economy. A multidisciplinary approach gathering best practices and competences was required for capacity building. The results achieved in the ACI should be clearly set out, highlighting macroeconomic policies promoting youth employment and inclusive labour market institutions. The ILO should continue to play a leadership role by encouraging partnership with development partners.

- 367.** *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Republic of Moldova and Georgia. She said that the 2012 resolution and call for action were valuable in promoting youth employment within national strategies. Current global efforts echoed those at the EU level, where youth guarantees, the European Alliance for Apprenticeships, and a recommendation on quality traineeships had been adopted. Investing in young people should be a political priority. Matching skills with labour market needs was essential to tackling the problem, for which cooperation with social partners and countries was vital. The ACI strategy should also strengthen gender equality and provide tailor-made support to disadvantaged groups of young people. Dissemination of findings and the exchange of knowledge and experience were crucial to helping constituents understand what worked for youth employment. The EU thus welcomed ILO initiatives to identify strategic focus and key deliverables and the establishment of a joint field-headquarters task team. To achieve real impact in the implementation of the ACI, there should be clear criteria and transparency in the selection of countries. In the component dealing with the expansion of external partnerships on youth employment, representative organizations of young people must be involved.
- 368.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that the 2012 call for action was an appropriate basis for improving jobs and skills for youth. The youth unemployment rate varied across subregions of ASPAG, thus it was essential to take into account the variety of the constituents' needs in tackling the problem. Lessons should be learned from interventions and policies that had been effective in the past in improving the quantity and quality of jobs for young people. His group advocated deploying efficient policies to mitigate the increasing share of young people in long-term unemployment, especially those not in education, employment or training (NEET). ASPAG supported the strategy focused on building knowledge on what worked for youth employment and tailoring capacity building to each country's specific context. In order to extend the use of the ACI, he urged the Office to take stock of international initiatives on youth employment and to seek synergies with them.
- 369.** *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said that the ILO should take a leading role in confronting the youth employment crisis and thereby promoting social cohesion. Some GRULAC countries' programmes to combat youth unemployment had proven successful and could be emulated elsewhere. It was the ILO's responsibility to lead the work on youth employment in collaboration with other international organizations. For policies to have a significant impact they must be tailored to individual countries; in that regard the regional offices were fundamental. Ministries of education should work together with enterprises to promote vocational and university education to prepare young people for the world of work. While good quality internships were crucial in supporting the education-to-work transition, they must not replace permanent jobs for young people; formal employment for young people was vital. He welcomed the ACI's focus on disadvantaged young people. Governments and CINTERFOR should be involved in the development of the ILO's capacity-building programme. He wondered how the pilot countries had been chosen. The Office should ensure no overlap with other ACIs to maximize the resources channelled towards youth employment. He was pleased to note the intention to boost South-South and triangular cooperation; however, they were not replacements for official development assistance.

- 370.** *Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)*, a Government representative of Cambodia supported the strategies presented in the document. In particular, he expressed support for the dissemination of information from the pilot initiatives and the expansion of external partnerships.
- 371.** *A Government representative of the Russian Federation* said that, while the current rate of youth unemployment in Russia was high, the Russian Government provided significant assistance to unemployed young people, and an estimated 72 per cent of young people who used the available employment services found jobs. Various measures were in place to help young people develop skills and acquire qualifications, including temporary work placements for people from 18 to 20 years of age, internships and vocational training courses. It successfully ran vocational training courses for women who had left work to look after young children, enabling them to continue their careers. She thanked the Office for the support in the formulation of the youth employment policy of her country.
- 372.** *A Government representative of Switzerland* highlighted the pertinence of three proposals in the document: the establishment of a mutual know-how sharing process, the reinforcement of external partnerships and the further development of policy assessment and reviews. She emphasized the need to maintain policy databases on a continuous and sustainable basis.
- 373.** *A Government representative of Mexico* said that youth employment was a priority for the Mexican Government. An increase in the number of apprenticeships and internships would enable young people to gain experience and skills, thus facilitating the school-to-work transition. He supported the ACI strategy, particularly its intention to strengthen know-how.
- 374.** *A Government representative of Bulgaria* said that the youth employment crisis was a common challenge and could be addressed only through coordination and partnership on a global scale with the participation of the G20 and the international community. At the beginning of 2014 the Bulgarian Government had introduced and funded a national plan to implement the European Youth Guarantee to help young people up to 29 years of age to find employment, apprenticeships, internships or appropriate further education. The programme would be accelerated with the introduction of new programmes financed by the European Social Fund.
- 375.** *A Government representative of India* agreed that evidence-based policy assessment and identification of knowledge gaps were important. She welcomed the proposed initiatives to increase jobs and skills for young people. Pooling expertise from different domains, and ensuring that policies and ACIs complemented one another, would optimize resources and achieve synergies. India's Government was taking measures to profit from its demographic transition, implementing active labour market policies to promote work for disadvantaged groups and people in rural areas. The Government had prioritized skills development, especially for young people, and had formulated a plan that aimed to increase the number of skilled people to 500 million by 2022. The ACI should address underemployment and the unorganized sector, particularly in rural areas.
- 376.** *A Government representative of the United States* supported the Office's proposed strategy, noting that it aimed to build and disseminate best practices and strengthen the technical capacity of constituents. She requested further information on the relationship between the ACI and the seven-year follow-up plan. She agreed that emphasis should be placed on disadvantaged youth, and was encouraged that the research was in line with the 2013 knowledge-mapping exercise. Any youth employment database created must be maintained regularly. She commended the Office for its global efforts in addressing the issue.

377. *A Government representative of China* hoped that the knowledge-sharing platform would be established early on. A global database on youth employment policies should refer to the specific national conditions of different countries. Setting up communities of practices would lead to the sharing of experiences, and enhance capacity building. He was pleased that the ILO was working with other UN agencies. The best way to address youth employment was to make optimal use of existing resources and the ILO's expertise, and call on countries to take targeted measures. China had placed job creation for young people, particularly recent graduates, at the top of its agenda.
378. *A representative of the Director-General (DDG/P)* welcomed the support received from the speakers, particularly the emphasis on what worked and on the need for more analytical work and more empirical evidence on which policies were producing the results that the Governing Body and constituents wanted to achieve. She stressed that not every aspect of youth employment could be addressed; a focused, strategic approach was necessary. She pointed out that some of the issues raised were being dealt with through the 19 outcomes and through other ACIs.
379. *A representative of the Director-General (Director, EMPLOYMENT)*, responding to the questions raised, said that a rigorous impact analysis would be conducted that would go beyond the analysis of the efficiency or evaluation of project performance. The strategy and the deliverables of the ACI were indeed a subsegment of the seven-year follow-up plan. Several deliverables on demand-side interventions; quality of employment; rights; labour market segmentation and disadvantaged groups of young people were planned. Synergies were being built with other ACIs, in particular with the ACI on promoting more and better jobs for inclusive growth regarding the enabling environment for enterprises, pro-employment macroeconomic frameworks and sectoral strategies. Stronger linkages would also be made with the ACI on protection of workers from unacceptable forms of work. The countries chosen to participate in the ACI would be those from which the ILO could gain experience and improve its policy tools or which presented potential for scaling up and/or experimentation of new approaches. However, the results would inform the entire range of ILO technical cooperation in that area.
380. *The Employer coordinator* highlighted the following fundamental needs related to youth employment: constant innovation to create jobs for young people; entrepreneurship to enable young people to create their own opportunities; efficiency regarding resources and policies; training that was pertinent to the needs of enterprises and countries; creation of a bridge between education and training for work; facilities to enable young people to enter the world of work formally, and to enable enterprises to enter the formal economy; flexible hiring; consultations with workers, employers, and enterprises; and sustainable enterprises.
381. *The Worker spokesperson* was reassured that governments were in agreement over the importance of not only creating jobs but creating quality jobs based on internationally agreed standards; she would add quality to the Employer coordinator's list of points.

Outcome

382. *The Governing Body requested the Director-General to take account of its guidance in implementing the strategy for the ACI on "Jobs and skills for youth".*

(GB.320/POL/1, paragraph 29.)

Second item on the agenda

Area of critical importance on productivity and working conditions in small and medium-sized enterprises (GB.320/POL/2)

383. *A representative of the Director-General* (Director, Enterprises Department (ENTERPRISES)) introduced the paper. The work would be conducted at different levels and evidence would be collected in different ways, including panels of participating enterprises and control groups, micro-data panels in a number of countries, and macro cross-country analysis. A results framework had to be created so that the ACI could be evaluated as a whole. The Office faced challenges in scope and in scale. The knowledge gained would result in improved working conditions and higher productivity, through policy as well as market uptake; it would then be made available to other countries in the form of policy and technical briefs.
384. *The Employer coordinator* reiterated her group's support for the ACI. However, she expressed disappointment with the Office's narrow approach, which would diminish the impact and utility of the ILO's work in that area and missed an important opportunity to inform government policies meaningfully. Three gaps existed in the workplan relating to: the concept of productivity and its measurement, its inattention to the relationship between informality and productivity, and the fact that it virtually ignored the role of an enabling environment for sustainable enterprises. Research and fact-based evidence was needed on the link between investments in productivity and the return on those investments. Working conditions were not the only factor influencing productivity and the macro- and business environment could not be ignored.
385. She cautioned that the paper mentioned the need to distinguish between productivity as a general concept referring to the ratio between inputs and outputs, and labour productivity referring to the output per worker per unit of time. Of course labour productivity was important. The relationship between working conditions in SMEs and improved productivity was more complex and reciprocal than the document suggested. She stressed the need for policy-makers to strategically focus the reforms in interventions on creating an enabling environment for SMEs to thrive. She noted the need to take into account the important distinction between conditions in formal and informal enterprises, and to distinguish between issues that were endemic to SMEs and those that related more to the causes, consequences and problems associated with informality. Furthermore, she expressed concern about the lack of focus on promoting the establishment of SMEs in the formal economy and their sustainable growth. She stressed that creating an enterprise- and business-friendly environment for SMEs to grow, sustain and create jobs in the formal economy should also be one of the main focuses of that ACI. Noting that there was no sign that the conclusions concerning the promotion of sustainable enterprises adopted by the International Labour Conference in 2007 had been used as guidance, she said that more needed to be done to incorporate in the ACI's workplan issues surrounding enterprise growth and the wider enabling environment for SMEs.
386. *The Worker spokesperson* emphasized the importance of the issue, recalling that SMEs often paid low wages and had low coverage of collective agreements, and that trade unions often faced constraints in those enterprises. While the ACI included some good proposed elements of work, she was concerned about them being developed within the context of the rationale as set out in the paper. Therefore, the underlying rationale of the proposal should be agreed upon before the work was developed further. The rationale in the paper assumed that higher productivity led to better working conditions. She cautioned that that was not

possible without work on rights and labour-market institutions, such as collective bargaining. Her group supported the improvement of productivity in SMEs but with the goal of achieving decent work and decent wages for workers.

387. Emphasizing that the work under the ACI needed to address the challenge of organizing workers in SMEs, achieve rights for workers as well as mechanisms to support improved productivity, she said that the ILO should focus on mechanisms to extend collective bargaining to SMEs, particularly in developing countries. The role of supply chains was also important, as was the role of government in terms of procurement and industrial development. Her group had serious concerns about the System for Integrated Measurement and Improvement of Productivity (SIMAPRO) project, particularly because it was being implemented in companies that did not have trade unions and linked salary increases to improvement of productivity outside collective bargaining. The Workers appreciated the recognition of the need to improve working conditions in SMEs and welcomed the cross-departmental work suggested in paragraph 16. The success of the ACI would be measured by the ability to allocate more resources to improving working conditions, closing the representation gap and promoting collective bargaining in SMEs. Noting that in paragraph 19 the ACI reflected the discussions on sustainable enterprises at the 2007 session of the Conference, she reiterated the hope that the standards listed in the appendix to the ensuing conclusions would be taken into account, including promoting their ratification and implementation. Referring to paragraph 25, she noted that a country's industrial policy must be related to the promotion of better working conditions and higher productivity in SMEs. The materials developed by the Office on the enabling environment should better address issues such as wages, working conditions, collective bargaining, social dialogue, respect for universal human rights and international labour standards, social protection, and education and lifelong learning, and ACTRAV should be involved in the development of such materials. She wondered why there was no link with the ACI on the protection of workers from unacceptable forms of work and asked the Office to provide details about which countries would be covered by the ACI in question. In conclusion, work should be done in the context of ILO values, rights, freedom of association and collective bargaining with a view to promote decent work; the role of governments and supply chains should also be addressed.

388. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Norway, Republic of Moldova, Armenia and Georgia. Noting that the majority of European businesses were SMEs, and that future prosperity required investment in the growth and innovation potential of SMEs – as recognized by the Europe 2020 strategy – she agreed that productivity in SMEs could be boosted by investing in workers and working conditions, particularly occupational safety and health. She supported the link to the Decent Work Agenda and to other ACIs and suggested that other aspects of working conditions, such as working climate, work-life balance and working-time arrangements, should also be taken into account. The Office should provide a better explanation of the methodological aspects, in particular with respect to theories underpinning analysis, the concepts of productivity used and the causal relationships established, and explain the elements that helped improve productivity and working conditions. The differences between micro-, small and medium-sized enterprises had to be considered. Access to finance and markets, the reduction of administrative burdens and entrepreneurship must be priority areas. Technical progress and innovation, human resources management and social dialogue should also be included. She highlighted the importance of an enabling legislative environment, emphasized the role of social dialogue and cooperation between stakeholders, and supported capacity building of employers' and workers' organizations. An implementation strategy was needed. She called on the Office to pay particular attention to overcoming the key problems faced by workers and employers in SMEs.

- 389.** *Speaking on behalf of the Africa group*, a Government representative of the Congo said that entrepreneurship with a qualified labour force and decent working conditions could stimulate productivity, favour competitiveness and build the basis of sustainable enterprises. The legislative environment, skills development, security and social protection were fundamental for formalization of enterprises, with the main objective being to give priority to sustainable models of production and to improve the conditions for the working population. In Africa, most SMEs were very small, productivity was variable, growth was weak, and wages were low. The ACI must extend the suggested models to developing countries and adapt them to their realities. Investing in new technologies contributed to increased productivity. Constituents and social partners should cooperate to attain the four strategic objectives of the Decent Work Agenda. The group supported the ACI's focus. However, the Office should demonstrate how it could transfer the findings of the studies conducted in OECD countries to developing countries and contribute to their development and prosperity. He stressed the need to take into account the specificities of the region in developing more employment and quality employment, inclusive growth and creating the link between enterprise development, productivity and decent working conditions.
- 390.** *Speaking on behalf of GRULAC*, a Government representative of Costa Rica highlighted the link with the work on formalization and said that micro-enterprises should benefit from interventions targeting SMEs. Recalling the five-point Office response to the global economic crisis in 2009 for SMEs she stressed the need to look at all aspects of development of enterprises. She supported the ACI's focus and policies should stimulate investment to improve productivity and working conditions. Using existing national mechanisms was the best way to encourage social dialogue within SMEs. Minimum social protection standards for SMEs must be established. Environment-conscious businesses that drove the shift to a more ecologically friendly economic model were necessary. The ACI should focus on medium- and long-term challenges facing SMEs; specifically, it should examine the future impact of technological innovation and new production patterns. She requested further information on the selection of countries for pilot programmes.
- 391.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran agreed that synergies between working conditions and productivity needed to be generated and supported the Office focus. The ACI should reflect the Conference's 2007 conclusions concerning the promotion of sustainable enterprises and the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189). He underscored the opportunities for learning that focusing both on the supply and demand sides of the economy, and on macro and micro perspectives, would create. Indicators to measure the ACI's outcome must be established. He noted that due to various challenges faced by SMEs, productivity could not be a priority. Increasing sustainability of enterprises would facilitate higher levels of productivity. The Office should conduct a study on the variation across regions in the extent of synergies between working conditions and productivity. Equally it should investigate what other factors, in addition to working conditions, might contribute to the productivity of SMEs.
- 392.** *A Government representative of the Russian Federation* said that, while the ILO was right to concentrate on productivity, government assistance in developing labour standards could also foster labour productivity. Large enterprises had the capacity to apply labour standards, but small enterprises faced difficulties, due to the expenditure involved. Model standards could be developed to serve as a reference for SMEs, enabling them to improve their work processes and working conditions.
- 393.** *A Government representative of Mexico* stressed that improvements in working conditions were key for the performance and competitiveness of enterprises. He drew attention in particular to the relationship between environmental performance and productivity. It was necessary to share good practices on the creation of quality employment and the inclusion

in a green economy. There was no one-size-fits-all. To achieve synergies in that regard, governments and the social partners must implement employment policies that gave workers new skills. The Office's cost-benefit analysis of such policies would be vital. For Mexico, the respect of labour rights while increasing the productive capacity of all economic sectors and population groups was the route to becoming a fairer, more inclusive society.

- 394.** *A Government representative of Switzerland* agreed that there was a link between productivity and improvement of working conditions in SMEs. Decent working conditions improved competitiveness of enterprises. Switzerland had supported the Sustaining Competitive and Responsible Enterprises (SCORE) and Better Work programmes since their inception and had witnessed remarkable results. The ILO should pursue its research to obtain quantifiable data to support the ACI. It should work with the private sector on the ACI, particularly in relation to global supply chains. Paragraphs 14 and 29 were especially pertinent. Switzerland would support the Office in the ACI's implementation. The Office should ensure coherence in its activities under the ACI and provide further clarification on budgetary implications.
- 395.** *Speaking on behalf of ASEAN*, a Government representative of Thailand requested additional details on the ACI's scope and on how the Office would allocate resources to it and the related outcomes. Indicators to evaluate the impact of the strategic interventions were needed, and evaluation should be done prior to the new SPF period beginning in 2016. She supported the interdisciplinary approach to the ACI's implementation described in paragraph 34, but sought assurance that there had been tripartite consultation when necessary.
- 396.** *A Government representative of Ghana* said that the SCORE programme had already played a key role in boosting the productivity of SMEs in one economic sector in his country, and he encouraged the ILO to roll out the programme further. Ghana was pleased to be involved in the ILO's exploratory work on a capacity-building strategy for workers, and he expected the strategy to be extended to the other social partners and governments. His Government would continue to support SMEs in collaboration with appropriate agencies.
- 397.** *A Government representative of China* said that it was essential to be clear about the problems in SMEs, such as informal employment, low quality of employment, lack of high productivity and lack of decent working conditions. Governments should create an enabling environment and facilitate the synergy between working conditions and productivity. The market played a decisive role in allocating resources that would create opportunities for SMEs. The ILO's research was very relevant with regard to ensuring basic social protection, formalizing the informal economy and promoting decent work in rural areas. He supported the ACI's four major deliverables and expected relevant knowledge platforms to be created.
- 398.** *A Government representative of Indonesia* said that the first phase of the SCORE project in Indonesia had been successful; the project's second phase should implement all modules and enhance tripartism. Her Government prioritized occupational health and safety in SMEs and expected the ILO's support in developing relevant practices and standards.

399. *A representative of the Director-General (DDG/P)* said that the Office's approach had to be focused in order to have a real impact within the biennium. Some issues relating to the productivity of SMEs, such as the issue of energy reliability, fell outside the ILO's mandate. The Office had been careful to avoid duplication among the ACIs and the 19 outcomes. Some of the suggestions that had been made related to work that was being done within the workplans of the 19 outcomes. She affirmed that the ACI was based on the ILO's core values and confirmed that all the interventions were targeted at developing countries. She acknowledged the important role played by micro-enterprises, but said that they were addressed by the Office's work on formalization.
400. *A representative of the Director-General (Director, ENTERPRISES)* added that the Enterprises Department was contributing to the work under the ACI on the formalization of the informal economy, which focused among other things on micro-enterprises. The specific focus of the ACI under discussion was SMEs, where formalization was not the central concern. However, there was a link between the two areas.
401. He explained that a lot of high quality work had been done in the previous biennium on the issue of the enabling environment. That continued to be a priority under Outcome 3, on sustainable enterprises. The current focus was on new assessments, but also supporting constituents to achieve the policy changes and results they wanted. In a number of countries there would be work on both the enabling environment on productivity and working conditions and thus opportunity to understand and exploit the link between the two dimensions.
402. The Office would employ diverse research methods under that ACI and would not equate correlation with causation. Evidence on the relationship between productivity and working conditions was less firm than frequently voiced opinions would lead one to believe. The Office would work closely with the Research Department on methodology, and tie its work to the ACI on promoting more and better jobs for inclusive growth. He reiterated that the criteria used to select countries had been demand and support from constituents, thematic fit and feasibility in terms of logistics and resources.
403. *The Employer coordinator* said that the Office should incorporate a more comprehensive and subtle understanding of the relationship between enterprise development, productivity and decent working conditions. Noting that sustainable enterprises were instrumental to creating jobs and decent work, provided that they were productive, competitive and profitable, she said that her group valued the 2007 conclusions on sustainable enterprises achieved through consensus, which called for an emphasis on rights, standards, freedom of association and collective bargaining, together with an enabling environment. She cautioned about focusing on either of those dimensions at the expense of others.
404. *The Worker spokesperson* agreed that the 2007 conclusions should be used to guide the Office's work, and that the link between enterprise development, productivity and decent work should be articulated more clearly. She expressed concern that some of the products being promoted did not consider working conditions, rights at work or collective bargaining. More work needed to be done on articulating the purpose of the work and the best way to do it.

Outcome

405. *The Governing Body requested the Director-General to take account of its guidance in implementing the strategy for the ACI on productivity and working conditions in small and medium-sized enterprises.*

(GB.320/POL/2, paragraph 37.)

Third item on the agenda

Follow-up to the Tripartite Technical Meeting on Labour Migration

(Geneva, 4–8 November 2013)

(GB.320/POL/3)

- 406.** *The Worker spokesperson* said that the conclusions of the Tripartite Technical Meeting provided a comprehensive workplan for the ILO. However, two areas of the plan should be strengthened and receive much more emphasis: the promotion of rights of migrant workers through advocacy campaigns of ILO Conventions on migrant workers and the provision of technical assistance to governments that indicate a willingness to ratify, together with the promotion of country-level work including through DWCPs. Secondly, more assistance should be given by the Office to constituents in bilateral and regional migration processes, to ensure their participation and to increase the focus on the protection of the rights of migrant workers in migration debates and agreements, including through the promotion of model agreements as laid out in the Migration for Employment Recommendation (Revised), 1949 (No. 86). The ILO's leadership of the Global Migration Group (GMG) in 2014 should be used to promote the Conventions on migrant workers, to promote decent work for migrant workers and to promote tripartism, social dialogue and the involvement of the social partners in the development of migration policies. Deficits in temporary labour migration schemes should be identified and the negative impacts of circular migration schemes assessed, especially in relation to the right to organize and collective bargaining. The ILO should take the lead in developing a fair recruitment policy, allocate resources for the preparation of guidelines based on international labour standards and convene a tripartite meeting of experts to discuss them. The Office's awareness-raising activities should emphasize not merely migrant workers' economic input but also their social and cultural contributions. The Turin Centre should focus more on capacity building for the social partners in the area of labour migration, and appropriate indicators should be developed, with GMG partners, for inclusion in the post-2015 development agenda.
- 407.** Her group welcomed the proposal to discuss labour migration at a future session of the International Labour Conference, on the condition that it concentrated on a specific theme or themes that had not yet been adequately addressed such as the use of model agreements for the protection of the rights of migrant workers, the need to address abuses related to recruitment or the difficult situation of irregular migrants. A forum should also be set up to continue regular tripartite discussion on challenges related to labour migration. Lastly, migration issues should be taken into consideration in the ACIs and the new SPF.
- 408.** *The Employer coordinator* welcomed the constructive and balanced conclusions of the Meeting. While the Workers focused on a rights-based approach, the Employers called for the promotion of policies that met labour market needs and took account of the economic contributions of migrant workers. The two agendas were not conflicting, but complementary. A number of points of consensus had not been reflected in section II of the document: the need to develop best practices to facilitate safe, orderly and regular labour migration; the promotion of positive public perceptions; the recognition of labour mobility as a factor of sustainable growth; and the promotion of comprehensive, consistent and transparent policies for the effective management of labour migration.
- 409.** She urged the ILO to continue to protect the tripartite nature of discussions on labour migration, including at meetings organized under the auspices of the GMG. The Office's activities in that area should be adequately resourced, consideration should be given to appointing regional migration specialists, and its data collection capacity should be built

up. A number of initiatives were being taken in the private sector to foster responsible and ethical recruitment, and governments should take cognizance of best practices in that area.

410. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica placed emphasis on the need to strengthen the leadership of the ILO in the GMG and in the working group on low-skilled labour migration within the World Bank-led Global Knowledge Partnership on Migration and Development (KNOMAD). The ILO, with its unique tripartite structure and its rights-based approach, could play a central role in ensuring that labour migration was properly integrated in the post-2015 development agenda. GRULAC endorsed the Meeting's conclusions. It considered that building capacity at all levels was key to ensuring adequate policy space for the ILO's constituents. GRULAC therefore supported the mechanisms proposed to improve the Office's dissemination of information on its work in the area of labour migration.

411. She recalled that at the Inter-American Conference of Ministers of Labor held in Medellín, Colombia, in November 2013, participants had agreed to work towards a hemispheric mechanism that could facilitate the recognition of nominal social security contributions and pension rights of migrant workers in Member States of the Organization of American States. Her group supported the strengthening of labour inspection systems, especially in sectors with a high proportion of migrant workers. She supported the proposal to hold a general discussion on labour migration at a future session of the International Labour Conference.

412. *A Government representative of China* speaking also on behalf of India, Indonesia, Islamic Republic of Iran, Republic of Korea, Nepal, Pakistan, Philippines, Singapore, Thailand and Viet Nam, said that skills portability would greatly facilitate labour migration and reduce discrimination. He urged the Office to continue work on facilitating mutual skills recognition between countries of origin and destination, and encouraged the Office to explore collaboration on issues such as skills certification and accreditation. He also underlined the importance of cooperation on data collection.

413. *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Bosnia and Herzegovina, Norway, Republic of Moldova, Armenia and Georgia aligned themselves with her statement. She urged the Office to take advantage of its leadership role in the GMG to foster coordination between all relevant agencies of the UN system. Key areas for future work that required joint international action included: raising awareness of the positive contributions of migrants; ethical recruitment; research into reducing the financial and social costs of migration; and the development of indicators for the possible inclusion of migration in the post-2015 development agenda. Due consideration should be given to labour migration in the formulation of the next SPF; indeed, she considered migration to be an area of critical importance. She supported the proposed work on outreach and communication, and the joint action with the Turin Centre, and supported in principle the idea of a general discussion on labour migration at a future session of the Conference.

414. *Speaking on behalf of the Africa group*, a Government representative of the Congo said that it was necessary to ensure labour mobility at the regional and international levels to take the necessary steps to ensure respect and protection of migrants' rights, to assess the repercussions of international migration on sustainable development, and to strengthen partnerships and cooperation. He endorsed the Meeting's conclusions. The ILO could assist member States in harmonizing their policies on employment and labour migration, promote good practices in that field and identify how migration could support possible post-2015 development goals. In Africa, the labour migration component of the Ouagadougou+10 Plan of Action would serve as a framework for the implementation of a

coherent policy on migration. The Africa group agreed with the key areas for future work and emphasized recognition of the contributions of migrants to the economy and to development. He supported the proposal to hold a general discussion at a future session of the Conference.

415. *Speaking on behalf of ASEAN*, a Government representative of Viet Nam commended the Office for its short- to mid-term priorities on labour migration. Priority must be given to assisting constituents in improving skills training and development; developing a comprehensive pre-departure and post-arrival information programme for workers; building capacities to implement coherent and fair recruitment practices and promote labour cooperation on migration; and establishing regional and international skills- and credentials-recognition framework. A skills-recognition framework had already been developed to facilitate labour migration within the ASEAN countries. He expressed appreciation for the implementation of the ASEAN TRIANGLE Project on labour migration. Through its tripartite processes, the ILO was strategically positioned to achieve decent work outcomes on labour migration. It must capitalize on its leadership of the GMG to promote decent work in labour migration and the inclusion of labour migration in the post-2015 development agenda. He supported the draft decision.

416. *A Government representative of Indonesia* agreed that promoting increased awareness of migrants' contributions to development in countries of both origin and destination would generate more positive public perceptions of migrant workers and help prevent discriminatory attitudes towards them. Protecting the rights of migrant workers was a priority for her Government, which had already taken various measures to improve the management of labour migration.

417. *A Government representative of the United States* commended the Office for its efforts to translate the conclusions of the Meeting into proposals for concrete action. She noted with appreciation the ILO's plans to use its leadership of the GMG to further promote the Decent Work Agenda, advance the outcomes of the UN High-level Dialogue on International Migration and Development, and foster synergies with other relevant organizations. Noting the ongoing work of the International Organization for Migration (IOM) on recruitment, she urged the ILO to share with the IOM its expertise on relevant ILO standards and on engagement with social partners. She welcomed the ILO's work on research and data collection on labour migration, and wondered how those efforts fitted into the research agenda. Regularly updating, revising and sharing the good practices database that accompanied the ILO's non-binding Multilateral Framework on Labour Migration could provide a real service to constituents. She looked forward to the Director-General's Report on labour migration to the upcoming session of the Conference, and supported, in principle, the discussion of labour migration at a future Conference session, provided that it was focused on an issue within the ILO's mandate and experience. Her Government supported the draft decision.

418. *A Government representative of India* welcomed the ILO's initiatives to integrate labour migration in the post-2015 development agenda. The ILO's involvement in the initiative to review the effectiveness of bilateral labour migration agreements and memoranda of understanding should go beyond recruitment practices to include the promotion of social protection and the portability of social security benefits. The promotion of labour mobility and skill portability across geographical regions was an effective policy response to growing unemployment. She welcomed the ILO's involvement in the GMG and KNOMAD, and in the research activities planned to build an effective database and strengthen statistical methodologies for analysing migration. The governance of labour migration should be undertaken in a manner that resulted in a win-win situation for both source and destination countries. Her Government supported the draft decision.

419. *A Government representative of the Russian Federation* welcomed the Meeting's conclusions and requested the ILO to use them in helping member States improve their labour legislation and in drafting their migration policies. Of the topics outlined in the document, the most urgent ones for his country were: the effective protection of migrant workers, particularly low-skilled and middle-skilled workers; the issue of skills recognition certification; and the need to carry out a labour market needs assessment. He expressed regret at the closing of the migration unit of the ILO Country Office in Moscow in 2011, and requested a review of that unit's work. The proposal to hold a Conference discussion on labour migration should be considered further.
420. *A Government representative of Zimbabwe* welcomed the decision by the Director-General to report on labour migration to the 103rd Session of the International Labour Conference, as the discussion would inform deliberations at the Ouagadougou+10 meeting scheduled for September 2014, at which labour migration would be an important topic. He urged the Office to continue working with the regional economic communities on specific initiatives being undertaken in the respective regions of Africa and welcomed the short- to medium-term priorities proposed by the Office.
421. *A Government representative of Mexico* said that the Governing Body should promote the active and constructive participation of the ILO in following up on the UN High-level Dialogue on International Migration and Development with a view to assisting member States and other stakeholders in formulating public policies on labour migration, promoting capacity building, social dialogue and cooperation, and facilitating synergies among all actors concerned, particularly the IOM, in order to avoid duplication of efforts and waste of resources. The ILO must contribute to the preparatory work to ensure the inclusion of migration in the post-2015 development agenda. His Government supported the draft decision, in particular the Office proposal to discuss labour migration at a future session of the Conference.
422. *A Government representative of Colombia* provided an overview of the various crosscutting strategies that her Government had developed to guarantee the rights of migrant workers, not only Colombians working abroad but also migrant workers coming to Colombia. She welcomed the revamping of the website of the Labour Migration Branch (MIGRANT) and the upgrading of its online good practices database. She noted the role that the Migrandina project had played for the Andean countries, and said that she counted on the continued cooperation of the Office.
423. *A Government representative of Panama* welcomed the short- and medium-term priorities proposed by the Office, and expressed the hope that the Meeting's conclusions would help give labour migration the attention it deserved in international debates and in the post-2015 development agenda. Through international cooperation and technical assistance, it was important to promote training opportunities for low- and middle-skilled workers in order to achieve a better balance between supply and demand in the labour market; increase awareness in destination countries to make skills recognition and certification a reality; and improve synergies between all relevant international organizations to optimize communication and the dissemination of information. The ILO's Multilateral Framework on Labour Migration was an important tool for improving the governance of labour migration. Since 2010, his Government had implemented several procedures to regularize migrant workers, to the benefit of more than 30,000 foreigners who had been granted work permits and were now affiliated in the social security system. He supported the draft decision.
424. *A Government representative of Egypt* highlighted the importance of ensuring that host countries recognized the rights of migrant workers. Her Government organized meetings and videoconferences that assessed the needs of Egyptian migrants in the host countries,

and in their home country as well. A conference would be held in August 2014 to raise awareness of migration issues among second and third generation Egyptians living abroad.

- 425.** *A representative of the Director-General (Director, Conditions of Work and Equality Department (WORKQUALITY)) said that in the area of skills recognition and certification, work had been recently reinforced with the recruitment of a senior specialist with expertise in that domain. Regarding the call for a campaign for the promotion of ratification and implementation of relevant Conventions, plans of action needed to be developed, as had been done in the past with other sets of standards. Nevertheless, that would require a dedicated discussion by the Governing Body. ILO standards were being used as a reference in the review of multilateral and bilateral agreements. On the issue of fair recruitment, the ILO had launched an initiative bringing together different departments and field offices to strengthen the global knowledge of national and international recruitment practices. On the issue of outreach, the ILO and the Swiss Government had signed a strategic learning partnership that included the development of a communications strategy. In respect of internal coordination, the ACIs provided a vehicle for bringing together the Office's different areas of work, with a view to focusing on labour migration.*

Decision

426. The Governing Body:

- (a) took note of the final report of the Tripartite Technical Meeting on Labour Migration and authorized the Director-General to publish it, as well as the conclusions of the Meeting;*
- (b) endorsed the short- to mid-term priorities as proposed by the Office; and*
- (c) requested the Office to submit to the 322nd Session (November 2014) of the Governing Body a proposal concerning the possibility of selecting an item relating to labour migration with a view to a general discussion at a future session of the Conference.*

(GB.320/POL/3, paragraph 28.)

Fourth item on the agenda

Report for the recurrent discussion on social protection (labour protection) at the 104th Session (2015) of the International Labour Conference (GB.320/POL/4)

- 427.** *A representative of the Director-General (Director, WORKQUALITY) introduced the document.*
- 428.** *The Employer coordinator thanked the Office for the opportunity to comment on the document so well in advance and proposed the inclusion of two other topics: strengthening the global knowledge base on labour protection and a discussion of the ILO's activities for national capacity building on labour inspection. The recurrent discussion was a governance tool and not an opportunity for a general discussion, yet the document devoted a great deal*

of attention to sweeping undocumented generalizations and a number of policy proposals on contentious issues. The document, as currently formulated, offered limited prospects of reaching concrete consensually agreed conclusions to the discussion. The Office should therefore consult with all tripartite constituents and rethink not the subject matter of the report, but its approach.

- 429.** *The Worker spokesperson* agreed with the overall content of the document, which was in keeping with her group's understanding of the purpose of the recurrent item discussions. The Employers' proposal to add the topic of strengthening the global knowledge base appeared to cross the line of what the discussions should and should not cover. The report should assess misguided policies that had lowered labour protection standards and how to ensure that protection was maintained during global downturns. The Workers expected a stronger emphasis to be placed on the role of international labour standards and the problems in promoting such standards. The report should feature improvements in maternity protection and a comparison of labour protection systems, particularly identifying systems that supported widespread collective bargaining and freedom of association. The report for the Conference should also identify possible regulatory gaps and explore the potential for standard setting in the areas of working time, unacceptable forms of work and inclusiveness of labour protection measures.
- 430.** *Speaking on behalf of the Africa group*, a Government representative of the Congo said that the economic crisis had had disastrous consequences on workers in terms of social protection, especially in developing countries. The suggestion that the number of working poor had declined was deceptive and should be put into context. He welcomed the measures taken by the ILO in the area of wage bargaining and other salary policies. He listed several proposals and underscored that they should contribute to the development and implementation of policies at the national level.
- 431.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Norway, Republic of Moldova, Armenia and Georgia aligned themselves with her statement. The EU welcomed the work by the ILO to extend labour protection to groups of workers typically excluded, such as domestic workers, migrant workers, and workers living with HIV/AIDS. She encouraged the Office to pay attention to other groups such as the self-employed, older workers and workers with disabilities. Ways to implement the principle of equal pay to reduce the persisting gender pay gap deserved more attention, while working time should be addressed in light of policies that enhanced the use of flexible working hours and patterns. Regarding the prevention of occupational risks and hazards, the EU stood ready to share knowledge concerning new and emerging hazards such as psychosocial risks. Such risks could be related to both non-work and work-related factors and therefore required the integration of occupational health with other policy areas. The EU greatly appreciated the part of the document dealing with protection from unacceptable forms of work.
- 432.** *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said that the ILO should contribute its experience in the area of international labour standards and social justice policies to the 2015 debate. The upcoming discussion on transitioning from the informal to the formal economy would afford substantive elements for the debate. The topics of the informal economy and employment contracts had repeatedly been on the political agendas of GRULAC countries.
- 433.** *A Government representative of the Russian Federation* said that in both 2013 and 2014, the Russian minimum wage had been increased. The Russian Federation had also recently introduced a mechanism to assess working conditions and carry out measures to correct them, and would be prepared to share its experience in that area.

434. *A Government representative of Indonesia* said that her country had ratified the eight ILO core Conventions and was in the process of ratifying the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). Regulations on labour earnings, working time, and occupational safety and health had already been adopted by the ministry responsible.
435. *A Government representative of Niger* drew attention to the need to make labour inspection systems more effective, not least in terms of occupational safety and health. Collective bargaining should also be promoted to improve working conditions. He proposed that the social partners, and especially employers, should undergo training to bolster their awareness of working conditions.
436. *A Government representative of Switzerland* emphasized the importance of maintaining or strengthening social protection measures. Automation of work was leading to underskilled workers being employed in sectors with low wages and poor social protection. The ILO therefore continued to have an important role to play in promoting decent work and ensuring adequate protection for workers.
437. *A representative of the Director-General (DDG/P)* appreciated the many offers made by representatives to share their experience. Consultations would be held with constituents during the preparation of the report.
438. *The Worker spokesperson* noted that the aim of the recurrent discussion should be not only to review the experience gained, but also to push forward and look at policy responses to new challenges. She thanked Government representatives for the useful list of policy areas that they had suggested.

Outcome

439. *The Governing Body invited the Director-General to take note of the views expressed during the discussion on the preparation of the Office report for the recurrent discussion on social protection (labour protection) (2015).*

(GB.320/POL/4, paragraph 20.)

Social Dialogue Segment

Fifth item on the agenda

Sectoral activities programme 2012–13 and 2014–15 (GB.320/POL/5)

440. *A representative of the Director-General* (Director, Sectoral Activities Department (SECTOR)) explained that section I of the document reported on the outcomes of two meetings of experts held in 2013. Section II of the document contained a detailed proposal for a tripartite sectoral meeting for the oil and gas sector, as requested by the Governing Body. Section II also contained proposals regarding the Meeting of Experts on Maritime Occupational Safety and Health scheduled for October 2014 and the sectoral meetings to be held from December 2014 to August 2015.

441. *The Employer coordinator* endorsed the draft decision.
442. *The Worker spokesperson* welcomed the adoption of the two sets of guidelines since they were important for improving the working and living conditions of workers in both sectors. The social partners had agreed to develop a model course to assist with implementation of the Guidelines on the training of ships' cooks, and she would welcome promotion of that course by the ILO once it had been finalized. She thanked the Office for providing a more detailed explanation of the purpose and scope of the meeting proposed for the oil and gas sector and wondered whether it would be helpful if the Office prepared slightly more detailed proposals on meetings for future biennia, in order to avoid lengthy discussions in the Governing Body. She also encouraged governments to take an active part in the advisory bodies, which discussed proposals for sectoral meetings. The Workers supported the draft decision.
443. *Speaking on behalf of the Africa group*, a Government representative of Togo noted that in the age of globalization, all economic sectors were constantly evolving. For that reason, his group gave particular attention to the needs of the 22 sectors in the Office's work and endorsed the publication of the two sets of adopted guidelines. He thanked the Office for the detailed proposal for a sectoral meeting for the oil and gas sector and stressed that account should be taken of work already done in that area by other international organizations. His group proposed the extension of geographical coverage to other oil-producing countries that faced difficult climatic conditions. He supported the draft decision.
444. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica recognized that the format of the document had always been very consistent and that it provided a good basis for the discussions, but stressed that the table setting out details of sectoral meetings should not contain proposals for the nomination of Government experts without prior consultations with the regional coordinators. The Government group should determine its representatives on the basis of two or more experts per geographic region, while always maintaining the geographic balance. Revision of the rules for sectoral meetings should be discussed to ensure their smooth functioning. To that effect, the group asked the Office to prepare an initial document with suggestions for the Legal Issues and International Labour Standards (LILS) Section of the 322nd Session of the Governing Body. Endorsing the proposal for the oil and gas industry meeting, he wondered whether the ISO would be invited as an observer. His group had appreciated receiving GB.320/POL/INF/1, since it demonstrated that aside meetings, many other activities were carried out by the SECTOR. Such activities should be further strengthened. He supported the draft decision.
445. *A Government representative of the Netherlands*, speaking also on behalf of Canada, Denmark, Finland, France, Germany, Norway, Sweden, Switzerland, United Kingdom and United States, said that if the proposed oil and gas meeting were to last five days, governments might be hindered from attending. Given the wide focus of the meeting, he also wondered whether it could yield useful results. He invited the Office's views on whether resources intended for the meeting might be better used for research on OSH and skills challenges in that industry. The speaker asked the Office to take into account the above concerns when preparing proposals regarding the meeting's focus, composition and duration, should the meeting be endorsed by the Governing Body.
446. *A Government representative of the Russian Federation* supported holding the meeting on the oil and gas industry. Since much of his country's mineral resources were located in the polar and subarctic climate zones of the northern hemisphere, it had a clear interest, as well as significant existing experience, in drilling for oil and gas in those regions. Great attention was paid to workers' safety and health under such conditions, including through

special legislation and social welfare guarantees. He had no objection to the Africa group's proposal to expand the sphere of the sectoral meeting, in which his country's experts were ready to participate. He supported the draft decision.

447. *A Government representative of India* welcomed the ILO's continued sectoral work, since it presented an important aspect of its work in promoting the Decent Work Agenda. She appreciated that due to their nature, guidelines could be implemented in ways that would allow for national social and legal circumstances to be considered. Concerning the proposed oil and gas meeting, she pointed out that the reference to migrant workers could be understood to imply that governments outside the geographic scope also had certain responsibilities. A clearer definition of those seemed appropriate. She stressed that coherence efforts should not lead to encroachment on other agencies' areas of work. The ILO had the global mandate on OSH matters, which should not be diluted: thus, partnerships with other agencies should be guided by ILO labour standards. Welcoming also the Office's other proposals in section II, she endorsed the draft decision, noting that the Office should rationalize the number of activities to be undertaken with regular follow-up to sectoral work.
448. *The Worker spokesperson* said that research by the Office, which had been proposed as a possibility by the Netherlands, was no substitute for tripartite discussions aimed at identifying specific solutions to skills and OSH issues in the oil and gas industry.
449. *The Employer coordinator* thought that the meeting document reflected the best efforts of all parties concerned in relation to a complex and difficult issue. On that basis the Employers continued to support the proposal, though they were willing to defer to the Government group in that regard.
450. *The representative of the Director-General* (Director, SECTOR) said that, if the draft decision was adopted, the Office would submit proposals relating to the date, duration and composition of the meeting to the Governing Body at its November 2014 session. All interested governments would be invited to attend the meeting. The Office would also submit a proposal to the Governing Body concerning the invitation of the ISO as an observer.
451. *Another representative of the Director-General* (DDG/P) said that it was important to determine whether there was consensus among the members of the Governing Body on expanding the geographical scope of the meeting, as proposed by the Africa group.
452. *The Worker spokesperson* said that the meeting proposal had been formulated to address specific problems arising from conditions of extreme cold. Her group was not in favour of expanding the geographical scope.
453. *The Employer coordinator* said that the subject of the meeting had been discussed at length and that he had understood that there was broad consensus on the meeting proposal contained in the document.
454. *Speaking on behalf of the Africa group*, a Government representative of Togo said that full consensus had not been reached on the meeting proposal. Certain regions of Africa exhibited conditions of extreme heat. That had to be taken into account when determining the geographical scope of the meeting.
455. *The Worker spokesperson* noted that the geographical scope of the meeting was limited because its subject was conditions of extreme cold and the problems arising from those conditions.

456. *The Employer coordinator* said that another meeting on conditions of extreme heat, like those found in certain regions of Africa, could be held in the future. That possibility could be examined when setting the agenda for sectoral meetings for the following biennium.
457. *Speaking on behalf of the Africa group*, a Government representative of Egypt said that, following consultations, her group would prefer to cover conditions of extreme cold and heat in the same meeting. Failing that, her group would prefer to cancel the meeting in favour of conducting research in that area.
458. *The Worker spokesperson* said that the proposed meeting had been included in the Sectoral Activities Programme because the oil and gas industry in those geographical areas was an emerging industry and there was a lack of guidance on that subject. Expanding the geographical scope of the meeting would require the examination of a different set of problems, which could become unmanageable. Her group wished to retain the meeting proposal contained in the document.
459. *The Employer coordinator* said that his group concurred with the Workers' group but considered that the governments should have the final say on the matter.
460. *A Government representative of the Netherlands* clarified that his remark concerning whether research would be a feasible alternative to holding a meeting was not meant as a formal proposal, and that all the concerns voiced should be taken into account.
461. *The Worker spokesperson* wondered whether, instead of preventing the meeting from taking place, the Africa group could submit a proposal for the following biennium for holding another meeting on conditions of extreme heat to the sectoral advisory bodies.
462. *Speaking on behalf of the Africa group*, a Government representative of Togo said that his group was prepared to consider and accept the suggestion made by the Workers' group, provided that there was a clear time frame for examining the proposal.
463. *The representative of the Director-General* explained that the sectoral advisory bodies met once every two years. Workers, Employers and Governments were invited to express their views on what should be included in the Sectoral Activities Programme for the following biennium. The Office developed proposals based on the guidance provided by the advisory bodies and those proposals were then submitted to the Governing Body for endorsement. The following meeting of the advisory bodies would take place in autumn 2014, at which time the Africa group could submit a proposal for holding a meeting on conditions of extreme heat.
464. *Speaking on behalf of the Africa group*, a Government representative of Togo said that his group had taken note of the information provided by the Office and would submit a proposal to the advisory bodies' following meeting in autumn 2014.

Decision

465. *The Governing Body:*

- (a) *took note of the final reports of the two meetings of experts mentioned in section I of document GB.320/POL/5;*
- (b) *authorized the Director-General to publish the Guidelines on the Training of Ships' Cooks and the Policy Guidelines on the Promotion of Decent Work for Early Childhood Education Personnel;*

- (c) *requested the Director-General to bear in mind, when drawing up proposals for future work, the recommendations for future action by the ILO made in the Policy Guidelines on the Promotion of Decent Work for Early Childhood Education Personnel;*
- (d) *endorsed the proposal to hold a tripartite sectoral meeting for the oil and gas industry with the title, purpose and scope set out in section IIA of document GB.320/POL/5, as part of the programme for sectoral work for 2014–15; and*
- (e) *endorsed the proposals made in the table appended to document GB.320/POL/5, relating to the dates, duration, official title, purpose and composition of the meetings listed therein.*

(GB.320/POL/5, paragraph 26.)

Sixth item on the agenda

Update on the Better Work programme (GB.320/POL/6)

- 466.** *The Chief of the Better Work Branch (Better Work) introduced the document.*
- 467.** *The Worker spokesperson said that her group supported the overall approach of Better Work, recognized some of its achievements and thanked the staff and the donors. Given the programme's ambitious intentions and the scope and depth of the problems in the sector it sought to address, there had been some difficulties with implementation and it was important to acknowledge these difficulties and to address the obstacles to achieving full compliance with labour standards and for improvements to be made, especially at country level.*
- 468.** *The programme was not a panacea, as was demonstrated by falling wages, increases in temporary employment contracts and the recent shocking events in Cambodia. The programme could not substitute a national-level industrial relations system. It could, however, assist governments and social partners to create and operate such a system. Greater emphasis should be put on promoting minimum living wages.*
- 469.** *In relation to the mechanism for monitoring factory-level compliance, a more detailed description of that process and procedures to attain compliance was of great interest to her group. Similarly, more information on the training of local staff and national-level labour inspectors was requested. It was important to ensure that local staff had a background in industrial relations. The speaker noted that in Cambodia the reporting of factory-level compliance data had been resumed and asked for all other programmes to also publicly disclose their findings.*
- 470.** *Too often Better Work operated in countries with a lack of adequate legislation and no, or inadequate, enabling environments for union organizing and collective bargaining, particularly in Haiti, Lesotho and Bangladesh. For that reason, Better Work needed to focus more on supporting social dialogue mechanisms and find ways to enable workers to more easily voice their concerns in those committees. The aim of Better Work should be to promote mature industrial relations. In the case of Bangladesh, the ratification of Conventions Nos 87 and 98 should be a precondition before implementing the programme*

there. Given the key role of the social partners in Better Work, the scarcity of funding for trade union training was an issue. It was important that such capacity building was built into core programme budgets. Worker participation in Performance Improvement Consultative Committees (PICCs) was also insufficient due to the organizing challenges. The PICCs should also focus on solving specific workplace problems, as well as living standards. Her group was interested in an assessment of the programme's contributions to organizing and the promotion of collective bargaining and further information on resources and the number of its staff.

471. There was scope for increased collaboration between Better Work and other ILO departments to make use of relevant in-house expertise on international labour standards, labour administration, industrial relations and capacity building of employers and workers. Such collaboration should focus on creating the right legislative framework, in particular in relation to minimum wages, trade union rights and OSH. Noting that strategies were being developed to ensure that the programme could become self-sustaining, the speaker requested more information on those efforts, which should include a focus on labour inspection, capacity development of unions and the promotion of collective bargaining.
472. *The Employer coordinator* said that his group welcomed the discussion and recognized that Better Work was more than a technical cooperation programme, having scope for wider impacts on industrial relations, business development and future ILO work in those areas. In its delivery, the ILO should focus on companies' competitiveness and compliance. His group shared many of the views of the Workers' group regarding improvements to be made to the Better Work programme, notably on capacity building of local institutions and social partners.
473. There had been some important successes, but it was important to acknowledge the challenges that existed so that constructive solutions could be found. If the following challenges were not addressed, Better Work could be negatively affected. Firstly, the ILO needed to make a sound business case for participation in the programme. The mandatory nature of the programme in some participating countries could interfere in attaining employers' buy-in. Secondly, Better Work could benefit from a more effective involvement of national constituents, in particular local employers, given their central role in ensuring the proper functioning of the programmes. Thirdly, advisory and training components should not be overshadowed by the factory assessment component. Capacity building needed to be reinforced through enhanced training, not only in technical areas but also in "soft" competencies. Fourthly, the International Finance Corporation (IFC) should engage more in the programme, to increase its productivity and competitiveness aspects. While the IFC was represented on an equal footing in the management group, it was not as engaged at the country programme level. Finally, given that the premise that compliance would improve working conditions and in turn increase productivity was central to the programme, he noted that further evidence would be welcome.
474. Greater competitiveness from improved factory compliance had been reported in Vietnamese factories, but that effect had not yet been observed in other countries. Productivity and competitiveness needed to be given the same importance as compliance aspects. A comprehensive strategy was needed to identify and demonstrate the economic and commercial benefits of the Better Work programme.
475. *An Employer member from the United States* highlighted the importance of transferring best practices and lessons learned through the Better Work programme to the broader economy. Whereas the programme could improve the business and labour climate in a country as a whole, Better Work was not meant to replace DWCPs, governments or local business communities. Capacity building and promoting sustainability were the principal means of achieving its objectives. It was important to determine at what point programmes

could be considered sustainable. More information on the programme's financial sustainability was welcome. Further thought should be given to the programme's ultimate goal, its parameters and its larger promise for enterprises not directly associated with it.

- 476.** *An Employer member from Australia* said that sustainability should be at the heart of the Better Work programme to avoid creating unattainable expectations. The programme's value lay in its ability to increase capacity at the national level. Its business case and sustainability depended on its quality, stakeholder buy-in and its adaptability to different local economic and social dialogue conditions. From a business perspective, achieving participation should not be an act of charity or corporate responsibility, but should be driven by institutional and structural drivers. Two principal ways of achieving that objective were to ensure the centrality of local participation and to match improvements in labour conditions with improvements in productivity. His group would act, particularly on one of the responsibilities given to it by the programme, namely to strengthen relationships between buyers and local employers' organizations.
- 477.** *An Employer member from Germany* noted that European companies engaged in the programme were particularly interested in ensuring a better local buy-in. Rather than engaging in political discussions, Better Work should consider practical realities on the ground, and should cooperate with and take advantage of synergies with other ILO departments, in addition to those mentioned by the Workers in their statement, the Enterprises Department.
- 478.** *An Employer member from Bangladesh* said that while the current compliance framework of Better Work was limited to national labour laws and fundamental principles and rights at work, the scope of the work to be undertaken in Bangladesh seemed to be wider, since it included fire safety and structural integrity of buildings. Should the compliance framework still evolve, clarity was needed regarding responsibilities of the countries involved. He noted that substantial progress regarding labour laws had already been achieved in Bangladesh and hoped that when the programme was launched in Bangladesh, it would match its success in other countries.
- 479.** *Speaking on behalf of the Africa group*, a Government representative of Togo said that the Better Work programme had improved labour conditions, company results and development indicators, and had helped constituents to strengthen the capacities of national institutions and labour market governance. He called on new donors to join the programme in order to make achievements sustainable, and urged the Office and its partners to extend the programme to other sectors and countries following the end of the five-year plan adopted in 2012.
- 480.** *Speaking on behalf of ASPAG*, a Government representative of Australia said that there was no need to discuss Better Work as an individual item in the Governing Body. His group nevertheless considered that, among its many qualities, Better Work was a strong example of how ILO principles and interventions could advance economic development, resulting in tangible and potentially long-lasting improvements, in support of the Millennium Development Goals. It had been particularly successful in improving the lives of female workers in the garment manufacturing industry. Given the programme's benefits, the Office should allocate more resources to bridge the gap between demands for the programme and its ability to meet them. Where that was not possible, transitory measures could be taken prior to the start of a Better Work programme. The programme should be a promoter of trade. Labour standards must not be used for trade protectionist purposes, but neither should the violation of fundamental labour principles and rights be used as a comparative advantage. He encouraged all Better Work partners to continue their cooperation with a view to achieving the programme's objectives. His group supported the

draft decision. It did not endorse the proposed amendment circulated earlier on behalf of the Employers.

481. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said that his group welcomed the achievements of the programme, in particular its engagement in a growing sector that provided a major source of revenue for developing countries and employment for young, and predominantly women, workers. GRULAC particularly valued the programme's inclusion of all stakeholders and its direct impact on working conditions, especially in respect of female workers, on competitive advantages for enterprises, and on strengthening labour legislation and implementation. While GRULAC supported the programme's roll-out to other countries, it considered that supervisory and follow-up mechanisms should be further developed to protect the programme's sustainability and quality; additional information on how the Office intended to address that issue was welcome. The group supported the draft decision.

482. *A Government representative of the Netherlands*, speaking also on behalf of Switzerland, the United Kingdom and the United States, said that the programme enabled the ILO to develop stronger relationships with multinational companies, who wanted to commit themselves to comply with international labour standards in their supply chains. It also served as an entry point for the ILO to address broader issues with national governments, such as the capacity of labour inspectorates. It had, however, still to more clearly demonstrate its business case to participating companies. The programme's expansion to Bangladesh held great promise, in particular through close coordination with other ILO-led initiatives. The speaker welcomed impact assessments throughout the programme and the measures planned to respond to national business sector needs. While the programme had grown considerably in recent years, both in coverage and its quality, it still had further potential to benefit many additional workers and businesses in the countries where it operated. The Governments of Switzerland and the Netherlands aligned themselves with ASPAG in supporting the decision, as originally proposed in the paper.

483. *A Government representative of Cambodia* said that, as part of the Better Work programme, Better Factories Cambodia (BFC) provided evidence of the programme's benefits in terms of increased exports and improved compliance with labour standards. BFC received both non-donor and donor funding and carried out core activities such as monitoring, advisory services, training, research and social dialogue. The national tripartite project advisory committee was important for its success in improving tripartite capacities. Monitoring was at its backbone and had made a positive and tangible impact on labour law enforcement. His Government was fully committed to workers' rights but was obliged to intervene when strikes became violent. A draft law on trade unions was currently under examination and a committee had been established to discuss wage fixing. He requested ILO assistance to reconcile the demands of all parties in that regard and called for the continuation of the partnership between the ILO and the IFC.

484. *A Government representative of Indonesia* said that the Better Work programme supported constituents in building the capacity of national institutions and strengthening the governance of labour markets. In Indonesia the programme involved 85 garment companies and 140,000 workers, and helped to improve the capacity of labour inspectors and mediators. She asked the programme to continue focusing on the garment sector and considered that sustainability was of critical importance. A major challenge in that regard was the future funding of the programme. For that reason, more details on a proposed strategy were welcome.

485. *A Government representative of India* said that since Better Work was a technical cooperation programme, it should not have been included on the Social Dialogue Segment's agenda. Even though it was not part of the programme, India sought more

information regarding its work in influencing policies and employment conditions. As most of the members were developing Asian countries and primary suppliers of agricultural goods, they were in need of programmes that facilitated trade. Any funding arrangement for the programme should not be subject to conditions and lead to supply-chain standards. Since the programme had an OSH component, her delegation asked for that component to also include cheap access to the latest technologies for participating countries.

- 486.** *A Government representative of the United States* said that in view of the significant reporting done on the programme, any reintroduction of the subject to the Governing Body session in March 2015 would be an unnecessary burden on resources, which could better be devoted to the actual running of the programme.
- 487.** *The Worker spokesperson* said that one of the inherent limitations of the programme had been its focus on improving compliance at the factory level, since it did not address the real forces driving downward pressure on wages. With reference to Bangladesh, Better Work had been operating at the time of the introduction of the Accord on Fire and Building Safety, an example of buyers taking responsibility and making a long-term commitment. Highlighting that the workforce in the garment industry was largely female, the speaker asked for more attention to be paid to the issues of gender-related violence and sexual harassment. Whereas a future update on the programme was a good idea, the screening group should decide on its inclusion on a future agenda.
- 488.** *The Employer coordinator* said that Better Work had policy implications, and that a follow-up discussion was required. It was contradictory that more information had been requested by member States, while at the same time there was opposition to having that agenda item come back in future sessions. For that reason, his group had asked for the draft decision to be reworded to request the Office to provide another update in March 2015 and to reflect the requests for information on the programme's contribution to national capacity building and the involvement of national tripartite constituents.
- 489.** *A representative of the Director-General (DDG/P)* said that the Better Work programme had improved conditions for over 1 million workers, largely female, as well as for their households, in raising them out of poverty. Nine hundred firms had benefited, allowing them to survive the adjustments resulting from the end of the Multifibre Arrangement and the financial crisis of 2008–09. Better Work had also helped national economies to expand. The programme was not, however, a panacea. It was not meant to replace the ILO's labour law reform programme or the ILO's labour inspection programme. It was neither responsible for interpreting international labour standards, nor a substitute for ACTRAV or ACT/EMP and their work in building the capacities of workers and employers.
- 490.** Better Work did not duplicate those efforts: instead, it leveraged the relationships between the different parties to the supply chain in order to improve working conditions, competitiveness and economic development, as well as to open a door for the ILO to further strengthen capacity building and technical advice on inspection, monitoring and enforcement in participating countries.
- 491.** A key element to ensure that its efforts were sustainable was that social partners' capacities were built with a view to enabling them to transition to collective bargaining. Financially, Better Work was overwhelmingly supported by extra-budgetary funds: not only from donors, but also governments, employers' associations, trade unions and buyers. The arrangement found in Cambodia set a goal for the other programmes.

492. In closing, the speaker thanked the Governing Body for showing great interest in the programme. As could be demonstrated by the large amount of information available on the website, the programme was very willing to provide information to all interested.
493. In view of the statements made, *the Employer coordinator* withdrew the proposed amendment to the draft decision on the understanding that the right forum to decide on the inclusion of a follow-up item on the agenda of future sessions was the screening group.

Outcome

494. *The Governing Body took note of the information contained in the document and requested the Office to take into account the comments made during the discussion in its joint management of the Better Work programme with the International Finance Corporation of the World Bank Group.*

(GB.320/POL/6, paragraph 28.)

Technical Cooperation Segment

Seventh item on the agenda

Regional perspectives on technical cooperation: Europe and Central Asia (GB.320/POL/7)

495. *A representative of the Director-General* (Deputy Regional Director, Regional Office for Europe and Central Asia) introduced the document.
496. *The Employer coordinator* said that it was important to take the region's diversity into consideration to ensure that constituents' needs were met. Her group would have liked to receive information on the measures that the ILO had taken to address the decrease in extra-budgetary technical cooperation (XBTC). Partnerships should be used to maximize opportunities for capacity building and the role of the Turin Centre should also be enhanced to that end. While her group welcomed information on the results achieved, it would have appreciated a greater emphasis on lessons learned. Greater emphasis should be placed on the Oslo Declaration, especially with regard to its bearing on resource mobilization. Priority areas of the Declaration included: the promotion of decent employment and job creation, particularly for youth; the promotion of enterprise sustainability, particularly for SMEs; support for innovative technologies and the green economy; addressing skills mismatches in the labour market; and improving the regulation of labour migration and the protection of migrants' rights. Her group supported the draft decision, provided that a clear link was made to the Oslo Declaration.
497. *The Worker spokesperson* said that the ILO had been notably absent during the difficulties experienced by the countries in the region most affected by the onset of the financial crisis, which had led to the dismantling of the European social model. He questioned why the ILO had not taken a more proactive stance on the troika's austerity policies. The increased demand for technical cooperation should focus thinking on the future distribution of funds. In that regard, the following should be considered: increasing efforts in countries suffering from the negative effects of fiscal consolidation, focusing on employment, social security, labour protection and the protection of labour rights; setting up rapid fiscal consolidation

and austerity response mechanisms within the ILO to protect labour rights and standards; ensuring that greater efforts in Western Europe did not weaken support to other subregions, which required ILO assistance for the capacity building of constituents and the promotion of ILO Conventions and of social dialogue; and mobilizing resources for technical cooperation. Strategic collaboration with the European Commission (EC) could be an important means of mobilizing resources and, to that end, work was needed to overcome regulatory obstacles to European social fund access. Any agreement with the EC should contain specific provisions for the development of the social partners' capacities. Similarly, the cooperation with, and role of, the Turin Centre should be strengthened, especially given its capacity to attract EU funds. In the distribution of resources, work on labour migration, collective bargaining and the development of legislation was particularly welcomed. Overall, the resource allocation should be rebalanced across the four strategic objectives of the Decent Work Agenda and increased resources for trade union rights were needed. Cooperation with other organizations should be based on ILO values and the promotion of decent work, and PPPs should be conditional on consultation with ACTRAV and ACT/EMP at both the planning and implementation stages, and on participants' adherence to the ILO's fundamental principles and rights and the MNE Declaration. The group supported the draft decision.

- 498.** *Speaking on behalf of the Africa group*, a Government representative of Zambia said that the priority was to mobilize technical cooperation resources and focus on constituents' needs. DWCPs continued to provide the key to resource mobilization and the effective implementation of proposed strategies. He urged the Office to continue its efforts on labour migration in order to establish the ILO as a reference on the subject. It should also scale up its strategic partnerships with governments, new donors and relevant institutions in his region, and engage in PPPs. His group also encouraged the ILO to continue its work with UN and EU funding bodies.
- 499.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Bosnia and Herzegovina, Norway, Republic of Moldova, Armenia and Georgia. Technical cooperation in the region should be demand-led and needs-based and, to that end, the ILO should strengthen the exchange of information with all its constituents, and in particular with governments, prior to and throughout the technical cooperation process. The ILO should be a reference in the world of work. Therefore, evidence-based, high-quality research and analysis were essential. The Office should pay special attention to monitoring and quality control through technical cooperation processes, carefully assessing needs for additional resources. In view of resource constraints, the ILO should make the most of its existing structures, and technical cooperation activities should aim to establish decent work as a national goal throughout the region. The group welcomed plans to strengthen partnerships with EU institutions and other international and regional organizations. New activities in EU Member States should not however replace activities outside the EU on core labour standards. Her group proposed an amendment to the draft decision.
- 500.** *Speaking on behalf of the member States of IMEC*, a Government representative of Canada said that his group would appreciate additional and recent information with regard to UN system coordination. Unnecessary duplication of work should be avoided and resource mobilization efforts should be part of an overall coordinated and coherent resource mobilization strategy. He requested confirmation from the Office that the general review of the ILO's Technical Cooperation Strategy would include a coherent strategy for resource mobilization, taking into account the reform of human resources management and the field structure review.

- 501.** *A Government representative of the Russian Federation* said that her Government welcomed the extension of technical cooperation in Europe and Central Asia on the basis of new sources of funding. An important partnership had been established with the Russian company, Lukoil. The company supported the Turin Centre training programmes on professional and occupational skills. In addition, training programmes were provided in Russian for a large number of countries in Eastern Europe and Central Asia. Regional technical cooperation had resulted in a number of achievements, particularly in the area of youth employment, and such work should be extended. Activities organized by the Moscow Office included work to expand labour inspection services, most notably through Russian Federation–Mongolian cooperation. She recalled that the Oslo Declaration called upon the ILO to cooperate with the Eurasian Economic Commission. Her Government requested further assistance in the modernization and strengthening of inspection services.
- 502.** *The representative of the Director-General* (Deputy Regional Director, Regional Office for Europe and Central Asia) expressed her appreciation for the guidance provided, which had been duly noted by the Office. The annual report on the implementation of the Oslo Declaration requested in October 2013 would provide further opportunities to engage on the proposals and recommendations that had been voiced.

Decision

503. *The Governing Body requested the Office:*

- (a) to take into account its guidance on priorities and challenges to be considered in determining and monitoring demand-led and needs-based technical cooperation in the European and Central Asian region, so as to anchor decent work firmly as a national goal throughout the region;*
- (b) in line with the Oslo Declaration, and in view of the need to improve the ILO's technical cooperation programme in Europe and Central Asia within existing resources, to develop a strategy to mobilize resources for the region to be discussed in the context of the general review of the ILO's Technical Cooperation Strategy during its 322nd Session in November 2014, also taking the ongoing field review into consideration.*

(GB.320/POL/7, paragraph 37, as amended.)

Eighth item on the agenda

Follow-up to the Brasilia Declaration on Child Labour (GB.320/POL/8)

- 504.** *A representative of the Director-General* (Director, Governance and Tripartism Department) introduced the document.
- 505.** *The Employer coordinator* thanked the Government of Brazil and the Brazilian mission in Geneva for their role in the Brasilia Conference. The Brasilia Declaration reaffirmed that child labour was an issue for all nations and therefore must be tackled through public policies and joint international action. Analysis of current data showed that, despite vast differences between countries, the reduction in child labour was directly connected to the promotion of adult employment, the adoption of social protection policies, improvements

in education and the creation of an enabling environment to prevent and eliminate child labour. However, the level of countries' socio-economic development also played a role, so the enabling environment needed to include better conditions for the creation of formal and sustainable enterprises with a view to creating the wealth that was essential for sustainable development. Accordingly, he welcomed the Declaration's recognition of efforts to formalize all economic activities. Extensive provision of vocational training was a key component of government action, in addition to free, compulsory, high-quality education. He welcomed the opportunity for the Office to incorporate the Declaration into the ILO Global Action Plan on Child Labour and into the work of the IPEC in consultation with other departments, especially ACT/EMP and ACTRAV. Elimination of the worst forms of child labour should be given top priority by the ILO in terms of action, as well as regular and extra-budgetary resources. Employers needed to be involved in strengthened national and international cooperation and enhanced social dialogue. The Employers thanked the Government of Argentina for its offer to host the IV Global Conference on the Sustained Eradication of Child Labour in 2017 and endorsed the draft decision.

- 506.** *The Worker spokesperson* said that no child should be obliged to work anywhere; all children everywhere should have the right to play, study and develop. He thanked the Brazilian Government for having organized the Conference. The Brasilia Declaration underlined the need for a coherent and integrated approach, based on the Decent Work Agenda, to eradicate the socio-economic causes of child labour, with the focus on free compulsory education, social protection floors, access to justice and effective labour inspection. The role of public authorities and public service workers to deliver quality health care and education were also stressed. An integrated institutional approach was needed, as were larger-scale projects, in order to further reduce the number of children involved in child labour. The latter was partly driven by the vulnerability of households affected by poverty, unemployment and the economic crisis, and social protection was therefore essential. Brazil provided a clear example of the effectiveness of promoting social protection floors, boosting employment and offering financial incentives tied to school attendance. He urged governments to ratify the Minimum Age Convention, 1973 (No. 138), and Convention No. 182. Since most children worked in the informal economy, it was necessary to continue working on the transition to the formal economy to ensure greater protection, with special emphasis on agriculture and the role of labour inspection. He welcomed the Government of Argentina's proposal to host the IV Global Conference and hoped that it would provide trade unions with the opportunity to share their views and experiences. The Workers supported the Declaration and backed the call for additional resources for IPEC, which should also be included in the revised Technical Cooperation Strategy. The group endorsed the draft decision. The spokesperson said that it was his last appearance in the Governing Body.
- 507.** *The Chairperson* said that the Worker spokesperson would be missed and wished him every success in his ongoing work outside the Governing Body.
- 508.** *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said that the Agenda for the Hemisphere 2006–15 included the complete elimination of child labour by 2020. The issue continued to deserve the fullest attention, in view of the estimated 12 million children involved in child labour in Latin America and the Caribbean. She welcomed the support of the ILO Office in Lima for regional initiatives, which included a "South–South" exchange of experience, and also the fact that the elimination of child labour remained a top priority for the Office. IPEC should follow up on countries' commitments and review progress in the coming years and therefore needed continued support. Welcoming the Government of Argentina's proposal to host the IV Global Conference, she endorsed the draft decision.

509. *Speaking on behalf of the Africa group*, the Government representative of Zambia said that even though the target of complete eradication of child labour by 2016 was unlikely to be met, efforts in that direction should continue on the basis of recorded achievements. A coherent and integrated strategy was needed, as highlighted by the Brasilia Declaration. Observing the results of “Delivering as One” in the UN, he welcomed the strengthened coordination of public service workers. The focus needed to be on specific follow-up action. The group supported the draft decision.
510. *Speaking on behalf of the EU*, a Government representative of Italy said that Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Bosnia and Herzegovina, Republic of Moldova, Armenia and Georgia aligned themselves with the Brasilia Declaration. The EU and its Member States continued to uphold its commitments to the eradication of child labour, which were laid down in the EU Strategic Framework and Action Plan on Human Rights and Democracy adopted in 2012. The EU had actively participated in the Brasilia Conference and fully supported its key outcomes, in particular the Declaration. Despite significant progress in reducing child labour, more work was needed to achieve the goal of eliminating the worst forms by 2016. The EU was promoting the establishment of up-to-date lists of hazardous types of work and called on all ILO member States to ratify Convention No. 182. Although international cooperation was very important, national governments had primary responsibility for the elimination of child labour. The mainstreaming of efforts against child labour was vital, as was the need to keep the focus on the interests of children themselves. The group supported the draft decision.
511. *A Government representative of Brazil* said that her Government was striving to devise a sustainable national strategy for the elimination of child labour. It also stood ready to expand cooperation with the international community to that end and would therefore give the ILO active, constructive support for its work in that field.
512. *A Government representative of Cuba* said that the current economic order was making it difficult for developing countries to tackle the root causes of serious social problems such as child labour. The fact that Argentina had offered to host the IV Global Conference was, however, proof of Latin American countries’ commitment to combating child labour.
513. *Speaking on behalf of the Community of Portuguese Language Countries (CPLP)*, a Government representative of Angola commented that the CPLP had been cooperating with the ILO in efforts to abolish child labour for almost ten years. In 2006 the CPLP had adopted a four-pronged plan of action to combat child labour, the methodology of which was consistent with that used by the ILO in South–South and triangular cooperation and by IPEC. Ten tripartite CPLP initiatives in particular had made it possible to achieve progress towards the elimination of child labour. The CPLP supported the draft decision.
514. *A Government representative of Argentina* highlighted the need for closer tripartite and international cooperation to end the scourge of child labour. At national level, his Government had undertaken measures specifically aimed at the elimination of the worst forms of child labour and participated in the action of the Common Market of the Southern Cone (MERCOSUR) to combat child labour. He agreed with the draft decision.
515. *A Government representative of the United States* underscored the importance that her Government attached to the ILO’s work to combat child labour. She stressed the need for reinforced national and international action to achieve the target of eradicating the worst forms of child labour by 2016. She wondered whether in subparagraph (c) of the draft decision it would not be more appropriate to refer to the “effective abolition” of child labour, rather than to its “elimination”, for the sake of consistency with the ILO

Declaration on Fundamental Principles and Rights at Work. However, she could accept the draft decision as it stood.

- 516.** *A Government representative of Indonesia* said that her Government supported the recommendations contained in the Brasilia Declaration. She emphasized the need for concerted global action on the part of governments, the social partners, civil society and regional and international organizations in order to tackle the many and various root causes of child labour, since the latter deprived young workers of their childhood and hindered their growth. The ILO could play a vital role in assisting member States to achieve the total elimination of the worst forms of child labour by 2016. She supported the draft decision.
- 517.** *A Government representative of the Netherlands* said that the III Global Conference on Child Labour had renewed the momentum needed to effectively abolish child labour. Her Government regarded IPEC as the lead international programme for the elimination of child labour and would therefore contribute €2 million to the programme specifically for its work on education and the elimination of child labour in rural areas.
- 518.** *A Government representative of Niger* expressed his support for the Brasilia Declaration. Cooperation between governments, workers' and employers' organizations, civil society and non-governmental organizations was essential if child labour was to be eliminated. In many countries one of the main reasons for child labour was adults' inability to earn enough to sustain their family. That situation should be remedied through countries' decent work programmes and international transfers of funds to support national IPEC programmes. He supported the draft decision.
- 519.** *A Government representative of Mexico* emphasized the need for an integrated approach in order to enable the formulation of appropriate policies to address the root socio-economic causes of child labour with a view to the latter's elimination. National and international cooperation and, above all, technical cooperation had to be stepped up. He endorsed the draft decision.
- 520.** *A Government representative of India* said that, when tackling the various dimensions of child labour, her Government followed a proactive and multipronged approach aimed at creating an environment where families were not compelled to send their children to work. Government and civil society partnerships were also taking part in an integrated scheme to protect children in difficult circumstances. She supported the draft decision.
- 521.** *A Government representative of Ghana* said that although much had been done to eliminate child labour in agriculture and fishing, more effort was needed in other sectors. His Government remained committed to the goal of totally eliminating child labour. He was in favour of the draft decision.
- 522.** *The representative of the Director-General* (Director, Governance and Tripartite Department) was pleased that delegations unanimously supported the ILO's work on the elimination of child labour. He had taken note of the comments and suggestions made during the debate.

Decision

523. The Governing Body:

- (a) *requested the Office to convey its thanks to the Government of Brazil and the Brazilian social partners for hosting and ensuring the success of the III Global Conference on Child Labour and welcomed the offer of the*

Government of Argentina to host the IV Global Conference on the Sustained Eradication of Child Labour in 2017;

- (b) endorsing the Brasilia Declaration, requested the Office to ensure its integration into the ILO Global Action Plan on Child Labour and the work of the International Programme on the Elimination of Child Labour; and***
- (c) reconfirmed its commitment to the elimination of child labour as one of the fundamental principles and rights at work, and thus as one of the Organization's highest priorities in the realization of the Decent Work Agenda, and requested the Office to put in place all necessary means to achieve this objective.***

(GB.320/POL/8, paragraph 21.)

Ninth item on the agenda

ILO technical cooperation in fragile States

(GB.320/POL/9)

- 524.** *The Director-General* welcomed H.E. Sheikh Ahmed, Prime Minister of Somalia. He thanked the Prime Minister for sharing with the Governing Body the aspirations of the Somali people and his plans to bring Somalia onto the path of peace, stability and sustainable development as well as the country's expectations of the ILO to assist in those endeavours. The ILO's mandate was relevant in diverse situations and its responsibility was to all member States, whatever their circumstances. He acknowledged the high level of political commitment and leadership that the Prime Minister was giving to decent work and youth employment. The Prime Minister had been instrumental in signing the New Deal Compact for Somalia with the international community to support a programme of peace building and stability. The decent work programme for Somalia, developed between the ILO, the Government of Somalia and the Somali social partners, to be signed later that day, would be an important contribution to meet the objectives of that Compact. Somalia would also be depositing instruments of ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and Convention No. 182. The Prime Minister's visit marked a milestone in the relationship between the ILO and the Government and people of Somalia.
- 525.** *H.E. Sheikh Ahmed* (Prime Minister of Somalia) thanked the Director-General for the opportunity to engage with the ILO and to speak at the High-Level Panel on Decent Work in Fragile States later that day. He also thanked the Governments of New Zealand and Timor-Leste for organizing the Panel.
- 526.** Somalia had been affected by civil war for more than two decades, resulting in the collapse of public services, the country's infrastructure and government institutions. International agreements had helped to support peace- and state-building efforts, the security situation had improved, and the economy was starting to recover. Some 70 per cent of the population lived below the poverty line, although the country had vast, yet untapped natural resources. There was an alarmingly high level of poverty, unemployment and underemployment among young people, making them vulnerable to recruitment into criminal and violent activities. The Government believed that broad-based economic growth, which could deliver employment, raise incomes and reduce inequality, would be critical to Somalia's future. He outlined the Government's plans to address those social

and economic issues by putting in place integrated policies for growth with targets for timely and effective job creation. The Government was ready to sign and implement a DWCP for Somalia. Trust should be built through tripartism and social dialogue in order to achieve peace based on social justice. He appealed to the ILO to act upon its mandate to strengthen the institutional capacities of its Somali constituents, particularly the workers of Somalia. He called on other countries in the subregion to strengthen economic integration to ensure continued economic growth and stability.

- 527.** Recent fighting in the country had destroyed the local infrastructure and essential services, leaving behind a growing humanitarian crisis. As well as short-term action to respond to immediate humanitarian needs, the Government aimed to rebuild the country's infrastructure. Job creation would be a more productive, sustainable and cost-effective method to achieve stability than peace-making, peacekeeping or any other conventional military solution. A number of challenges must be addressed to guard against a return to civil war, such as fair access to resources, fully inclusive political engagement, and institutionalization of the protection and promotion of human rights.
- 528.** Finally, he requested the ILO to waive Somalia's outstanding contributions and for its voting rights to be reinstated and asked the ILO to extend its technical support to the preparation of Somalia's candidature for membership of the Governing Body.
- 529.** *A representative of the Director-General* (Director, PARDEV) introduced the document.
- 530.** *The Employer coordinator* said that the Employers recognized the specific challenges of fragile States and crisis situations. The ILO's approach met some of those needs, but the document had not addressed the need to build sustainable capacity to enable rapid responses by local constituents. The term "fragile States" covered countries with different realities and should be better defined and differentiated so that a tailor-made response could be designed for the diverse challenges. The g7+ definition was too broad and should be further refined. It would be useful to have guidelines for developing country-specific approaches, focusing on areas where the ILO had a comparative advantage. She supported building partnerships with the UN and its agencies, as each agency would contribute in its areas of expertise. The ILO was not a relief agency, but it was positive if partnerships would enable it to be on the ground at the start of a crisis situation.
- 531.** The role of the private sector in reconstruction and crisis response was important. Enterprises played a significant part in rebuilding the economic fabric of fragile nations and it was vital to create an enabling environment for enterprise creation and development. The lessons learned from disaster response were critical as they would enable the Office to build important expertise and knowledge for future interventions in fragile States. A fragile State task team should be established across the Office to raise awareness and develop a fragility strategy, and to coordinate ILO operations and inputs into joint UN responses so as to rapidly respond to emergencies in fragile settings. It was important to involve decent work teams and country offices, which had the best knowledge of the context and challenges involved. Task teams should include employer and worker specialists when developing appropriate response strategies. She supported the proposal to mobilize voluntary contributions to establish a rapid response fund in order to second staff temporarily to countries where ILO capacity was limited, launch emergency response activities and participate in joint agency operations. However, the terms and conditions of such a fund should be established. The fund could also be used to establish strategic partnerships with a wide range of organizations from the international development community. Her group supported the draft decision.

532. *The Worker spokesperson* said that, despite the progress achieved in promoting social dialogue and decent work in fragile States, a number of challenges remained, including building the capacity of the social partners and making resources available to promote DWCPs. Figure 3 showed that nearly 80 per cent of expenditure had been allocated to the strategic objective of employment. His group would like to know the reasons behind that imbalance and whether any steps had been taken to correct it. The figure did not specify the expenditure allocated to standards and social protection. The Office should provide more disaggregated data in future. Regarding the way forward, his group agreed that it was important to build the capacity of the tripartite constituents and to promote social dialogue. The list of fragile States should be revised, as it did not include all the fragile States in the different regions. There was a need to build the capacity of trade unions to represent workers in tripartite and bipartite forums and in social dialogue institutions, and to strengthen their role in the face of institutional fragility. DWCPs should be tailored to constituents and should receive adequate funding. The need to support fragile States should also be included in the post-2015 discussion. His group agreed that it was important to develop specific responses targeting inequality, exclusion and the fight against poverty in fragile States. Improved coordination among institutions in fragile States was important and could help to promote decent work, build the capacity of constituents and promote social dialogue. More emphasis should have been placed on the prevention of crises or fragility and the role the ILO should play in prevention, including through DWCPs. The Turin Centre, ACTRAV and ACT/EMP could develop training programmes for constituents in fragile States. His group endorsed the draft decision.
533. *Speaking on behalf of the Africa group*, a Government representative of Zambia said that his Government welcomed the support provided by the Office to a number of African countries. His group supported the proposal to create a task team. While his group supported the establishment of a fragile States fund, the modalities for allocating aid should be clearly defined in view of the ambiguity of the terms “fragility” and “fragile State”. The Office should extend support to other African countries that were fragile States but that were not included in the current list. His group welcomed the proposed action relating to strategic partnerships and encouraged the Office to continue its efforts in that regard. His group endorsed the draft decision.
534. *Speaking on behalf of IMEC*, a Government representative of Italy said that her group appreciated the work carried out by the ILO since 2004 in 15 of the 18 g7+ countries. Her group supported the strategy outlined in paragraph 28 but had concerns over the ILO’s involvement in disaster and emergency responses, as humanitarian work and emergency relief did not fall within the ILO’s scope of action. As to the mobilization of voluntary contributions, unnecessary duplication should be avoided and the Office should effectively coordinate, track and manage ILO resources. Her group endorsed the draft decision.
535. *A Government representative of Japan* said that technical cooperation played a vital role in helping fragile States and disaster-affected countries to recover, the Japan Earthquake Project: Disseminating Lessons from Employment and Labour Measures for the Recovery from the Great East Japan Earthquake being a notable example. His Government had allocated US\$1 million through the ILO to Kenya and Somalia to assist returnees and their communities. Moreover, his Government had allocated US\$3.5 million through the ILO to the Philippines to aid its recovery in the wake of Typhoon Haiyan. His Government endorsed the draft decision.
536. *A Government representative of Brazil* said that, although the g7+ countries proposed their own definition of fragility, the scope and use of the term were still the subject of debate in various forums. Noting that the document suggested the same treatment for situations of conflict, disaster and violence, his Government requested the Office to reconsider, as those were distinct phenomena. The fact that the document identified crisis response as a priority

instead of prevention should also be addressed. He proposed an amendment to the draft decision.

- 537.** *A Government representative of Mexico* said that the Office should continue developing, adapting and improving its Technical Cooperation Strategy. The Office should also evaluate and follow up the results of the 15 DWCPs already carried out and promote the implementation of the remaining programmes. The review of the Technical Cooperation Strategy should focus on employment and economic recovery. Given that the development of future technical cooperation programmes would be contingent on the mobilization of financial resources, it was necessary to strengthen links with private institutions. His Government endorsed the draft decision.
- 538.** *A Government representative of India* said that a proactive action plan was required to address the situation in fragile States. Furthermore, poverty eradication and job creation should be included in the post-2015 discussion. The ILO should continue to develop innovative strategies to tackle youth unemployment and to promote decent work through technical cooperation projects. The action plan should seek to upgrade the skills of the labour force in fragile States of Africa and Asia to afford them access to better working conditions in the post-crisis situation. Her Government was pleased to note that, during the period 2004–13, the highest share of XBTC expenditure had been in Asia. Technical projects funded by extra-budgetary resources could be affected by unpredictability and changes in the economic climate. Regular dialogue between the relevant stakeholders was essential to correct imbalances in geographical or sectoral resource allocation. Given their vulnerability, efforts should be made to ensure that the flow of funds to fragile States remained regular. All initiatives should take into account the national priorities and the socio-economic situation of the individual countries. The ILO should focus its efforts on building the capacity of the social partners and stakeholders, and should also strengthen partnerships with the UN system and other multilateral institutions.
- 539.** *A Government representative of Egypt* said that the proposed task team should identify the specific needs of the country in question and determine the projects that would be most appropriate. The Office sometimes launched projects targeting different population groups in different regions within one country in an uncoordinated manner. It would be better to group all those projects in one region and, if they proved successful, to roll them out to other regions.
- 540.** *The representative of the Director-General* (Director, PARDEV) said that the Office intended to refine the different categories of fragile States and fragility. As to the concerns raised over the g7+ definition of fragile States being too broad, the Office had chosen the g7+ definition and list of countries because the countries in question considered themselves to be fragile. The use of any other definition would have imposed that status upon the countries. The ILO could also intervene in fragile countries that did not appear on the list. From the ILO's perspective, emergency response entailed the provision of emergency employment or emergency employment services but not the provision of humanitarian aid. In fragile States, there were often no social partners or, if there were, their capacity was often limited. All ILO programmes in such States did however include activities to support workers' and employers' organizations. The strategic objective of employment received the highest share of XBTC so as to meet the demands of the ILO's member States in situations of fragility. Activities aimed at creating jobs always sought to also promote labour standards, social protection and social dialogue. The technical cooperation programme for fragile States would be included in the post-2015 discussion. The Office had noted that more attention should be given to crisis prevention. That and other lessons would be fed into the revised Technical Cooperation Strategy to be submitted to the Governing Body at its session in November 2014.

541. *A representative of the Director-General (DDG/FOP) said that it was not the ILO's intention to stray beyond its area of competence. Instead, it wished to focus its efforts on generating employment, carrying out activities to provide a means of livelihood and promoting social dialogue in the wake of natural disasters or similar crisis situations. The Office had taken note of the concerns raised regarding the allocation of aid and the need to build the capacity of the social partners. The Office had no objection to the amendment proposed by the Government representative of Brazil.*

Decision

542. *The Governing Body requested the Office to take action on the way forward, taking into account the suggestions in paragraphs 28 and 29, points (a) to (c) of document GB.320/POL/9, and the guidance given in the discussion, and to reflect this in the revised ILO Technical Cooperation Strategy to be submitted to the Governing Body at its 322nd Session (November 2014).*

(GB.320/POL/9, paragraph 30, as amended.)

Multinational Enterprises Segment

Tenth item on the agenda

Implementation strategy for the follow-up mechanism of and promotional activities on the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration)

(GB.320/POL/10)

543. *The Employer coordinator spoke highly of both the proposals set out in the document and the intense consultation process leading up to the proposed implementation strategy. The MNE Declaration and the need for a proper follow-up mechanism continued to be a high priority for the Employers, especially in the context of the global debate on corporate social responsibility, including as the interface between the ILO and other international instruments such as the Guidelines for Multinational Enterprises of the Organisation for Economic Co-operation and Development (OECD), the UN Global Compact and the UN Guiding Principles on Business and Human Rights. She complimented the Office on the new promotional activities. Concerning the network of focal points, the intent of the Tripartite Ad Hoc Working Group had been to raise awareness of the MNE Declaration among ILO officials so that more synergies could be created. In the broader context of the new enterprise initiative currently under discussion, care should be taken to ensure that the Office worked with the relevant constituents on the ground in order to approach companies, respecting the tripartite structure of the Organization. ACT/EMP, ACTRAV, policy departments and the field structure also needed to be involved in the network. Regarding the promotion of the MNE Declaration in PPPs, she said that although the Tripartite Ad Hoc Working Group had agreed to promote the Declaration, adherence to its principles should not become a condition for enterprises to engage with the ILO. Lastly, the Employers' group appreciated the alternative survey approach presented by the Office. The new questionnaire was pragmatic and very useful; questions could be easily answered and it allowed space for country-specific comments. The Employers' group considered that*

the approach would give new impetus to the follow-up mechanism. It therefore endorsed the draft decision.

544. *The Worker spokesperson* commended the Office on the document and expressed the continued commitment of his group to the MNE Declaration. He noted that it was important for the Office to maintain its universal follow-up mechanism in assessing whether MNEs adhered to the principles of the Declaration. He also referred to the relevance of the MNE Declaration in the current discussions on the ILO enterprises initiative. He warmly welcomed the list of promotional activities and appreciated the progress made to date, including the global network of focal points and the e-learning tool developed in collaboration with the Turin Centre. Collaboration with the Turin Centre should continue and resources should be made available for further capacity-building activities with ACTRAV and ACT/EMP. The focal points in the global network should indeed lead the promotion of the MNE Declaration and integrate it in broader work of the ILO. Country-level activities needed to be increased, with a subregional and sectoral focus to exchange experiences. ILO interventions at the country level needed to address the right priorities, the most important being to combat violations of workers' rights, particularly when the violations had triggered an intervention in the first place. Sectoral and company–union dialogues were a priority for the Workers and a clear strategy on how to promote and use these was needed in that respect. The group was strongly in favour of promoting the MNE Declaration within other international organizations and initiatives and at ILO Regional Meetings with a proper space for discussion. The revised proposal on the survey was a good compromise, allowing for an institutionalized discussion space. The four options together would provide sufficient information on the effect given to the MNE Declaration. Data gathering was a priority; research must address the needs and gaps identified in global and regional reports, and focus on company behaviour and adherence with the principles of the MNE Declaration. The simplified survey questionnaire could help to raise awareness of the instrument and to identify the level of promotional work at the national level. A universal reporting mechanism was necessary. It was not onerous in terms of cost and time, and was linked to other information gathering. It should help identify needs for further country-level work, sectoral work, company–union dialogue, technical assistance and research. His group welcomed the proposal to incorporate the outcomes of the questionnaire into discussions at Regional Meetings. The Workers endorsed the draft decision.

545. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said that her group welcomed the suggestion to address enterprise engagement, PPPs and multinational enterprises together, as that would lead to greater coherence and a more effective use of Office resources. The promotional activities undertaken by the Office provided a good basis on which to improve the understanding and application of the principles of the MNE Declaration. In view of the American Regional Meeting scheduled for October 2014, the Office should prepare the questionnaire to be as clear and interactive as possible, so that the information obtained could be used effectively. She supported the draft decision.

546. *Speaking on behalf of IMEC*, a Government representative of the Netherlands stressed the invaluable contribution of the MNE Declaration to decent work all over the world. It was also relevant for ILO engagement with the private sector. The MNE Declaration needed to be effectively mainstreamed in all relevant ILO programmes, activities and products. Efforts by the ILO constituents to raise awareness of the MNE Declaration should complement Office activities, for instance by raising awareness at the national level of what the ILO had to offer. Concerning the global network of MNE Declaration focal points, further information was requested on how it related to the existing enterprise specialists in the field structure and its cost implications. He welcomed the integrated approach towards gathering information on the follow-up to the MNE Declaration and the proposal to make better use of data already available, and proposed a more general

approach towards developing the capacity of national statistics offices. Concerning the questionnaire, he appreciated the considerable efforts to limit the reporting burden but remained unconvinced that it would lead to useful results and provide value for money. The Office should already be in touch on a regular basis with constituents on MNE activities and keeping track of those contacts. More direct outreach to MNEs might be more useful than a focus on ILO constituents only, and might foster more direct engagement between the ILO and the private sector. Engagement of ILO constituents and MNEs on efforts by the Office to collect data should be on a voluntary basis. Resources for the questionnaire would be better used for promotional activities. If a questionnaire was used, reassurances were needed that the length and complexity would not exceed the draft annexed to the document. Lastly, the group supported the review of the follow-up to the MNE Declaration in 2018, which should focus in particular on the MNE Declaration focal points network and the questionnaire.

- 547.** *A Government representative of India* noted the e-learning module and resource kit, as well as the network of focal points. Concerning PPPs, governments must also be involved in all dialogue with the private sector. She recalled that, under the Labour Inspection Convention, 1947 (No. 81), governments had ultimate responsibility for labour inspection; MNEs should therefore adhere to national legislative frameworks with regard to state inspection mechanisms. She requested that, in the future, all information on and reports of Regional Meetings, including those concerning multinational enterprises and corporate social responsibility, should be sent officially to member States. Subject to those observations, she agreed in general with the draft decision.
- 548.** *A representative of the Director-General* (Director, ENTERPRISES) appreciated the very helpful debate and explained that the new global network of MNE Declaration focal points has been established with marginal cost implication but with an outreach well beyond the network of ten enterprise specialists. All 50 members were existing staff based in ILO departments and field offices. Their role, as determined by the Governing Body, was to promote knowledge and services on the MNE Declaration. That might evolve in the light of the Governing Body discussion concerning enterprise engagement. Lastly, the Office remained convinced that the proposed survey met the requirement of universality and contained only questions that could be answered, providing a global picture at a low cost.

Decision

549. The Governing Body:

- (a) affirmed the operational plan for the MNE Declaration follow-up mechanism comprising promotional activities and an information-gathering system, as outlined in document GB.320/POL/10 and discussed at its 313th (March 2012) and 320th (March 2014) Sessions;*
- (b) adopted the four elements proposed in part B of document GB.320/POL/10 for collecting information on the effect given to the MNE Declaration, thereby superseding its decisions taken at its 209th (March 1979) and 258th (November 1993) Sessions;*
- (c) instructed the Office to commence the approved implementation strategy in 2014;*
- (d) requested the Director-General to seek extra-budgetary resource mobilization especially for the promotional activities; and*

(e) decided to review the adopted MNE Declaration follow-up mechanism in 2018.

(GB.320/POL/10, paragraph 27.)

Legal Issues and International Labour Standards Section

Legal Issues Segment

First item on the agenda

Standing Orders of the International Labour Conference: Further proposed amendments concerning the reform of the International Labour Conference and other matters (GB.320/LILS/1)

- 550.** *A representative of the Director-General* (Deputy Legal Adviser) emphasized that the document under consideration was not meant to pre-empt in any way the result of ongoing discussions on Conference reform. In the context of the Working Party on the Functioning of the Governing Body and the International Labour Conference, it had been generally admitted that the 103rd Session (2014) of the Conference would be transitional and in 2015 the Conference would take the form of a trial two-week session. It had also been acknowledged that all trialling would need to be completed and evaluated before any final decisions were taken. Most amendments proposed in the document reflected apparent consensus, while others concerned provisions that might warrant modernization and simplification. The views of the Governing Body would help the Office to advance during the period of transition and trial of new arrangements.
- 551.** *The Worker spokesperson* reiterated that amendments to the Conference Standing Orders should be sent to the Conference for adoption only upon agreement on the overall reform package. In the meantime, the relevant provisions of the Standing Orders could be suspended. Regarding the proposed amendment to article 2(3)(d), he proposed the addition of “or additional persons representing employers’ and workers’ organizations” at the end of the last sentence, while emphasizing that the number of other persons attending should remain limited. Regarding article 11ter(2), the inclusion of a new item on the agenda for general discussion should entail the creation of a specific committee; the Workers did not support the idea of a general discussion in plenary. Regarding article 12(1) and (2), he supported the proposal that the Director-General’s Report should always be devoted to a social policy theme. Regarding article 12(2), it was unclear why the text requiring the programme implementation reports to provide information on the steps taken to give effect to previous decisions of the Conference and on the results achieved had been omitted. The Office needed to ensure a better mechanism to follow up on Conference decisions and to report on it to the Governing Body. Regarding article 12(4) and (5), the added value of interactive debates during the Conference remained to be seen so the proposed amendments did not currently seem pertinent as interactive discussions could take place through the suspension of the relevant provisions of the Standing Orders. Regarding article 17(3), the Workers considered that all resolutions relating to matters not included in a Conference agenda item should be discussed in the Selection Committee and did thus not support the amendment proposed in that respect. Regarding articles 26bis(1)(a) and 26ter(3)(a), his group would prefer that any decision on the reduction of deadlines for objections be subject to conducting a trial of the reduced deadlines, on the basis of an Office proposal. He proposed that, to clarify the status of the discussion on that item, the Governing Body should adopt a decision “request[ing] the Office to take into account the views expressed during the debate with a view to preparing a consolidated set of proposed

amendments to the Standing Orders of the International Labour Conference, to be submitted to the Governing Body at the appropriate time following the outcome of the discussion on the Conference reform”.

- 552.** *The Employer coordinator* expressed overall support for the intention and design of the proposed amendments. However, there was still room to make the Standing Orders simpler, more comprehensible and more consistent. He recognized the common ground with some of the Workers’ proposals but his group had more proposals to make with a view to producing a set of simple and understandable Standing Orders, which it would submit directly to the Legal Office for reflection. His group fully supported the draft decision proposed by the Workers. The Office should be instructed to take account of views expressed during the debate or submitted shortly afterwards by the Employers with a view to preparing a consolidated set of proposed amendments to be submitted to the Governing Body at the appropriate time following the outcome of the discussion of the Conference reform.
- 553.** *Speaking on behalf of IMEC*, a Government representative of Canada welcomed the proposals to abolish the Resolutions Committee and transfer its task to the Selection Committee, and also to adapt the Standing Orders to the use of technology. However, her group did not support the proposed amendment to article 11ter(2), since it was not in favour of general discussions taking place in plenary, preferring that the existing arrangement of referring general discussion items to a committee be kept. Otherwise, an amended wording for article 11ter(2) might be: “The question shall be referred by the Conference to a committee for report unless the Conference decides otherwise.” IMEC also wished to propose an amendment to the draft decision proposed by the Workers, replacing the words “at the appropriate time following the outcome of the discussion on the Conference reform” by “following agreement on the Conference reform”.
- 554.** *Speaking on behalf of the Africa group*, a Government representative of Angola noted that divergences persisted on certain provisions and encouraged the Working Party to seek consensus on them. He supported the proposed amendments referred to in paragraphs 7 and 8 of the document. He also supported the proposed amendments to articles 14, 22 and 62 of the Standing Orders. However, he considered that the proposed amendments to articles 15, 17, 22, etc. would be difficult to implement in practice, particularly if documents were to be published in electronic form only.
- 555.** *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said he agreed that approval of amendments by the Governing Body might await final approval of an overall reform package. He noted a certain inconsistency between some of the proposed amendments and the remainder of the Standing Orders. Regarding article 1(3)(3), in view of unforeseen absences that often arose during the Conference, it was not helpful to formalize matters as proposed; the suggested wording must be improved or otherwise deleted altogether, especially as the rest of article 1 as amended was perfectly clear. Regarding article 11ter(2), his group preferred to keep the current wording. Regarding article 12(4) and the proposal that panel discussions should no longer be specifically mentioned as an example of interactive debates, he recalled that it was his group’s view that panel discussions should not be held simultaneously, but consecutively to enhance coherence with respect to the important social policy theme contained in the Director-General’s Report. Regarding article 12(4)(a), he was concerned about the implicit possibility of discussions being prolonged through more than one intervention per speaker. With regard to article 12(4)(b), the apparent absence of an order of speakers and of time limits for the speeches also gave rise to concerns. Regarding article 12(5), GRULAC had already referred to the need for a rigorous and restrictive selection of moderators who were not members of duly accredited tripartite delegations and therefore did not in principle have the right to participate in the Conference. Further clarification was necessary with

regard to all the proposed amendments to article 12. Article 18(1) needed to be harmonized by replacing the reference to the Resolutions Committee by one to the Selection Committee, in view of the abolition of the Resolutions Committee proposed in the document. GRULAC greatly welcomed the amendment to article 24 as it reflected longstanding practice with respect to the official languages of the Conference without generating additional costs for the Conference. Regarding article 26bis(1)(a) concerning time limits for objections, the term “justified cases” was imprecise and undermined the legal certainty and predictability of the Standing Orders. The proposed time limits could be seen as reasonable in the context of an overall reduction of the length of the Conference but there appeared to be little sense in having the possibility of extending the time limit for objections based on a revised list of delegations, which was published at an advanced stage of the Conference, so that that time limit would be the same as for the initial list.

556. Regarding article 40(6), GRULAC did not support the proposed amendment. At the 313th Session of the Governing Body, GRULAC had argued that the technical committees responsible for the substantive discussion of instruments should still be able to determine the figures for the entry into force and the time limit for the denunciation of Conventions, as that question was linked to the content of the instrument under review. His group’s position had not changed. GRULAC was not in favour of deleting article 56(2), as the provision contained therein was not affected by the proposed amendment to article 56(1). If the Office insisted on deleting the paragraph, it should provide a more detailed explanation for doing so. His group could not at that time support the amendment to the last part of article 57(5). That issue would be addressed again in the Working Party. Article 59 might be subject to a further amendment relating to the composition of the drafting groups of technical committees, which it was proposed should comprise eight representatives of each of the three groups. In addition, members of the drafting groups of a committee not responsible for drafting normative instruments were not necessarily required to be conversant in the other two official languages. Regarding article 63(3), his group had doubts about adding the word “motions” as its content would then differ from that of article 15(3). A more detailed explanation was needed. GRULAC endorsed the draft decision proposed by the Workers’ group and IMEC’s amendment thereto.

557. *The Employer coordinator* said that his group endorsed the draft decision proposed by the Workers’ group and IMEC’s amendment thereto.

558. *The representative of the Director-General (Deputy Legal Adviser)* said that drawing up a set of coherent and up-to-date Standing Orders based on the guidance of the Governing Body members was work in progress. The Office had taken note of all the views and suggestions expressed and would take them into account as it moved forward with the preparation of the package of reform of the International Labour Conference.

Decision

559. *The Governing Body requested the Office to take into account the views expressed during the debate with a view to preparing a consolidated set of proposed amendments to the Standing Orders of the International Labour Conference, to be submitted to the Governing Body following agreement on the Conference reform.*

(GB.320/LILS/1, as amended.)

Second item on the agenda

Privileges and immunities of the International Labour Organization: Identification document for Employer and Worker members of the Governing Body (GB.320/LILS/2)

- 560.** *A representative of the Director-General* (Deputy Legal Adviser) recalled that the item followed up on prior Governing Body discussions in March and October 2013. The proposed identification document for non-governmental members of the Governing Body would not be a travel or identity document. It would simply attest the holder's status as an elected member of the Governing Body for a three-year term. Instead of having that certified through an official letter, it was proposed to use a more convenient card format. The Office could provide more information on the modalities for issuing such a card, or provide specimens if required.
- 561.** *The Employer coordinator* said that, as the identification document was of particular concern to governments, his group would be interested to hear whether they wished to pursue the matter.
- 562.** *The Worker spokesperson* said that the protection the proposed document would afford non-governmental members of the Governing Body while exercising their functions and as they travelled to and from meetings was of particular importance. To illustrate that, he referred to an incident where a member of his group had been detained by the police and not treated respectfully while in transit at an airport to attend the Governing Body. The Workers' group endorsed subparagraph (a) of the draft decision.
- 563.** *Speaking on behalf of IMEC*, a Government representative of the United States, recalling IMEC's statement on the subject at the previous session of the Governing Body, welcomed the clarifications concerning the proposed identification document. The card would not create new privileges and immunities nor extend existing ones. Only States bound by the 1947 Convention, or to have accepted its provisions through a bilateral agreement, would be obliged to accord the privileges and immunities under it. Regarding safeguards, holders should be obliged to return the document if they left the Governing Body before the end of their term – in such cases the Office could also invalidate the document – and to report lost or stolen documents to the Office. If text was to be included on the card she suggested the following wording: "The holder of this document is a member of the Governing Body of the ILO and enjoys privileges and immunities in accordance with Annex I of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies in States that have accepted its provisions by ratification or by bilateral agreement with the ILO." The identification document should be issued on a trial basis for the following term of the Governing Body and its usefulness evaluated.
- 564.** *Speaking on behalf of the Africa group*, a Government representative of Angola noted that other arrangements outlined in the Office paper could be relied upon, that the added value of the document was limited since the Swiss authorities would continue to issue a laissez-passer to Governing Body members, and that the UN Secretariat was not aware of any comparable cards or similar practices in other organizations. His group was concerned that the document would be difficult to introduce, especially since it would not be recognized by all member States, and that issues relating to its legal status and applicability would place a burden upon the Office. The Africa group endorsed subparagraph (b) of the draft decision.

- 565.** *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said that the views his group had expressed at the previous session of the Governing Body remained unchanged. Only States bound by the 1947 Convention and its Annex I had the obligation to recognize the privileges and immunities set out in their provisions, which were not applicable in relation to the authorities of a State of which the person was a national or had been a representative. Regarding safeguards, the Office should remain available to attest when the Governing Body members exercised their functions, and when they were travelling to and from an official meeting. When preparing a new proposal, the Office should take into account the comments made by his group at the previous session. GRULAC endorsed subparagraph (a) of the draft decision.
- 566.** *A Government representative of India*, speaking also on behalf of China, the Islamic Republic of Iran, Singapore and Viet Nam, welcomed the clarifications provided following the discussions held at the previous session of the Governing Body. However, the identification document would be of little use, as it did not address any of the difficulties previously experienced by Governing Body members. Irrespective of whether an ILO card was issued, the countries that recognized the privileges and immunities of Governing Body members would continue to do so. Moreover, the Swiss laissez-passer would continue to be issued, diminishing the added value of the proposed document. The potential for the misuse and mismanagement of the document, owing to its minimal security features, remained a cause for concern. Furthermore, the proposed method of contacting the Office to confirm the validity of the card could impede immigration procedures and compromise security. He endorsed subparagraph (b) of the draft decision.
- 567.** *A Government representative of Australia* said that his Government aligned itself with the statement delivered by IMEC and endorsed subparagraph (a) of the draft decision.
- 568.** *A Government representative of the Russian Federation* agreed that such a document could help to extend necessary legal privileges and immunities to Governing Body members and that it would also help them to avoid difficulties while discharging their duties. His Government endorsed subparagraph (a) of the draft decision.
- 569.** *The Employer coordinator* said that his group endorsed subparagraph (a) of the draft decision.

Decision

- 570.** *The Governing Body decided to request the Office to prepare a new detailed proposal for the issuance of an identification document taking into account the discussions at its 319th and 320th Sessions.*

(GB.320/LILS/2, paragraph 9.)

Promotion of the ratification of the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1997 (GB.320/LILS/INF/2)

- 571.** *The Employer coordinator* stressed that more than 16 years after its adoption, the 1997 Instrument of Amendment had not yet entered into force. However, only two more ratifications were needed for it to do so. The Employers observed that almost a third of the member States represented in the Governing Body had not yet ratified the 1997 Amendment and appealed to those governments to lead by example. The Amendment

was necessary to make use of the abrogation procedure, an important tool to follow up on future decisions of the standards review mechanism and to take action on ILO Conventions identified as potential candidates for abrogation.

International Labour Standards and Human Rights Segment

Fourth item on the agenda

The standards initiative: Follow-up to the 2012 ILC Committee on the Application of Standards (GB.320/LILS/4)

- 572.** *The Director-General* recalled that, at its October 2013 session, the Governing Body had mandated him to hold informal consultations with all three groups, with a view to submitting to the Governing Body proposals to address the main outstanding issues in relation to the standards supervisory system. Constituents had engaged positively and constructively in the consultation process, which had permitted the submission of a carefully constructed draft decision. While adopting the decision would not bring a definitive resolution to the issues in question, it would allow the Governing Body to move forward in that direction, including by enabling the successful completion of the work of the Committee on the Application of Standards at the 103rd Session (2014) of the International Labour Conference. Concrete courses of action to address each set of issues had been proposed, and he was of the view that the Governing Body could decide on some of them at its current session, while agreeing on the steps to be taken to address others at a later stage. He strongly encouraged the Governing Body to adopt the draft decision.
- 573.** *The Worker Vice-Chairperson* recalled, with reference to paragraph 14 of the document, that the Committee on the Application of Standards was never intended to be above the Committee of Experts on the Application of Conventions and Recommendations (CEACR); it added a degree of discussion and political direction to the cases examined each year without passing judgment on the interpretation of the experts. Importantly, there was consensus that a degree of interpretation is necessary to the task of assessing application. There were no particular objections to the statement on the mandate of the CEACR included in its 2014 report, which had the advantage of having been prepared independently by the experts. The group supported the draft decision in paragraph 40(b).
- 574.** Concerning action in the case of disagreement on the interpretation of a Convention, the group would be willing to consider recourse to the International Court of Justice (ICJ) on the interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), regarding the right to strike. The reservations expressed in the document in that regard might have been overstated. The group was also open to exploring the modalities for establishing a tribunal based on article 37(2) of the ILO Constitution under conditions that would need to be discussed and agreed upon prior to the Workers' group approving its establishment. Such a mechanism should only be used in serious situations. The group did not support a tripartite tribunal, but rather one composed of independent judges with extensive international legal expertise, who would hear the interested parties through an adversarial procedure. The tribunal's views should not substitute those of the CEACR. Furthermore, the CEACR's views that were not under review by the tribunal should be treated as valid and generally recognized. Recourse to the

ICJ or an ILO tribunal would be in line with the ILO Constitution that recognized a judiciary solution to a dispute over interpretation. The group did not support the option of holding a Conference discussion on issues arising from the application of given Conventions, leading to differences of understanding. In such cases, the Conference could revise a Convention provided there was a majority of constituents in favour of it, but a general discussion was not a way to obtain a final interpretation of a Convention. This competence had been assigned to the ICJ or an eventual tribunal under article 37(2). The group supported the draft decision in paragraph 41(a).

575. With regard to the functioning and working methods of the CEACR and the Committee on the Application of Standards, he reiterated his group's request for additional resources to support the work of the secretariat of the CEACR. It was also important to ensure that the CEACR had a full complement of experts, and consideration should be given to expanding its membership in the light of the increase in the ratifications of Conventions. The group supported the draft decision in paragraph 41(c) and (d), although adjustments to procedures to fill vacancies on the CEACR, referred to in paragraph 41(d), needed to be clarified. Regarding calls for a more clearly understood use of agreed and objective criteria in the selection of cases to be examined by the Committee on the Application of Standards (paragraph 28 of the document), he recalled that such criteria had already been adopted and included the possible examination of cases of progress. It was important to clarify that the list of cases needed to be endorsed by the Committee on the Application of Standards every year and therefore could not be finalized any earlier. The Tripartite Working Group on the Working Methods of the Committee on the Application of Standards should pursue its efforts and report ongoing progress to the Governing Body as appropriate. The group supported the draft decision in paragraph 43(a) and (b). Concerning the use of the different components of the supervisory system (paragraph 30 of the document), the group would not support any attempts to rebalance the system towards an increased use of representations under article 24 of the Constitution. The CEACR needed to continue to examine the application of ratified Conventions both in law and in practice under article 22 of the Constitution. Representations were more cumbersome to prepare and would be impracticable for many unions. Deadlines for the issuance of conclusions would be long and with such a system some regions would be more active than others. The group also opposed a review of the receivability criteria for representations, notably with regard to the exhaustion of remedies available at the national level, given that the judicial systems of many countries did not function properly. Regarding the working methods of the CEACR, greater recourse to unpublished direct requests (paragraph 31 of the document) would diminish the ability of the Committee on the Application of Standards to supervise those cases as the observations are not reflected in the report. There was no margin for further adjustments to reporting cycles on ratified Conventions (paragraph 32, reiterated in paragraph 34 of the document). The group would find it difficult to agree to the draft decision in paragraph 40(e) if the steps to be examined with a view to improving the working methods of the standards supervisory system related to the issues mentioned in paragraphs 30–32 of the document. The establishment of national mechanisms to deal with matters that would otherwise go directly to the ILO (paragraph 36 of the document), required careful consideration and should not preclude access to the ILO supervisory system.

576. Finally, regarding the standards review mechanism, which was adequately addressed in paragraph 38 of the document, he reiterated that the disputes concerning the Committee on the Application of Standards, and other issues related to the supervisory system, needed to be satisfactorily resolved before making the mechanism operational. The Office should give careful consideration to that issue when preparing proposals in relation to the draft decision in paragraph 41(b) of the document.

- 577.** *The Employer Vice-Chairperson* emphasized the group's willingness to engage in a constructive process to find solutions to improve the functioning of the ILO supervisory system as a whole. The status quo was no longer an option and the constituents should engage in a process to address those matters in a structured and systematic manner, on the basis of concrete time frames and objectives. The mandate of the CEACR was a core issue and the group recognized the effort made by the Committee to address its concerns with the new wording included in its 2014 report. To demonstrate its resolve to move forward, the group was prepared to accept that wording as a permanent addition to CEACR reports.
- 578.** The delay in the adoption of the list of cases of the Committee on the Application of Standards, and the presence of excessively political components, negatively affected the credibility of the system. An earlier determination of the list would enable proper preparation and ensure that the Committee's work was more effective. Objective criteria for the list already existed (contained in Document D.1 on the Work of the Committee on the Application of Standards),⁶ and there should be agreement to effectively apply those criteria in June 2014. A realistic short-term deadline should be set to achieve a solution at the March 2015 session of the Governing Body for the Committee on the Application of Standards discussion in 2015, based on certainty and adequate preparation, in line with the new Conference format. The group was ready to engage in a process to establish a new methodology that guaranteed a fair and equitable list of cases.
- 579.** Regarding the interpretation of Conventions, the group considered that all potential solutions should be examined in good faith. It recognized the possibility provided in article 37(1) and (2) of the Constitution, as well as other possibilities provided by the Conference to deal with important disagreements on the specific non-binding guidance provided by the CEACR. The group wanted to identify areas where consensus existed and what items required planning in the following 12 months. Regarding the architecture of the supervisory system, all possibilities should be explored in an integrated manner. The most important challenge, in order to improve the system's credibility, was to engage in a process to find solutions to other equally relevant issues, such as the complementarity of the different existing mechanisms and the graduation in their use; clarification of the difference between the roles of the CEACR and other ILO bodies (including the Committee on Freedom of Association); and a better use of articles 23 and 24 of the Constitution or a proper application of the receivability criteria. That was linked to the increased workload of the CEACR and the reasons for such an increase needed to be identified before a decision on assigning further resources could be taken. A proper rationalization of the different existing tools to avoid overlap could also be an adequate solution.
- 580.** The standards review mechanism was an extremely important issue, and it should be made operational without further delay. Over the previous 12 months, the discussions within the "Swiss Chalet Process"⁷ and the Governing Body had established the level of trust required by the Workers' group to further establish the modalities and to operationalize the standards review mechanism.
- 581.** The group did not consider the draft decision to be very clear, but it was willing to accept it on two conditions. First, efficient and concrete action should be taken, within a specific time frame, to find solutions in cases of disagreement on the interpretation of a Convention and to improve coherence in the use of the different supervisory system mechanisms. A first proposal should be discussed by the Governing Body at its November 2014 session.

⁶ ILO: *Report of the Committee on the Application of Standards*, Part One, Annex I, *Provisional Record* No. 16-1(Rev.), International Labour Conference, 102nd Session, Geneva, 2013.

⁷ See GB.319/PV, paras 548–567.

Second, it was necessary to find an efficient and predictable methodology to establish a list of cases well in advance of the Conference session, using the existing objective criteria. It was necessary to engage on that prior to the November 2014 session of the Governing Body, with a view to achieving a result prior to the Conference session in 2015. On that basis, the group welcomed the statement of the CEACR in its 2014 report, understanding that it would be a permanent addition to the report, and endorsed the draft decision.

- 582.** *Speaking on behalf of the Government group*, a Government representative of the Islamic Republic of Iran reiterated that, to exercise fully its constitutional responsibilities, it was essential for the ILO to have an effective, efficient and authoritative standards supervisory system and he reaffirmed the group's full commitment to the ILO supervisory system. The group welcomed the statement on the mandate of the CEACR included in its 2014 report and emphasized the importance of the independence, objectivity and impartiality of the experts. The increased number of member States and ratifications, as well as the constituents' increased awareness and use of reporting, representation and complaint mechanisms, reflected well on the importance of the ILO supervisory system. The system should have the capacity to respond effectively and efficiently to the increased workload. Further consideration should be given to the options for addressing any questions or disputes that might arise with respect to the interpretation of a Convention within an agreed time frame. The group looked forward to the establishment of a standards review mechanism.
- 583.** *Speaking on behalf of ASPAG*, a Government representative of Australia recalled that his group was of the view that the supervisory system was operating satisfactorily and remained a model for tripartite cooperation and international governance. As that view was not shared across the ILO, the group was committed to contributing to the steps proposed in the document. The group highly appreciated the paragraph prepared by the CEACR for its 2014 report, which lent clarity and certainty to the status of the Committee's recommendations and observations and provided an important reference point for jurisdictions when considering the implications of ILO standards. With respect to the interpretation of a Convention, the ICJ provided an avenue for the resolution of disagreements, although there might be some issues regarding recourse thereto. Dealing with disputes internally, as envisaged in the Constitution, was a positive approach that should be taken into account. Thus, the option of a tribunal should be considered on its merits but issues arising in that regard would require clarification and certainty before ASPAG could agree to embark on that course of action. Options for reviewing the establishment of the list of cases to be discussed by the Committee on the Application of Standards could be considered, with a view to ensuring a balance across regions and Conventions, while also taking national developments into account. ASPAG had submitted a paper to the Office containing options for consideration on how to better manage the increasing workload of the supervisory system. It had been a long time since the Governing Body had agreed to the establishment of the standards review mechanism and the group looked forward to its implementation. ASPAG supported the draft decision.
- 584.** *Speaking on behalf of the Africa group*, a Government representative of Botswana underlined the need for an impartial and effective supervisory system that enjoyed the support of all parties. Failure to provide satisfactory responses to all concerns raised would damage the functioning and the strength of the system. The group welcomed the statement concerning the mandate of the CEACR and the efforts to explore options for addressing questions or disputes that could arise with respect to the interpretation of a Convention. Consensus building and commitment by ILO constituents to the resolution of disputes through dialogue should form an integral part of the options proposed. The group welcomed the continuation of dialogue on the working methods of the Committee on the Application of Standards. Consensus was needed on fair and objective criteria for the selection of cases to be discussed by the Committee on the Application of Standards.

Launching a standards review mechanism was critical for improving the quality of, and compliance with, ILO standards. The Africa group supported the draft decision.

585. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica reiterated her group's strong commitment to the ILO supervisory system and to seeking solutions for the outstanding issues. Her group would have preferred the draft decision in paragraph 40(a) to highlight the criteria of objectivity, transparency and predictability of the supervisory system, but would not object to joining a possible consensus in that respect. Regarding the mandate of the CEACR, she emphasized that no ILO supervisory body was competent to establish legally binding interpretations of international labour Conventions, as that fell within the exclusive competence of the ICJ, in accordance with article 37(1) of the ILO Constitution. GRULAC took note of, and welcomed, the paragraph included in the 2014 report of the CEACR on the Committee's mandate. Regarding the draft decision in paragraph 40(b), in the light of discrepancies between the English, French and Spanish versions, it should be specified that the CEACR received its mandate from the constituents through the Governing Body. With regard to measures in the event of disagreement on the interpretation of a Convention, the group appreciated the proposal to prepare a document for the November 2014 session of the Governing Body (paragraph 41(a) of the document), but pointed out that the document should allow for a real comparison of the two options, by including a table setting out the costs involved and the estimated time frames for the consultation process before the ICJ and the establishment of the tribunal contemplated under article 37(2) of the ILO Constitution. GRULAC was still not convinced that establishing a tribunal was the most advisable option, but it was prepared to consider the matter from all angles. It supported the draft decision in paragraph 40(c). It considered that the content of the draft decision in paragraph 41(a) was important and would like clarification regarding the substantive competence of the tribunal, the actors involved in its proceedings, and its relationship with the Office. The tribunal should be impartial, transparent, objective and independent, should not overburden any ILO department, and should therefore have its own secretariat, with the same characteristics.

586. With regard to the functioning of the supervisory system, consideration should be given to what a country's inclusion in the list of individual cases actually entailed, the selection methodology and the use of objective and clear criteria. The elements contained in Document D.1 on the work of the Committee on the Application of Standards,⁸ adopted by that body, should be reviewed. The group had doubts regarding the criterion relating to comments received from employers' and workers' organizations, which lacked objectivity. The group once again highlighted the need for geographic and thematic balance, and for improvements to ensure that the final list of cases was published early enough to allow Governments to prepare properly. Paragraph 43(a) was understood to mean that the recommendations in question would be presented to the Governing Body for consideration. A better graduation of the components of the supervisory system was needed to avoid the simultaneous examination of the same allegations against a country by different mechanisms. The group supported the draft decision in paragraphs 40(e) and 42(a) and (b). Regarding the standards review mechanism, it supported the establishment of a mechanism that would develop a clear, sound and updated body of standards. GRULAC maintained its commitment to contribute to ensuring that the Committee on the Application of Standards would be able to carry out its functions in a satisfactory manner at the 2014 session of the Conference. GRULAC supported the draft decision in paragraphs 40(d) and 43(b). Considering paragraph 41(b) as one of the most important parts of the draft decision, the group wondered whether November 2014 would not be too late to receive a time frame for the consideration of the remaining outstanding issues. GRULAC hoped that the matter would not be left at a standstill until November 2014, which would not be appropriate given the seriousness of the issues. While it supported the draft decision in paragraph

⁸ ILO: *Report of the Committee on the Application of Standards*, op. cit.

41(c), the group wished to highlight its understanding that the Office's work did not have to be supervisory. If it took that approach, the Office would not run the risk of becoming part of the problem, but could have a key role in seeking and providing the solutions. Regarding the draft decision contained in paragraph 41(d), GRULAC noted that vacancies in the CEACR should be filled in an objective, impartial and transparent manner. With regard to the draft decision in paragraph 41(e), the group supported the continuation of broad informal consultations, focused on building tripartite consensus.

- 587.** *Speaking on behalf of IMEC*, a Government representative of the United States said that maintaining the strength and authority of the ILO supervisory system was of fundamental importance to the ILO as a whole. Tripartite participation and consensus would be key to implementing the multifaceted draft decision and IMEC would engage substantively in that regard. IMEC welcomed the statements contained in paragraph 40 of the document (draft decision), in particular in relation to the explicit recognition of the mandate of the CEACR as expressed in its 2014 report. While steps could be examined to improve the working methods of the supervisory system, that examination should not compromise the independence of the CEACR. IMEC supported the draft decision in paragraph 41(a) requesting the preparation of a document for the Governing Body at its November 2014 session, setting out the possible modalities, scope and costs of action under article 37(1) and (2) of the Constitution in relation to the interpretation of a Convention. However, until recourse to one of those constitutional mechanisms was initiated, the opinions and recommendations of the CEACR would remain in place. IMEC supported the development of a time frame for considering the remaining outstanding issues in respect of the supervisory system and for launching the standards review mechanism, as set out in the draft decision in paragraph 41(b). The Governing Body should adopt a comprehensive package on the most critical issues. In the meantime, the achievement of the overall goals of the standards initiative was dependent on the Committee on the Application of Standards' ability to undertake its work successfully at the June 2014 session of the Conference, and on the commitment of all parties to cooperate to that end. IMEC fully supported the draft decision.
- 588.** *A Government representative of France* said that the supervisory system should remain at the heart of the ILO's work and that adjustments were needed to maintain and strengthen it. The Governing Body should approve the clarification of the mandate of the CEACR in its 2014 report. The mechanism contemplated under article 37(2) of the ILO Constitution would appear to provide a solution to limit the risk of legal uncertainty arising from the non-binding nature of the CEACR's opinions. Recourse to such a body should be limited to exceptional disagreements on the interpretation of Conventions under Governing Body decisions and a clear commitment and time frame for its establishment should be provided. His Government would also support any other measure that would increase the transparency and effectiveness of the supervisory system.
- 589.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Bosnia and Herzegovina, Republic of Moldova and Georgia. They supported the IMEC statement. The ILO supervisory system contributed to the promotion of universal human rights, which was important to the EU. The system played a key role in monitoring and promoting international labour standards, which were referenced in EU policies and law. The EU supported the draft decision.
- 590.** *A Government representative of Switzerland* said that the issue that had arisen during the 2012 session of the Conference had highlighted the challenges facing the supervisory system, which should be addressed as a coherent whole. The supervisory system should contribute to the credibility and effectiveness of the ILO and ensure legal certainty. It was

essential for the constituents to reach consensus on topics for examination within a strictly respected time frame. The Constitution should be observed and the level of protection surrounding international labour standards should in no way be diminished. Prompt consideration should be given to the standards review mechanism and the creation of a mechanism under article 37(2) of the ILO Constitution.

- 591.** *A Government representative of India* said that disagreements on the interpretation of a Convention by the CEACR should be referred to the Conference, as it was up to that supreme forum to decide on any matter pertaining to the world of work. In the light of the ILO Constitution, the ICJ could address serious issues of interpretation. Her Government did not support resorting to article 37(2) of the Constitution as it might further complicate the supervisory system. Some selection criteria could be established with respect to the list of cases for examination by the Committee on the Application of Standards, with a view to ensuring balance across regions and Conventions. It supported an increased use of online reporting systems, provided that due precautions on security and accessibility were taken. Her Government supported the draft decision.
- 592.** *A Government representative of Japan* said that the issue of the mandate of the CEACR was adequately addressed by the statement included in its 2014 report. Regarding the action to be taken in case of disagreement on the interpretation of a Convention, his Government would not object to the preparation of a document for the November 2014 session of the Governing Body, setting out the possible modalities, scope and costs of action under article 37(1) and (2) of the Constitution. Conflicts arising from the interpretation of a Convention should be settled within the Organization and resorting to the ICJ should be avoided. Moreover, if a tribunal was to be established pursuant to article 37(2) of the Constitution, it should not duplicate or undermine the functions of the CEACR. The standards review mechanism was a crucial tool to improve and update international labour standards that would contribute to reducing conflicts related to interpretation and should therefore be established as soon as possible. His Government supported the draft decision.
- 593.** *A Government representative of Zimbabwe* welcomed the ongoing consultations regarding the outstanding issues for the Committee on the Application of Standards. Convergence and mutual understanding would hopefully be reached as soon as possible, thus enabling the Committee on the Application of Standards to fulfil its mandate. The ILO should find long-lasting internal solutions with regard to disputes relating to the interpretation of a Convention. His Government supported the draft decision.
- 594.** *A Government representative of China* agreed with the lines of action set out in paragraph 10 of the document to ensure the strength and authority of the supervisory system in the future. The Governing Body should recognize the clear statement concerning the mandate of the CEACR included in its 2014 report. Vacancies in the CEACR should be filled as soon as possible. Regarding action to resolve disagreements on the interpretation of a Convention, his Government would favour the option under article 37(1) of the Constitution because a ruling of the ICJ would be more timely and authoritative. Regarding the working methods and functioning of the Committee on the Application of Standards, while the progress achieved was welcomed, further improvement could be made on the selection of individual cases. In that respect, the criteria in paragraph 28 of the document concerning the determination of the list of cases should be applied more consistently and discussions should focus on how to help member States improve their capacity to implement the Conventions. The different supervisory procedures should be coordinated to avoid the discussion of the same cases on different occasions. Concerning the standards review mechanism, the Director-General should take concrete action as soon as possible to ensure that standards were up to date to further improve the authority of the supervisory machinery.

595. *The Director-General* said that the discussion showed that the Governing Body was in a position to approve the draft decision on the basis of full tripartite consensus. The Governing Body was dealing with a package of decisions through an integral process, which was partly why it had been presented as “a standards initiative”. The establishment of a timetable for the road ahead should not result in a piecemeal approach, which could obstruct overall progress. The draft decision had been carefully calibrated and the Office had made proposals for moving forward as far and as quickly as was judged possible and compatible with the maintenance of consensus. General formulations had been used intentionally in the draft decision, such as those concerning the working methods and the methodology for filling vacancies in the CEACR, given the wide range of views on possible responses on those matters, and further consultations were required. The merits of different options could be examined as the process advanced and issues that could be the object for decision-making could be determined during the November 2014 session. The Employers’ group and the Governments had expressed eagerness for the launch of the standards review mechanism in the light of the ILO’s obligation under the 2008 ILO Declaration on Social Justice for a Fair Globalization to ensure that international labour standards met the needs of the contemporary world of work. However, a certain degree of progress on the outstanding issues needed to be achieved before the standards review mechanism could be launched. That concern was taken up in the draft decision point on the establishment of a time frame. Although it was not yet possible to be precise on time frames, the Governing Body needed to move closer to determining the matters at stake. A successful session of the Committee on the Application of Standards at the forthcoming session of the Conference would be essential in that regard and a fundamental element of the draft decision was its call on all parties to contribute to that outcome. Finally, concerning informal consultations prior to November 2014, the Office would continue to invest the same levels of energy and commitment in the process as it had since October 2013. Much remained to be accomplished before November 2014, and some of the issues were quite formidable. The task would require effort and commitment from both the Office and constituents. The Office would do everything within its power to ensure progress towards the planned objectives for November.

Decision

596. *The Governing Body:*

- (a) reaffirmed that in order to exercise fully its constitutional responsibilities, it is essential for the ILO to have an effective, efficient and authoritative standards supervisory system commanding the support of all constituents;*
- (b) welcomed the clear statement by the Committee of Experts of its mandate as expressed in the Committee’s 2014 report;*
- (c) deemed it necessary to give further consideration to options to address a dispute or question that may arise with respect to the interpretation of a Convention;*
- (d) underscored the critical importance of the effective functioning of the Committee on the Application of Standards in conformity with its mandate at the 103rd Session of the International Labour Conference; and*
- (e) recognized that a number of steps could be examined with a view to improving the working methods of the standards supervisory system.*

597. The Governing Body therefore requested the Director-General to:

- (a) prepare a document for its 322nd Session (November 2014) in setting out the possible modalities, scope and costs of action under article 37(1) and (2) of the ILO Constitution to address a dispute or question that may arise in relation to the interpretation of an ILO Convention;*
- (b) present to the 322nd Session of the Governing Body, a time frame for the consideration of remaining outstanding issues in respect of the supervisory system and for launching the standards review mechanism;*
- (c) continue to enhance the effectiveness of the support provided by the Office to the Committee of Experts in the discharge of its mandate;*
- (d) take all necessary action to expedite the filling of vacancies on the Committee of Experts and to propose any adjustments to the relevant procedures to facilitate this objective; and*
- (e) continue informal consultations with all groups of the Governing Body in respect of all matters referred to in this decision.*

598. The Governing Body also:

- (a) encouraged the continuation of informal dialogue between the Committee of Experts and the Conference Committee on the Application of Standards; and*
- (b) invited the Committee of Experts to continue to examine its methods of work with a view to further enhancing its effectiveness and efficiency. As in the past, the experts may wish to communicate any progress made in their annual report and through its dialogue with the Committee on the Application of Standards.*

599. The Governing Body further:

- (a) recommended to the Conference Committee on the Application of Standards that it consider convening its Working Party on Working Methods to take stock of current arrangements and develop further recommendations on the Committee's working methods; and*
- (b) called on all parties concerned to contribute to the successful conclusion of the work of the Conference Committee on the Application of Standards at the 103rd Session of the International Labour Conference.*

(GB.320/LILS/4, paragraphs 40–43.)

Fifth item on the agenda

International cooperation relating to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) (GB.320/LILS/5)

- 600.** *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) introduced the document, recalling that the objective of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), was to enhance maritime security while facilitating shore leave and the professional movement of seafarers, as well as commercial shipping. She stated that the document sought to address ways in which the Convention's objective could be achieved with a view to making it more effective, and addressing the issue of incompatible technologies.
- 601.** *The Worker spokesperson* recalled that securing shore leave in the many ports visited by seafarers was essential for their well-being and for decent work in the industry. It would be very difficult to obtain visas for each country that a vessel would visit during the seafarer's period of service. Convention No. 185 had sought to balance the seafarers' right to shore leave, the shipowners' concerns regarding transit and transfer, and port States' concerns. The Convention provided for a seafarers' identity document (SID) that provided assurance that the individual was a bona fide seafarer and not a security risk. It contained significant security features, including a biometric digital fingerprint of the seafarer, which sought to prevent the use of falsified documents. The proposals in the document would mean that the digital data in a SID could be read using the standard equipment used to read electronic passports. Convention No. 185 had been adopted in exceptional circumstances and its implementation required significant investment by labour-supplying States. Such an investment could only be justified if it would meet the objectives of the Convention. The operation of the shipping industry, and the delivery of decent work for seafarers, required a high level of international cooperation. The document prepared by the Office sought to achieve that, and the Workers' group strongly supported the objective sought in the document. The Workers' group could support the amendment made to the draft decision by the EU, which had earlier been circulated.⁹ The group proposed inserting in the draft decision a specific reference to the document prepared by the Office, in relation to the various options to be examined by the meeting of experts, because a discussion of all of the options set forth in the document was very important. It also proposed adding, in addition to the reference to ratifying and non-ratifying States in the proposed amendment, a specific reference to flag States, port States and seafarer-supplying States.
- 602.** *The Employer coordinator* indicated that the document had been difficult to read, due to its technical nature. It would have been helpful if the issues examined in the document had first been considered by a technical working group, followed by the approval of the Governing Body. The determination on subparagraph (a) of the draft decision in paragraph 22 would have an impact on the discussion on the agenda of the International Labour Conference. The group wished to hear the views of the Government members on subparagraph (b) of the draft decision, due to its technical nature.
- 603.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the following countries aligned themselves with the statement: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, Serbia, Albania, Bosnia and Herzegovina, Norway, Republic of Moldova and Georgia. The solutions contained in

⁹ See para. 603, below.

Convention No. 185 were intended to contribute to the improvement of security in the shipping sector and to promote decent living and working conditions of seafarers, as well as their rights as mobile workers. The implementation of Convention No. 185 involved complex technical aspects of compatibility with other norms and equipment. Prior technical work involving both maritime and visa experts was needed to provide options, including international cooperation. They proposed that the matter be put to a meeting of experts, at the earliest possible convenience, in order to explore the various technical solutions available, including a cost-benefit analysis and the issue of the technical assistance provided by the ILO. On the basis of the results of an analysis of the costs and benefits and the available technical solutions, the Governing Body could best decide on the appropriate steps forward. They therefore proposed to amend the draft decision contained in paragraph 22 in the following manner:

The Governing Body decides to hold a meeting involving both maritime and visa experts, within existing resources, to:

- examine the feasibility, and carry out a cost-benefit analysis, of the various options to address the issues involved in the implementation of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), for ratifying and non-ratifying States, as well as for shipowners and seafarers.

And to delete the rest of the existing text (points (a) and (b)).

- 604.** *Speaking on behalf of the Africa group*, a representative of the Government of Angola expressed his support for Convention No. 185, which combined and balanced security interests with the welfare of seafarers and the facilitation of world shipping. The identification system for which provision was made in the Convention was already in force and the nationals of countries that had not ratified it should benefit from the advantages of that system. The Africa group supported the draft decision.
- 605.** *A Government representative of France* said that in view of the objectives sought, namely securing ship safety and working conditions for seafarers, it was impossible to return to a document as unsafe as the card issued in conformity with the Seafarers' Identity Documents Convention, 1958 (No. 108). The costs associated with the necessary investments in equipment for the verification of identity documents must be viewed in the broader context of guaranteeing effective security.
- 606.** *Speaking on behalf of IMEC*, a Government representative of Canada said that IMEC fully shared the concerns regarding seafarers' rights and security-related issues that Convention No. 185 was intended to address. As the implementation of the Convention implied highly technical issues, there was a need for an in-depth analysis by maritime and visa experts to determine suitable steps forward. IMEC therefore supported the proposal by the EU to modify the draft decision.
- 607.** *A Government representative of India* endorsed the proposals made in the draft decision in paragraph 22, as those proposals would be beneficial to seafarers and would result in more secure SIDs.
- 608.** *A Government representative of Panama* said that, although his Government had not ratified Convention No. 185, it appreciated the Office's proposal based on its evaluation of the progress achieved in respect of the Convention, which made provision for an identity document offering a number of advantages. However, despite its unopposed adoption by the constituents, several reasons explained the low level of ratification of the Convention, including the costs involved in its implementation. With regard to the suggestions contained in paragraph 9, the document described four of them as being more far reaching, and it would be interesting to have more details as to why that was the case and as to what

the Office intended to do to ensure a positive outcome. Technical and international cooperation in respect of biometrics and information technology must be increased with other specialized agencies in order to seek solutions in respect of the technical improvements to be made to seafarers' identity documents. The Office must also continue to promote tripartite consultations with shipowners, seafarers and governments. Lastly, with a view to promoting a tool to improve the national and international security of seafarers and to facilitate the safety, protection and flexibility of maritime industries, he supported the amendment to the draft decision in paragraph 22 proposed by the EU and its Member States.

- 609.** *A Government representative of Switzerland* said that while his Government supported the general thrust of the Convention, it would not ratify it. In the absence of any maritime ports and in view of the very low number of Swiss seafarers, the administrative and logistical costs of issuing a small number of identity documents were disproportionate to the benefits to be derived from the application of the Convention. His Government was not in favour of the draft decision but would not oppose a possible consensus.
- 610.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy said that the matter was of great concern and had already been the subject of inter-ministerial consideration. Further clarification on the motivation behind the subamendments proposed by the Workers' group would be useful. A State could be at once a flag State, a port State and a seafarer-supplying State, while the concepts of ratifying and non-ratifying States were broader. Moreover, it was not clear what would be added by specifying that the options to be considered were those set out in the document.
- 611.** *The representative of the Director-General* indicated, in response, that in the maritime sector, it was usual terminology to refer to flag States, port States and labour-supplying States, which reflected the different responsibilities of those States. One of the key problems was the importance of cooperation between non-ratifying port States and ratifying labour-supplying States. It was necessary under the Standing Orders of the Governing Body to obtain approval of funding for the proposed meeting of experts prior to taking a decision. She therefore suggested postponing a decision until later in the present session.
- 612.** *A representative of the Government of Brazil* indicated that the issues required further development at a technical level prior to being submitted to the Conference. Therefore, he supported the amendment and subamendment to the draft decision. The proposal to include a reference to the document in the draft decision would make it clear that the meeting of experts should consider all of the options raised in the document. Clarification was needed on the format of the meeting, including whether it would take the form of a sectoral meeting. His country would be interested in participating in the meeting.
- 613.** *The Worker spokesperson* indicated that the reason for including a reference to the document was that several options had been raised and it was important that the meeting of experts consider all of the options proposed in the document. The subamendment of the Workers' group read as follows:

The Governing Body decides to hold a meeting involving both maritime and visa experts, within existing resources, to:

- examine the feasibility, and carry out a cost-benefit analysis, of the various options, including those set out in GB.320/LILS/5, to address the issues involved in the implementation of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), for ratifying and non-ratifying flag States, port States and seafarer supplying States, as well as for shipowners and seafarers.

The rest of the existing text (points (a) and (b)) was deleted.

- 614.** The Governing Body suspended its discussions until a later sitting to allow for further consultations on the amendment and subamendment to the draft decision. At that sitting, the Office returned to the Governing Body with a new amended draft decision, based on the earlier proposals from the EU and the Workers' group, which included the estimated cost for a meeting of experts as well as a statement, proposed by the EU, that the outcome of the meeting should be considered by the Governing Body at a later session.
- 615.** *Speaking on behalf of the EU and its Member States*, a Government representative of Italy expressed support for the adoption of the draft decision, as amended. It was understood that the nominations of government members for the meeting of experts would be channelled through the regional coordinators, that observers from governments would be able to participate and that Government representatives would be able to contribute and participate in the meeting as a group.
- 616.** In reply, *a representative of the Director-General* (Director, NORMES) confirmed that the standard procedure would be followed with regard to the composition of the meeting. A document on the arrangements for the meeting could be presented to the June 2014 session of the Governing Body, taking into account the request concerning the participation of observers.

Decision

617. The Governing Body decided:

- (a) to hold a meeting involving both maritime and visa experts, within existing resources, to examine the feasibility and to carry out a cost-benefit analysis of the various options, including those set out in GB.320/LILS/5, to address the issues involved in the implementation of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), for ratifying and non-ratifying flag States, port States and seafarer supplying States, as well as for shipowners and seafarers;*
- (b) to consider the outcome of the meeting at a future session of the Governing Body;*
- (c) that the cost of the meeting, estimated at US\$356,100 for a 16-16-16 composition, 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.320/LILS/5, paragraph 22, as amended.)

Sixth item on the agenda

Choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution in 2015 (GB.320/LILS/6)

- 618.** *A representative of the Director-General* (Director, NORMES) recalled the information set out in the introduction of the document concerning the decisions taken by the Governing Body following the adoption of the 2008 ILO Declaration on Social Justice for a Fair Globalization. It had been decided to align the subject matter of the General Surveys undertaken by the CEACR, and therefore the choice of instruments on which reports should be requested under article 19 of the Constitution, with the strategic objective examined in the framework of recurrent discussions provided for under the Social Justice Declaration. A decision had also been made to enable consideration of General Surveys by the Committee on the Application of Standards one year prior to the recurrent discussion. At the present session, the Governing Body was invited to consider the subject matter of the General Survey to be prepared by the CEACR in 2015 and discussed by the Committee on the Application of Standards in 2016. However, the current cycle of recurrent discussions would be completed in 2016 and the new cycle, including the strategic objective to be discussed in 2017, had not yet been determined. That determination was linked to the broader question of the evaluation of the impact of the Social Justice Declaration by the International Labour Conference, which was to be examined by the Governing Body at the present session in the context of the agenda of the Conference.¹⁰ The document therefore proposed that consideration could be given to Conventions and Recommendations that were not necessarily linked to a specific strategic objective but were cross-cutting.
- 619.** *The Employer coordinator* said that the overwhelming majority of members in the Employers' group were in favour of selecting the Indigenous and Tribal Peoples Convention, 1989 (No. 169). That choice could be explained as the Convention: (i) was relevant to a broad cross section of employers' organizations and their members and a General Survey thereon would strengthen their engagement with the ILO's work; (ii) was highly relevant to multinational enterprises (MNEs), to local SMEs, and to a broad selection of actors interested in supply chains; (iii) had become increasingly relevant in recent years, not only for indigenous peoples but also for enterprises, trade unions and non-governmental organizations, especially with regard to the implications and consequences of its application on local employment opportunities and sustainable and responsible investment; (iv) had never been the subject of a General Survey; (v) had its relevance substantiated by the United Nations Declaration on the Rights of Indigenous Peoples adopted in 2007, which was gaining increasing momentum in various countries of the world; (vi) was highly relevant to the development of various business and human rights frameworks, debates and protocols concerning ethical business and responsible supply chains; and (vii) could be seen as an instrument to encourage social dialogue, if it was intended to protect indigenous peoples' rights, as well as having a positive impact on the creation of an economic and social environment that fostered responsible investment, national infrastructure development and employment creation. In addition, a general tripartite discussion on the matter in the framework of the Committee on the Application of Standards could allow for a better understanding of the challenges related to the application of the Convention, especially in respect of consultation procedures.

¹⁰ GB.320/INS/2 and GB.320/INS/15/2.

- 620.** *The Worker spokesperson* said that his group supported a General Survey on the Private Employment Agencies Convention, 1997 (No. 181), the Private Employment Agencies Recommendation, 1997 (No. 188), and the Employment Relationship Recommendation, 2006 (No. 198). As indicated in paragraph 23 of the document, the group saw value in examining the provisions of Convention No. 181, which had not been fully covered by the 2010 General Survey concerning employment instruments. Further to the 2011 Global Dialogue Forum on the Role of Private Employment Agencies in Promoting Decent Work and Improving the Functioning of Labour Markets in Private Services Sectors, a General Survey would contribute to a better understanding of the role of private employment agencies in the observance of fundamental principles and rights at work, as well as in triangular employment relationships. Recommendation No. 198 had never been the subject of a General Survey and thus it would be desirable to examine it. Referring to paragraphs 27 and 28 of the document, the group concurred that there were synergies to be made between Recommendation No. 198, Convention No. 181 and Recommendation No. 188. However, rather than focusing on certain provisions of Recommendation No. 198, a comprehensive approach covering all of its provisions was preferable. The Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168), the Labour Statistics Convention, 1985 (No. 160), and the Labour Statistics Recommendation, 1985 (No. 170), did not constitute priorities for the General Survey of 2015. In particular, Convention No. 160 and Recommendation No. 170 might be in need of revision. Taking into account the specificities of labour statistics and the degree of expertise required, the Workers' group considered that a meeting of experts would be the most appropriate forum to address those two instruments. Lastly, with respect to Convention No. 169, the Office should give priority to its ratification and implementation.
- 621.** *Speaking on behalf of IMEC*, a Government representative of Canada recalled that the subject matter of General Surveys was linked to the strategic objectives examined under the recurrent discussions. The Conference should undertake the evaluation of the Social Justice Declaration in 2017. Such an evaluation should encompass the operation of recurrent discussions, including their seven-year cycle. The evaluation in 2017 should take place in lieu of a discussion of one of the strategic objectives, thus leaving more flexibility as to the subject matter for the General Survey to be prepared by the CEACR in 2015. In that respect, with regard to the proposed choice of instruments, Convention No. 181 and Recommendation No. 188 had been part of the 2010 General Survey and should therefore not be selected. Convention No. 159 and Recommendation No. 168 could be studied in the framework of the strategic objective of employment. Thus, it would be wiser to select one of the three remaining options, namely Convention No. 160 and Recommendation No. 170, Convention No. 169, or Recommendation No. 198. Finally, as the new cycle of recurrent discussions could only be determined once the evaluation of the Social Justice Declaration had taken place in 2017, the Governing Body could take an ad hoc decision at its November 2014 session concerning the strategic objective to be examined in the context of the recurrent discussion in 2018, without however confirming the whole cycle. That would enable the Governing Body to decide in March 2015 on the subject matter of the General Survey to be prepared by the CEACR in 2016 and discussed by the Committee on the Application of Standards in 2017.
- 622.** *Speaking on behalf of the Africa group*, a Government representative of Botswana proposed the following selection of instruments in order of priority. Recommendation No. 198 should first be considered by reason of the current dynamics in the labour market and the organization of work in a more globalized labour market with various challenges. Having regard to paragraphs 27–29 of the document, a combination of Recommendation No. 198 and Conventions Nos. 181 or 160 could add more value because of possible linkages. Convention No. 181 and the corresponding Recommendation No. 188, which were important instruments, particularly at a time of very high youth unemployment,

would be the second choice. The relationship between public and private employment agencies should be promoted to support job placements in the labour market. Convention No. 159 and the corresponding Recommendation No. 168 were proposed as a third choice because of the central importance of affirmative action for persons with disabilities, a vulnerable group that needed to be protected. As a fourth choice, Convention No. 160 and the corresponding Recommendation No. 170 were proposed, as a first General Survey on those instruments would provide timely guidance to the Office and the constituents. Lastly, reference was made to a General Survey on Convention No. 169.

- 623.** In view of the absence of a consensus on the subject matter for the General Survey, *the representative of the Director-General* suggested that the decision be postponed to a later date during the present session to allow for further informal consultations.
- 624.** The Governing Body suspended its discussion until a later sitting to allow for further consultations.
- 625.** At that sitting, *the representative of the Director-General* said that, in light of the decision that the Governing Body had just taken concerning the review of the impact of the Social Justice Declaration for 2016, and the deferral of the recurrent discussion on fundamental principles and rights at work until 2017,¹¹ the Office proposed engaging in consultations with the Employers' group, the Workers' group and the regional coordinators with a view to finding an appropriate set of instruments that could be the subject for the General Survey to be prepared by the CEACR in 2015, for a discussion by the Committee on the Application of Standards at the June 2016 session of the Conference. The Office proposed to defer the item to the June 2014 session of the Governing Body.

Decision

- 626.** *The Governing Body decided to defer further consideration of this item until its 321st Session (June 2014).*

(GB.320/LILS/6.)

¹¹ dec-GB.320/INS/15/2.

Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment

First item on the agenda

ILO programme implementation 2012–13 (GB.320/PFA/1)

627. *The Chairperson* invited the Governing Body to make general comments on the report as a whole.
628. *The Worker spokesperson* acknowledged the new analytical approach of the report, although it was difficult to see whether ILO work had led to the achievement of integrated results. For instance, the link between the outcomes mentioned under lessons learned and the examples of ILO work quoted in section 7 was unclear. It would have been useful to include an overall evaluation of the Office's global performance to show the main focus of its work, countries where most and least progress had been made, and information on the main difficulties encountered by the Office in implementation. The impressive number of results achieved by the Office should prompt considerations not only in respect of the benefits of spreading the Office's efforts less thinly, but also in terms of the priorities the Office should focus on. Based on the examples given, employment and social protection were plainly global priorities, and it was worrying that less importance seemed to be attached to guaranteeing rights at work and promoting social dialogue. He therefore wished to know whether those two priorities had been addressed by mainstreaming standards with the involvement of the social partners and how the Office would ensure that those other two objectives of the Decent Work Agenda were adequately reflected in its work.
629. *The Employer coordinator* welcomed the new format of the report, which took into account the comments made by his group during the discussion of the previous implementation report and would be a key reference when preparing the new SPF. Since many of the targets set for 2015 for several outcome indicators had already been achieved, it was important to reflect on whether the targets had been ambitious enough, relative to needs. At the same time, more efforts were needed to achieve the targets for indicators 2.3, 3.1, 3.3 and 3.4, with more resources and technical attention being required in particular for indicator 3.1. It was regrettable that the report did not elaborate on those areas of underachievement and did not provide a strategy for reaching the set targets in those areas. Notwithstanding the improved format, it was hard to see how the ILO had contributed to some results. He asked when the Office would be able to provide more information on whether the ACIs were leading to increased collaboration and resulting in greater focus in the work of the ILO. Such information would be useful for the drafting of the next SPF. In order to gain some insight into the Organization's efficiency, it would also be helpful to know what resources were required to achieve a given result. Full use had to be made of the feedback loops provided by evaluation reports and recurrent item discussions in order to give the Organization a better understanding of whether and how far ILO policy recommendations worked in the real world of work. Information would also be useful on whether the recommendations of evaluations were systematically followed up. Lastly, since donors were concerned about the Office's bureaucracy, he inquired whether the Office had embarked on a strategy to reduce red tape.

- 630.** *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said that the new format of the report was a great improvement. He congratulated the Office on the results achieved in relation to the development of policies and strategies, the legal framework and capacity building, as well as on the steps it had taken to improve the quality and transparency of reporting and the efficient use of its resources in the context of the organizational reform. The overachievement of the target set for the extra-budgetary expenditure was noted, as was the high financial delivery rate of extra-budgetary projects. In view of the lacklustre situation with regard to employment, it would be vital to pursue efforts to support the inclusion of targets related to employment and decent work in national and sectoral development policies and to strengthen youth employment programmes. Promotional activities related to the Domestic Workers Convention, 2011 (No. 189), would be also important for the Latin American region.
- 631.** He urged the Office to ensure that employment, decent work and social protection were given due attention in the debate on the post-2015 development agenda in order to ensure that the latter was truly transformational.
- 632.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe commended the well-detailed report and the results achieved in 2012–13, of which one third were in Africa. The ILO should partner the African continent in combating unemployment and ensuring that jobs provided a sustainable livelihood for its people. He therefore called upon the Office to prioritize that area of concern when implementing the programme for 2014–15. Such an area should also feature prominently in the transitional SPF for 2016–17. His group hoped that the Office would work with Africa in giving effect to the outcome of the African Union’s Extraordinary Summit on Employment, which would be held in September 2014. He thanked the member States and organizations that continued to support programmes financed by extra-budgetary funding and the Regular Budget Supplementary Account (RBSA), since that support made a real difference to the lives of beneficiaries. He urged the Office to examine ways of increasing technical and financial support for DWCPs and to encourage other UN agencies to participate at the national level in work on several cross-cutting issues in order to give practical effect to UN system-wide coherence. He expressed satisfaction for the training delivered by the Turin Centre, whose largest group of participants came from the African region. The exchange within the continent of the good practices mentioned in the report, with the Office’s support, would be the optimum way of achieving results, as conditions were similar in most African labour markets.
- 633.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom welcomed the considerable improvement in the presentation of the results of ILO programmes, since it provided a more accessible assessment of the ILO’s achievements and lessons learned. The additional information made available online provided further analysis and data to inform the Governing Body’s discussion. Her group looked forward to further improvements in the presentation of the report which helped Governing Body members to provide guidance and take decisions.
- 634.** *A Government representative of China* said he was in favour of focusing resources on larger projects, and recommended that in 2014–15, the ILO should pay particular attention to employment, especially youth employment and social protection. As the most populous region, with diverse economies but lagging behind in the number of results achieved relative to the African and Latin American regions, the Asia and the Pacific region required more targeted support.
- 635.** *A Government representative of Mexico* welcomed the improvement in the presentation of the report, which was an important tool for constituents to keep abreast of the challenges confronting the Office and, in turn, could guide the latter in its future action. He noted

Mexico's alignment with the ILO, exemplified by its signing of a cooperation agreement on social protection floors and its hosting of the international forum "Public Policies on Employment and Social Protection".

636. *A Government representative of Trinidad and Tobago* requested that, in view of its important conclusions, the Eighth Meeting of Ministers of Labour of the Caribbean should be reflected in the record of the Office's work in the region in 2012–13.
637. *A Government representative of Australia* expressed appreciation for the increased focus on results, rather than on process. The Office should continue to use evidence-based analysis in developing and providing services to constituents. The inclusion of lessons learned was valuable, although in the future, additional information could be given on what had actually worked or otherwise. Her Government endorsed the four broad lessons drawn from the results and looked forward to seeing them applied in the development and management of existing and future programmes.
638. *The Chairperson* opened the discussion on Part I of the report, concerning operational and organizational effectiveness (paragraphs 9–137).
639. *The Employer coordinator* expressed support for the four lessons learned, while regretting the lack of an implementation strategy to ensure that they were fully taken into account in future programme planning. The Office should discuss with the Governing Body clear strategies to follow up on lessons learned and to decide, for example, in which projects to participate, with which organizations it should strengthen collaboration, how to better assess the long-term results of ILO interventions and how to systematically harmonize research, tools and capacity building. He asked whether the ACIs had already benefited from RBSA. Public–private partnerships should not be viewed as merely an additional income source; the Office could also benefit from the expertise and experience of the private sector. The group appreciated the collaboration with other UN organizations and the Office's involvement of the social partners in post-2015 Millennium Development Goals consultations. The ILO benefited from engagement with the UN through the mobilization of extra-budgetary resources, and contributed in turn to other agencies' action on implementation of the Decent Work Agenda.
640. *The Worker spokesperson* agreed that progress had been slow and uneven across regions, hampered by the weak global recovery. The report should present ratifications by Convention and more efforts should be devoted to increase ratifications of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). More qualitative information was needed on the results by typology contained in paragraph 23, on their impact on workers' organizations and on how the latter had benefited from the Office's work in those areas. The group supported the lesson learned, which indicated that the ILO should move towards larger and more integrated programmes, stressing that the correct balance in the number of countries receiving ILO assistance should be found. Referring to paragraph 43, he noted that a better example of an intervention cutting across several outcomes and building on ILO value-added would have shown how SMEs provided decent, well-paid jobs. Concerning public–private and donor partnerships, as referred to in paragraph 44, these were beneficial, provided that they were based on ILO values. In that regard, the focus of UN system-wide coherence efforts mainly on employment and social protection was a concern. He requested more information about how rights at work, standards and social dialogue would be integrated in UN country programmes, and urged the ILO to campaign for full employment and decent work within the post-2015 development agenda, with targets related to the four strategic objectives of decent work. He noted that the Office's engagement with constituents over more than a biennium would help to achieve sustainable results and he sought clarification on the usefulness of the

interactive training programme “Addressing Psychosocial Factors through Health Promotion in the Workplace” (SOLVE) following the Rana Plaza factory collapse in Bangladesh.

641. He expressed regret that DWCPs did not envisage capacity building for trade unions and lacked coverage of some areas of the Decent Work Agenda affecting workers. There should have been more RBSA funding for freedom of association and collective bargaining, rather than for employment; the right balance was required when channelling resources towards the different outcomes. The Turin Centre played a key role in staff development and in building constituents’ capacity to achieve decent work; however, the social partners remained insufficiently involved in the training activities of the Centre. Moreover, the Centre’s funding arrangements ran the risk of moving training away from core ILO areas. Technical cooperation programmes should be refocused on sustainable objectives agreed with constituents, serving policy needs and with greater focus on standards and tripartism. Coordination across technical cooperation projects and regular budget programmes to link the Office’s work in the field, Turin and at headquarters was crucial to achieving One ILO and should be addressed in the field structure and operations review.

642. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom endorsed the four lessons learned. Her group expected to see them reflected in the development and management of existing and future programmes. The website should share more practical information on successes and pitfalls to inform the Organization’s work. Stronger collaboration should be fostered with external partners and within ILO headquarters and field offices and facilitated by the refocus on ACIs. Project evaluation was valuable in highlighting frequent shortcomings in objectives, resources and measurement. Closer scrutiny of plans and additional staff training were required; results-based management and monitoring and evaluation could be added to the leadership development initiative. Research and reliable data were vital for policy-making and programme delivery, hence the importance of the new Knowledge Resource Centre in building ILO capacity.

643. *The Chairperson* opened the discussion on Part II of the report concerning selected examples of results in regions, in DWCPs and in thematic areas (paragraphs 138–244).

644. *The Worker spokesperson* recommended the increased adoption of demand-side rather than just supply-side measures to address the huge unemployment and underemployment challenges in Africa. The examples mentioned did not provide evidence that rights were mainstreamed in the Office’s work in Africa; neither did the report mention the persistent serious rights violations in some African countries. For Latin America, the report should have mentioned the ILO’s work on social security and social protection floors, as well as prevalent rights violations. For the Arab region, the report did not reveal the effectiveness of the ILO’s intervention on minimum wages, labour law, migrant workers’ rights and social protection, and failed to mention the lack of worker representation in policy-making. Public sector employees, migrant workers and workers in the Gulf Cooperation Council lacked a voice and representation, with many migrants suffering serious abuses and many workers below the poverty line. The Asia and the Pacific region still had the lowest number of ratifications of Conventions Nos 87 and 98, whose implementation remained problematic in countries such as Cambodia, Bangladesh and Fiji, where labour rights were abused and denied, and where the Government continued to ignore the recommendations of the CEACR and the Committee on Freedom of Association. With regard to work related to minimum wages, the ILO should promote wage setting through collective bargaining, thereby establishing the enabling environment for collective bargaining. Referring to paragraph 164, he noted that ILO engagement with ASEAN was not based on the values of tripartism and regional trade union organizations could not participate in ASEAN

meetings. Concerning Europe and Central Asia, his group welcomed the adoption of the Oslo Declaration in the light of the crisis facing the region, and the intensifying of ILO activities in a number of countries in the eurozone, on condition that countries in Central and Eastern Europe did not suffer as a result. The active participation of the social partners had contributed to the success of the DWCP in India.

- 645.** He asked whether the selected examples of ILO work referred to in section 7 were representative. For instance, the example provided on youth employment was biased towards supply-side measures, with little work being done on the macroeconomic environment, the quality of employment and the rights of young workers. The Office should continue working on the vertical dimension of the extension of social security. Sufficient resources should also be allocated to ILO assistance to establish or apply minimum wages and the Office should continue to publish the *Global Wage Report*.
- 646.** *The Employer coordinator* said that, in relation to the African region, his group would have welcomed: an overview of the implementation of the declaration and plan of action adopted at the African Union Extraordinary Summit on Employment and Poverty Alleviation in Africa; a reference to the ILO's support to national employers' organizations within the Southern African Development Community (SADC) in using the ILO Enabling Environment for Sustainable Enterprises (ESEE) assessment tool; and information on ILO activities related to the transition to the formal economy. Concerning ILO action in Latin America, his group would have liked to see the inclusion of the report on sustainable enterprises in Latin America published in February 2013. Much emphasis was placed on ratification campaigns, while the key problem in the region was one of effective implementation. With regard to the Arab States region, his group would have welcomed more information: on the crisis situation in the Syrian Arab Republic, Iraq and Yemen, and on the ILO's response thereto; and on the costing studies in paragraph 158. As to the Asia and the Pacific region, it would have welcomed more information on the informal economy and related ILO action, and an update on ILO action following the collapse of the Rana Plaza building. The Oslo Declaration would serve to guide ILO work in Europe and Central Asia over the following three years. There were many fields in which the EU and the ILO could work closely together without the ILO being seen to interfere in EU politics. Concerning the examples on thematic areas, his group stressed that the Better Work programme was about improving working conditions and compliance, as well as competitiveness of local enterprises in global supply chains. More work needed to be done on the latter component. As regards labour migration, it was surprising that no reference was made to the Tripartite Technical Meeting on Labour Migration held in November 2013, or to the ILO's position on the situation of migrant workers in Qatar. As to minimum wages, the Office carried out its work in this area on the premise that all minimum wages were good, yet thorough research should be conducted to capture the negative impact of minimum wages and the bearing they had on total labour costs and on SMEs. Finally, his group regretted that the selected examples addressed neither the Office's work on an enabling environment for sustainable enterprises, nor informality.
- 647.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said that there was room for improvement with regard to measuring and evaluating the ILO's contribution to the achievement of objectives and results. Information on how the ILO had made a difference to long-term outcomes and its contribution to wider UN objectives would be valuable. She asked why the targets for the indicators under outcome 2 on skills development had not all been met and whether there were any prospects for improvement. In future reports, the Office should indicate the steps being taken to improve performance.
- 648.** *A Government representative of the United States* said that the Office should ensure that measuring impact was included in the design of technical cooperation interventions. Her Government would have liked to see the inclusion of other thematic topics aligned with the

ACIs, which would have allowed it to form an opinion on those issues vis-à-vis the next SPF and biennial budget. Noting that a number of SPF targets for 2015 had been met in 2013, she asked whether the Office could meet the remaining targets in the expected time frame and whether its participation in the United Nations Development Assistance Framework (UNDAF) and the UN Resident Coordinator system had a bearing on meeting those targets.

- 649.** *A representative of the Director-General (Director, Strategic Programming and Management Department (PROGRAM)) explained that the format of the report had been changed as a result of comments made at previous sessions of the Governing Body. He commented on four main sets of issues. First, the Office would draw on the lessons learned when implementing the Programme and Budget for 2014–15, when preparing the Programme and Budget for 2016–17, and in the broader context of the reform process. Second, with regard to resources and in particular the distribution of resources across outcomes, the more balanced distribution of resources from the regular budget and the RBSA helped to offset the imbalance in the distribution of extra-budgetary resources. By focusing on employment promotion, it was also possible to address other dimensions of the ILO agenda. Furthermore, the ILO focused most of its efforts on building the capacity of constituents, which cut across all ILO outcomes and was included in all relevant programmes. Resources from the RBSA had already been released for ACIs and the relevant workplans were being drawn up and discussed. Third, the review of the ILO field structure and operations would provide an opportunity to address issues related to DWCPs. The ILO was promoting the Decent Work Agenda as a means of achieving sustainable development in the discussions taking place on the post-2015 development agenda within the UN system. Fourth, the examples of ILO work included in the report had been selected on the basis of three broad criteria: they showed concrete results, demonstrated an integrated approach and had produced lessons that could inform future ILO programmes. The reference to the programme applied in Bangladesh did not seek to provide a comprehensive update on the wider ILO action in the country following the Rana Plaza disaster, for which a separate paper had been submitted to the current section of the Governing Body.*

Outcome

- 650.** *The Office took note of the observations and guidance provided by the Governing Body.*

(GB.320/PFA/1.)

Second item on the agenda

Delegation of authority under article 18 of the Standing Orders of the International Labour Conference (GB.320/PFA/2)

- 651.** *The Employer coordinator and the Worker spokesperson expressed their agreement with the draft decision.*
- 652.** *Speaking on behalf of the Africa group, the Government representative of Zimbabwe supported the draft decision.*

Decision

- 653.** *The Governing Body delegated to its Officers, for the period of the 103rd Session (June 2014) of the Conference, the authority to carry out its responsibilities under article 18 of the Conference Standing Orders in relation to proposals involving expenditure in the 74th financial period ending 31 December 2015.*

(GB.320/PFA/2, paragraph 3.)

Third item on the agenda**Strategic Policy Framework**

(GB.320/PFA/3)

- 654.** *The Employer coordinator* said that his group supported the Office's proposal to align the SPF with the quadrennial comprehensive policy review (QCPR) planning and reporting cycle, and therefore adopt transitional arrangements for 2016–17. Despite the problems surrounding the existing 19 outcomes, the ACIs could not be taken as the basis of a transitional strategic framework without proper assessment. In particular, he wished to know whether the ACIs: facilitated cooperation between departments; were bringing the ILO closer to fulfilling constituents' needs; improved results and contributed to the programme and budget outcomes; and led to a stronger focus in the work of the Organization. The best cost–benefit ratio would be achieved by maintaining the 19 outcomes in the transitional SPF for 2016–17, thus allowing the Office to carry out an in-depth revision of the SPF for 2018–21. Irrespective of the option chosen, the current outcome 9 should be maintained to ensure institutional capacity building responding to the needs of employers' organizations. His group supported the Office's move to seek external advice on the essential task of measuring ILO performance and wished to be informed of progress in that regard. Informal consultations during the International Labour Conference should enable in-depth discussions and participation by all constituents. A tripartite working group could be set up to that effect. The discussion of the SPF should not be a bureaucratic programming exercise resulting in top-down decisions, but should be relevant to all ILO constituents.
- 655.** *The Worker spokesperson* said that the ILO's direction and the challenges faced by its constituents needed to be established before discussing the duration of the next SPFs. Future SPFs should be firmly based on the Organization's added value: international labour standards, social dialogue and collective bargaining. In view of the many remaining challenges in the world of work, the realization of decent work and social justice should continue to be central to the ILO's work. Continued focus was needed on the ILO Declaration on Social Justice for a Fair Globalization, in order to realize its full potential, and on the four strategic objectives of the Decent Work Agenda. The group agreed with the Office's proposal to concentrate the next SPF on a more limited number of outcomes, provided that the latter would cover the four strategic objectives. The Declaration and experience from the ACIs should be used to establish working methods reflecting the inseparable, interrelated and mutually supportive nature of those objectives, and standards should be mainstreamed in outcomes with clear measurement targets and indicators. The Workers supported the third option, which was not necessarily the most onerous, especially as it provided continuity with the Social Justice Declaration. Irrespective of the option chosen, a new performance measurement framework would have to be developed in any case. The Office should use the guidance at its disposal, including the outcome of a future Conference discussion on the impact of the Declaration, to develop the new SPF with a view to further refine the priorities and inform the subsequent SPF beyond 2017.

The five results-based management strategies should serve to realize the objectives established. Section II of the Social Justice Declaration provided relevant guidance in that regard. Discussions on the next SPF should also take into account the review of the field structure, the role of the ILO in the multilateral system and the seven Centenary Initiatives. Conference consultations in June 2014 should be complemented by further consultations on an Office proposal in the run-up to the November 2014 session of the Governing Body.

- 656.** *Speaking on behalf of ASPAG*, a Government representative of Australia said that the Office should draw on guidance already provided by member States, including in the context of Conference discussions and conclusions, in shaping the outcomes and strategies of the next SPF. A smaller number of key results would ensure greater impact and his group was therefore in favour of the second option proposed by the Office. There should be a particular focus on youth employment, social protection and labour migration, and also on skills development, SMEs, disaster response and technical cooperation. Improving delivery of results at headquarters and in the field offices, along with measurement of ILO performance, were important challenges that the next SPF should address. The group supported the draft decision.
- 657.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe noted that the ILO could not afford to lag behind other UN agencies in aligning itself with the QCPR cycle. The second option proposed by the Office provided the most pragmatic avenue for the development of a clear and concise framework, drawing on the lessons learned from the ACIs. The DWCPs were central to achieving results at both the regional and national levels and a clear coherence should be established between them and the proposed transitional strategic plan. On that basis, the group supported the draft decision.
- 658.** *Speaking on behalf of IMEC*, a Government representative of the Netherlands encouraged the ILO to align itself with the QCPR as soon as practically feasible and supported the proposal for a two-year transitional policy framework. In order to focus on a limited set of Organization-wide outcomes within a clear and concise framework, flexible enough to address emerging issues, his group supported the first and second options. The Office should seek maximum synergies in the development of the proposed one-off SPF and related programme and budget. The group requested the Office to provide a vision in relation to the policy drivers mentioned in paragraph 7 in the strategic plan skeleton to be prepared before June. It also called for an assessment of the ACIs from a governance perspective, indicating whether they were comprehensive enough to serve as meaningful outcomes for the future SPF. ILO performance should be measurable in terms of outcomes, rather than activities, and results would be best achieved under a proper system of governance and oversight. IMEC supported the draft decision.
- 659.** *Speaking on behalf of ASEAN*, a Government representative of Viet Nam said that the following countries aligned themselves with the statement: Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam. He stressed the importance of alignment with the QCPR cycle, particularly in view of the ongoing discussion on the UN post-2015 development agenda. Focus was needed on decent work, employment, social protection floors and poverty elimination. The ILO should draw on its wealth of information and on consultations with all its constituents and other stakeholders to ensure a truly responsive and high-quality SPF. ASEAN aligned itself with ASPAG in supporting the draft decision.

- 660.** *A Government representative of Mexico* expressed support for the draft decision. The first proposed option, which was the least onerous, would improve the coherence of working methods and would increase the impact of ILO activities. The Office should focus its efforts on following up on the current programme, rather than waste resources on the elaboration of a new framework.
- 661.** *A Government representative of Indonesia* supported the draft decision. The ILO needed to revisit the current list of ACIs to ensure greater impact and to focus especially on youth employment, social protection and labour migration.
- 662.** *A Government representative of India* agreed with the proposal for the Programme and Budget for 2016–17 to be based on the transitional SPF for that period. However, the SPF must always respond to global and regional challenges in the world of work. Regarding the options for a transitional strategic plan, she supported the second option since it provided scope to revisit the ACIs in relation to the changed economic scenario. Apart from social protection, renewed emphasis was needed on improving the participation of women and young people in the workforce. Caution was called for in measuring progress on strategic outcomes; indicators should be compiled not at country level but in terms of outcomes and should never be used for comparisons between countries without qualifying statements about causal links. She looked forward to discussing the proposed transitional plan at the 322nd Session of the Governing Body and supported the draft decision.
- 663.** *A representative of the Director-General* (Director, PROGRAM), summarizing the different views expressed on the options under discussion, reiterated that the Governing Body had indicated its clear preference for the alignment of any future SPF with the common UN cycle as of 2018 and for the transitional framework for 2016–17. He noted the calls for consultations during the forthcoming session of the International Labour Conference and possibly before the Governing Body session in November. Although the Employers had requested an evaluation of the ACIs, the ACIs had only just started their work and there would not be enough time for a genuine evaluation in the preparation of the current SPF. As the Director of PROGRAM, he offered the opinion that the ACIs were facilitating increased cooperation across departments and between the regions and ILO headquarters. The RBSA was also being used to ensure a stronger focus. He hoped that those two ingredients would lead not to more but to better results. Given the different views on the options, proposals would be needed from the Office and informal consultations at the Conference could contribute towards progress in that regard. The Office was taking external advice to improve its measurement framework.

Decision

664. *The Governing Body requested the Director-General to:*

- (a) present a draft transitional strategic plan for the period 2016–17 to the 322nd Session of the Governing Body (November 2014) for its consideration; and*
- (b) to include the transitional strategic plan for 2016–17 in the Director-General's Programme and Budget proposals for 2016–17.*

(GB.320/PFA/3, paragraph 19.)

Fourth item on the agenda

United Nations system coordination: Financial implications for the ILO (GB.320/PFA/4)

- 665.** *The Worker spokesperson* recalled that the Workers had always expressed reservations regarding the benefits of ILO participation in UN system operational activities. He requested clarifications from the Office as to how many Resident Coordinators came from the ILO. The group was cognizant of the fact that, as a member organization of the UN system, the ILO had to finance the Resident Coordinator system. In turn, it was expected that by directly contributing to that system, the ILO would be able to get value for money and impress upon them and the United Nations Development Programme (UNDP) the need to improve engagement with unions at country level and respect for ILO values. The Workers agreed with the new proposal for the draft decision.
- 666.** *The Employer coordinator* said that his group had previously stressed that participation in the Resident Coordinator system made financial sense since it mobilized considerable extra-budgetary funds. Furthermore, full participation in the UN country teams might also give the ILO better national access to the post-2015 agenda process and dialogue. The ILO should therefore stay inside the system. He inquired whether the amount for the ILO might still increase, given that the calculation included a contribution from the World Bank, which the latter was not going to make. The Employers agreed with the proposed financing of the ILO contribution and supported the draft decision.
- 667.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe urged the Director-General to call upon his counterparts in other agencies to ensure their cooperation in the implementation of ILO activities. He welcomed the proposal to fund the financial contribution from unutilized resources and surpluses, while hoping that future contributions would be factored into programme and budget proposals. He supported the draft decision as amended.
- 668.** *Speaking on behalf of IMEC*, a Government representative of Italy welcomed the Office's paper and the underlying intent to give effect to the QCPR resolution and the subsequent Economic and Social Council resolution. The ILO had benefited from its participation in the system in the previous five years. While the Office was proposing to provide additional funding for the Resident Coordinator system from previous surpluses and unspent balances, she cautioned that such a method was not sustainable in the long term. She sought reassurance that the reduction of the regular budget for technical cooperation (RBTC) allocations for 2014–15 would not affect the ILO's programme activities. Future contributions towards UN coordination should be funded through the regular budget, within existing resources, and a separate budget line for that purpose should be established in the Programme and Budget for 2016–17.
- 669.** *A Government representative of Mexico* said that Mexico could support the proposal to use surpluses from previous years to cover the ILO's contribution towards the financing of the Resident Coordinator system in 2014–15 and to include the corresponding allocation in the next draft budget. More specific information on Conference decisions concerning unused resources in 1992–93 and 2000–01 should have been provided.
- 670.** *A representative of the Director-General* (Treasurer and Financial Comptroller) clarified that there had been an oversight when drawing up the original draft decision. The change related to procedure, not to substance, and it was for the Conference to amend decisions it had previously made. In 2003, the Financial Regulations had been amended, providing for

the Governing Body to take certain decisions on surpluses, but since two of the surpluses predated that amendment, they had to be referred to the Conference. With respect to the World Bank's decision not to contribute, some organizations had indicated limits to what they could pay for 2014 and 2015 and consequently they had underprovided. It was expected that the UNDP or the UN Development Operations Coordination Office would absorb the difference, and the total for the ILO for 2014 and 2015 would be as estimated in the draft decision. In response to the question from the Workers' group, he advised that, in the past, there had been two Resident Coordinators from the ILO and there were none at present.

Decision

671. *The Governing Body:*

- (a) *decided that the financial contribution to the cost-sharing modality of the UN Resident Coordinator system, estimated at US\$3,814,972 for 2014–15, be financed from:*
 - (i) *\$0.820 million from unspent balances from one completed activity from the 2008–09 surplus;*
 - (ii) *\$1.2 million from the RBTC allocations for 2014–15; and*
 - (iii) *subject to approval by the International Labour Conference, \$1.01 million from the 1992–93 surplus and \$0.820 million from revaluation gains realized from the 2000–01 surplus;*
- (b) *instructed the Director-General to include in future programme and budget proposals provision for a continuing ILO financial contribution to the Resident Coordinator system; and*
- (c) *proposed to the 103rd Session (June 2014) of the International Labour Conference that it adopt a resolution in the following terms:*

The General Conference of the International Labour Organization,

Recalling its decisions at its 81st Session (June 1994) to finance an approved list of expenditure items from the 1992–93 cash surplus and its 90th Session (June 2002) to finance activities to be approved by the Governing Body at its 285th Session (November 2002),

Decides that an amount of \$1.01 million from the 1992–93 surplus, as well as an amount of \$0.820 million from revaluation gains relating to the 2000–01 surplus, be used to partially finance the UN Resident Coordinator system during the biennium 2014–15.

(GB.320/PFA/4, paragraph 22, as amended.)

Fifth item on the agenda

Building questions: Headquarters building renovation project (GB.320/PFA/5(Rev.))

672. *A representative of the Director-General (DDG/MR)* introduced the document, which contained a proposal to reduce the scope of the renovation project in order to remain within the resource level identified in the 2010 plan and to explore options for additional financing.
673. *The Worker spokesperson* took note of the proposed reduced scope. He requested clarification on what safety measures would be completed, stressing that, while he supported the Office's cautious approach, savings should not be made at the expense of the safety of staff and construction workers. He requested further information on the zoning law passed in September 2013, on the forthcoming discussions with local authorities on the additional requests related to fire safety measures and the building's architectural heritage, and on whether those requests would have an impact on the overall cost of the project. He also requested an estimate of the expected cost increase once the building permit request process would have been completed and for improved communication and information on the renovation project. His group could support the draft decision, pending clarifications on those issues.
674. *The Employer coordinator* said that his group appreciated the Office's proposal, given that strict financial discipline was of the utmost importance and that the Organization's work should be not jeopardized by increasing renovation costs. It supported the decision to bring the safety and environmental features of the building into line with current standards. While some of the works that had been removed from the scope of the project were non-essential, others – such as the replacement of the electrical substations and the waterproofing of the remaining roofs – were; the Office should elaborate on those matters in order to alleviate any concerns. The group took note of the additional requests related to fire safety and architectural heritage raised by the Swiss authorities and requested clarity on the potential additional costs of those requests.
675. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica emphasized the importance of reaching decisions on the item through tripartite consensus and discussion. Noting that certain works would be completed once additional financial resources had been identified, he expressed the hope that priority would be given to renovations leading to future savings on maintenance costs. He wondered whether the replacement of the electrical substations, the waterproofing of roofs and bringing the interpreters' booths into compliance with the new dimensional standards could be part of the first phase. The Office should continue its discussions with the local authorities in order to complete the renovation within the planned time frame and budget, continue to keep the staff involved, give special attention to eliminating asbestos and making the building accessible to people with disabilities, and coordinate with other international organizations in Geneva that were also conducting renovations. GRULAC supported the draft decision.
676. *Speaking on behalf of ASPAG*, a Government representative of Australia noted that the discussions with local authorities had raised a number of issues with cost implications, necessitating a reassessment of the total cost of the project. The group therefore supported the draft decision.

677. *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe took note of the ongoing discussions with local authorities, and expressed the hope that a solution would be found quickly, considering the financial implications of delaying the project. It was regrettable that the Office would have to reduce the scope of renovations in order to absorb the costs resulting from the requests by the local authorities. He looked forward to the outcomes of the discussions on the two land sales and on loan financing. Noting that the Governing Body should be regularly informed on progress, he said that the Africa group supported the draft decision.
678. *Speaking on behalf of IMEC*, a Government representative of Australia agreed that it was important to keep the Governing Body informed. IMEC welcomed the transparent assessment of the costs and took particular note of the decision by the Office to abide by modern safety standards. It welcomed the revised proposal, which distinguished between “must haves” and “wants”, as requested by the Governing Body in October 2013. It would welcome further information in October 2014 regarding the ongoing maintenance costs for items that were not included in the current renovation plan. IMEC urged the Office to find other financing methods. It reiterated that such financing should be obtained in accordance with the current financial rules and regulations.
679. *A Government representative of Switzerland* noted with satisfaction that the Office had decided to apply current safety and environmental regulations, even though that had resulted in an adjustment to the cost of the project, which affected the ILO’s capacity to pay back the loans. He commended the Office for establishing priorities and making the project realistic in the immediate term, while retaining options for the future. His delegation was pleased with the contact that had been established between the Swiss authorities and the ILO through the ILO–Swiss Coordination Committee. He noted the developments regarding the financing of the project, notably the creation by the cantonal authorities of a legal framework for the revaluation of the land belonging to the Organization, and the possibility of loan finance under preferential terms, made available by the Swiss Government. He reiterated his delegation’s full support for the project.
680. *A Government representative of France* commended the Director-General on his reform policy, noting the importance that he placed on the building renovation project. At the 319th Session of the Governing Body, his Government had expressed concern over the costs of the project. He applauded the Office for recognizing that some works were not essential in order to realign the costs with the approved 2010 amount. While he encouraged the Director-General to continue to seek funding for future works, he underlined that any decision would have to be approved by the Governing Body. He questioned whether cost reductions due to the renovation works would radically alter the building operating costs and suggested that once clear cost estimates had been established, a study should be conducted to highlight potential cost savings that would not compromise the project.
681. *A Government representative of Mexico* acknowledged the need to meet environmental and safety standards and shared the view that a reduction in the scope of the project was the most viable option. She urged the Director-General to explore innovative mechanisms for obtaining additional funding, such as public–private partnerships, and took note of the request submitted to the host Government for loan finance under preferential terms.
682. *A Government representative of Trinidad and Tobago* said that the ILO’s unparalleled tripartite partnership should extend to collaboration on a number of fronts, not only on policy and programmes. The establishment of a fund financed by contributions from Workers and Employers, as well as from Governments, would show stakeholders what true cooperation could achieve. What was required was not a reduction in scope but an increase in commitment.

683. *A Government representative of India* asked for details of the increased estimates for conference rooms and sprinklers in car parks. A better contract might be negotiated if deferred works were also included in the tender documents; she would appreciate receiving information about the revised total cost under such circumstances.
684. *A Government representative of Japan* thanked the secretariat for identifying the resources available for the project and endorsed the scenario of a reduction in the scope of the renovation project.
685. *The representative of the Director-General* confirmed that, within the reduced scope of the project, all safety and environmental measures would be completed on floors 1–11 of the main Office building. On the lower floors, emergency exits would be added or upgraded, insulated glass would be used, and asbestos would be removed in renovated areas. Replacement of electrical substations and waterproofing of remaining roofs were not foreseen in the reduced scope; increased maintenance would therefore be required. A call for expressions of interest to advise on the disposal of the Avenue Appia plot had been launched, and the local authorities were expected to submit, by the end of April 2014, a proposal regarding the leasehold land on the Route de Ferney. The ILO Swiss-Coordination Committee had set up a subgroup to take forward discussions with local authorities on fire safety measures and the building's architectural heritage. The use of a modular design would lead to lower running costs. A specialist architect had assessed the proposed facilities for disabled people in the design. The total cost of 205.9 million Swiss francs (CHF) could not be exceeded without the authorization of the Governing Body, which would be kept fully informed of developments with regard to both costs and resources.

Decision

686. *The Governing Body took note of the proposed reduced scope of the project required to retain the total cost within the amount approved in the 2010 plan while implementing necessary safety and environmental measures, and encouraged the Director-General to explore options for additional financing beyond that approved in the comprehensive plan to enable the full scope of the project to be realized.*

(GB.320/PFA/5(Rev.), paragraph 29.)

Sixth item on the agenda

Disposition of the funds and assets that remain in the accounts of the International Institute for Labour Studies (GB.320/PFA/6)

687. *The Chairperson* noted that it was proposed to make an editorial amendment to the draft decision in the paper under consideration: the words “to the Research Fund” should be added at the end of point (b).
688. *The Employer coordinator* supported the draft decision.

- 689.** *The Worker spokesperson* agreed that a Research Fund should be established and that the direct reserves of the IILS should be transferred to it. He therefore also supported the draft decision.
- 690.** *Speaking on behalf of the Africa group*, a Government representative of Zimbabwe listed a number of issues that his group would have liked to be included in the document. Many African labour administration systems had benefited from the capacity building extended through the scholarships offered through IILS; he expressed the hope that the new arrangements would not close that window, and that synergies would be built with the Turin Centre for that purpose.
- 691.** *Speaking on behalf of IMEC*, a Government representative of Germany asked the secretariat for information to be provided in due course about the expected returns on and use of the new Research Fund. His group agreed that research and activities financed out of the Fund would have objectives comparable to those of the former IILS and supported the modalities for disposition of the remaining assets and funds.
- 692.** *A representative of the Director-General* (Director, RESEARCH) clarified that the paper under consideration referred exclusively to financial arrangements regarding the funds previously attached to IILS. Another document (GB.320/INS/14/2), to be discussed during the Institutional Section of the current session of the Governing Body, dealt with the issues raised by the Africa group. He confirmed that the programme of scholarships would continue.

Decision

693. The Governing Body:

- (a) decided to establish a Research Fund to support the research strategy and activities of the Organization, under the terms and conditions outlined in document GB.320/PFA/6;*
- (b) requested the Director-General to transfer the sum of US\$16.159 million from the direct reserves of the International Institute for Labour Studies, as reported in paragraph 11 of document GB.320/PFA/6, to the Research Fund;*
- (c) authorized the Director-General to accept, at his discretion, fees offered to, or received by, members of the International Labour Office staff, and to deposit such gifts to the credit of the Research Fund; and*
- (d) noted with satisfaction that the Phelan legacy and Maupain gift would continue to be held in separate accounts and reported on periodically and that their terms and the remaining IILS contractual obligations would be discharged by the ILO.*

(GB.320/PFA/6, paragraph 17, as amended.)

Audit and Oversight Segment

Eighth item on the agenda

Arrangements for the appointment of the External Auditor (2016–19) (GB.320/PFA/8)

- 694.** *The Chairperson* advised the Governing Body of an amendment to the deadline indicated in paragraph 5 of the document for the submission of expressions of interest, which should read 30 April 2014 and not 15 April 2014.
- 695.** *The Employer coordinator* expressed support for the draft decision.
- 696.** *The Worker spokesperson* agreed with the revised External Auditor selection procedure and supported the draft decision.
- 697.** *Speaking on behalf of the Africa group*, a Government representative of Egypt raised two issues with regard to the selection procedure. First, the period of appointment (2016–19) was no longer valid, as the previous day it had been agreed that a transitional SPF would cover the 2016–17 biennium and then a full SPF would be prepared for the four-year period 2018–21. Second, no information on the selection criteria for the selection panel had been provided. The group proposed a set of selection criteria that it believed would make the appointment of the selection panel fairer.
- 698.** *A Government representative of India* proposed that an amendment should be made to the arrangements to ensure fair geographical representation on the selection panel, and requested a brief from the Office on the process being used to establish the selection panel. In addition, the time frame for the appointment should be modified: the 15-day period allocated for expressions of interest should be longer so that all regions, irrespective of information technology (IT) capacity or infrastructure, had an equal opportunity to participate in the process. Lastly, the Independent Oversight Advisory Committee (IOAC) should not be involved in the selection process because of the possible conflict of interest.
- 699.** *A representative of the Director-General* (Treasurer and Financial Comptroller), said that the time periods to be covered by the SPF should not be confused with the financial periods addressed in the financial regulations, which were two-year periods. As previously decided by the Governing Body, the mandate of the External Auditor would be for two financial periods; there was no need for alignment with the SPF periods. In response to concerns voiced about the composition of the selection panel, he said that the proposal was to maintain the arrangements previously decided upon the Governing Body, which had worked smoothly in the past, with Regional Coordinators taking responsibility to nominate a member from their group. If there was a candidate for the position of External Auditor from the same country as a member of the panel, the panellist should step down to avoid a conflict of interest. Regarding the length of the period for expressing interest, he said that the period cited in the document was indeed too short: it had been extended to 30 April 2014. The selection panel did not have to be formed until September 2014; there was thus time for the Office to propose guidance to the regional coordinators on the details of the panel's composition.

Decision**700. The Governing Body:**

- (a) approved the revised procedures for the selection and appointment of the External Auditor, as set out in the appendix to document GB.320/PFA/8, for a term of office to commence on 1 April 2016 covering the 75th and 76th financial periods; and*
- (b) requested the Director-General to establish a selection panel consisting of one representative of each regional group and two representatives each of the Employers' and Workers' groups.*

(GB.320/PFA/8, paragraph 6.)

Ninth item on the agenda**Follow-up to the report of the Chief Internal Auditor for the year ended 31 December 2012**
(GB.320/PFA/9)

- 701.** *The Worker spokesperson* welcomed the positive findings of the report. Concerning the recommendation on the follow-up to the audit recommendations at regional level he thought that the current procedure provided sufficient guarantees to ensure their follow up.
- 702.** *The Employer coordinator* wished to know to whom the Senior Risk Officer would report, and whether a draft of the Officer's high-level action plan would be ready before the next session of the Governing Body. He asked the Office to revisit its decision not to nominate a focal point to follow up on recommendations.
- 703.** *Speaking on behalf of the Africa group*, a Government representative of Egypt observed that implementation of the recommendation on the streamlining of procedures was behind schedule. Her group agreed that responsibility for the follow-up of recommendations should be taken at the most senior level in each region.
- 704.** *Speaking on behalf of IMEC*, a Government representative of the Netherlands suggested that, in the future, the recommendations should be drafted in such a way that they could be understood without recourse to other reports. She further suggested that the document could be appended to the Report of the Chief Internal Auditor for the previous year, as many of the recommendations were similar. The Office should develop technical guidance on the oversight of implementing partners and measures against non-compliance. She asked whether the field review would address the issue of field offices' compliance with the recommendations.
- 705.** *A representative of the Director-General* (Treasurer and Financial Comptroller) said that the Senior Risk Officer was expected to take up his position in June and would report to the Treasurer and Financial Comptroller. Average reporting delays had dropped considerably between 2007 and 2013, but there was still room for improvement. The Director-General had issued a directive making it clear that responsibility for the follow-up to recommendations resided with the Regional Directors.

Outcome

706. *The Governing Body took note of the information contained in the report.*

(GB.320/PFA/9.)

Tenth item on the agenda

Report of the Chief Internal Auditor for the year ended 31 December 2013

Report of the Chief Internal Auditor on significant findings resulting from internal audit and investigation assignments undertaken in 2013 (GB.320/PFA/10(Rev.))

- 707.** *A representative of the Director-General* (Chief Internal Auditor), after introducing the report, explained that the increased number of reported frauds followed the issuance of guidance for staff on ethics in the Office, anti-fraud and whistleblower protection, as well as the establishment of a dedicated investigation unit and the holding of awareness-raising sessions.
- 708.** *The Employer coordinator* said that his group supported the recommendations of the Chief Internal Auditor as listed in Annex II to the report.
- 709.** *The Worker spokesperson* said that the reduction in the Voluntary Thrift Benefit Fund and the need for the Office to carry out an assessment of its viability and investment were causes for concern. It was vital to ensure that implementing partners and trade unions received adequate training in ILO reporting requirements.
- 710.** *Speaking on behalf of the Africa group*, a Government representative of Egypt asked the Office to accelerate investigations into allegations of fraud and to provide anti-fraud training sessions for all ILO offices and units. Referring to figures 1 and 2, she said that it would be better to express audit findings in percentages. Her group had reservations about the fourth recommendation, as dissolving the Fund should be regarded only as a last resort.
- 711.** *Speaking on behalf of IMEC*, a Government representative of the Netherlands asked for further details on the non-reimbursement of value added tax (VAT) and whether any problems had been caused by host countries not respecting the Convention on the Privileges and Immunities of the Specialized Agencies. Persistent failure to comply with the Performance Management Framework should be treated as a disciplinary matter. She wondered whether the rise in allegations of fraud was part of a trend and whether it was a sign of strength or weakness. Lastly, she suggested that the report should contain a table setting out the information it contained in summarized form.
- 712.** *A Government representative of India* asked what methodology had been used for the assurance audits. The lists of authorized bank signatories at the three locations identified by the Internal Audit and Oversight Office should be updated as a matter of urgency. She sought details of the early closure of a project mentioned in paragraph 33 and assurance that it was a one-off occurrence.

713. *The representative of the Director-General* stressed that investigations tended to be slower than audits, as due process was necessary in order to protect all parties. The Office would endeavour to speed up investigations without compromising quality and would extend anti-fraud training. The Office took on board the comments regarding the presentation of information in figures 1 and 2. The VAT figures were estimates based on a sample of transactions. Local offices were encouraged to follow up on any failure to recover VAT. The Office of the Legal Adviser worked with the local offices to actively follow up on such matters when there were concerns relating to the Convention on the Privileges and Immunities of the Specialized Agencies. Lastly, he said that the rise in the number of allegations of fraud should be seen as a sign of strength, as it demonstrated confidence to raise concerns and a belief that the issues would be dealt with properly.

Outcome

714. *The Governing Body took note of the information contained in the report.*

(GB.320/PFA/10(Rev.).)

Eleventh item on the agenda

Report of the Independent Oversight Advisory Committee

(GB.320/PFA/11)

715. *The Chairperson of the IOAC* introduced the report, noting that the IOAC had initiated a self-assessment process. The IOAC was the third “line of defence”, the first two being the ILO’s internal and external auditors. It was independent, and ensured the ILO’s overall financial integrity. She reiterated the Committee’s recommendation that the After Service Health Insurance (ASHI) liability should be fully funded, and noted that the IOAC could advise on developing a funding plan. The Committee was equally ready to provide support to the Office in selecting an External Auditor; if its help was accepted, it would ensure that there was no conflict of interest in the proceedings.

716. *The Worker spokesperson* requested more details on the IOAC’s self-assessment process. His group welcomed the IOAC’s recommendations 1–3; recommendation 4 would require the Governing Body’s careful consideration; and the group understood that recommendations 5, 6 and 7 were already being implemented. The selection panel for the External Auditor should decide whether the IOAC’s further assistance was needed once it had received its initial, technical advice.

717. *The Employer coordinator* fully supported the IOAC’s recommendations, especially recommendations 1, 2, 5 and 6.

718. *Speaking on behalf of the Africa group*, a Government representative of Egypt expressed support for all the IOAC’s recommendations, especially recommendations 1 and 2. It was surprising that ASHI liabilities were not fully funded: the ILO should set an example with regard to labour protection, and should report on the measures it had taken at the next Governing Body session. A member of the IOAC should be nominated to advise the External Auditor selection panel on technical issues. She requested the IOAC to specify the percentage increase in the number of allegations of fraud or other malpractice described in paragraph 15 of the document, and to report to the Governing Body on the

reasons for the increase. She further requested the IOAC to provide, in its next report, an annex listing its current recommendations and the status of their implementation.

- 719.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom expressed support for all the IOAC's recommendations. IMEC particularly welcomed the self-assessment process. With regard to the 2012 recommendations, he was pleased to note the substantial progress made on recommendations 2 and 3. He welcomed the intention to monitor progress on recommendation 6 in 2014. The Office should fully implement the recommendations.
- 720.** *The Chairperson of the IOAC* said that the IOAC would report on its self-assessment process the following year. Particulars about the increase in fraud allegations could be found in the Chief Internal Auditor's report.
- 721.** *A representative of the Director-General* (Treasurer and Financial Comptroller) said that the Office welcomed the IOAC's recommendations. He advised that the format of the Office's financial statements was governed by the International Public Sector Accounting Standards (IPSAS), which sometimes made information somewhat inaccessible for non-accountants. The Office would continue to work with the External Auditor to make statements more user-friendly. An actuary had been engaged to work on ASHI liability, and the Office was currently compiling a report that would set out options for funding. He confirmed that the Director-General took the need for sufficient resources for the audit and investigation team seriously, and had always provided additional resources when they were requested by the Chief Internal Auditor. With regard to enterprise risk management, a risk management officer had been named and would begin his assignment in mid-2014. He also advised that the IT Governance Committee was now fully operational.

Outcome

- 722.** *The Governing Body took note of the information contained in the report.*

(GB.320/PFA/11.)

Personnel Segment

Twelfth item on the agenda

Statement by the staff representative

- 723.** The statement by the Staff Union representative is reproduced in Appendix I.

Thirteenth item on the agenda

Proposals arising from the Director-General's reform plan of action in the area of human resources management (GB.320/PFA/13)

- 724.** *A representative of the Director-General* (Director, Human Resources Development Department (HRD)) echoed the references made by the representative of the Staff Union with regard to the constructive atmosphere in which the proposed procedure on recruitment and selection and the approach taken on the other six areas of the Director-General's human resources management reform had been discussed with staff representatives. Proposed amendments to the Staff Regulations contained in the appendix of the document¹² included a revised text of Annex I of the Staff Regulations setting out a new procedure for recruitment and selection that had been agreed within the Joint Negotiating Committee. The revised text attempted to strike a balance between transparency and objectivity in selection processes with the need to increase diversity and mobility through workforce planning responsive to the changing needs of the Organization. Proposed amendments to Chapters IV, X and XIII of the Staff Regulations were designed to take account of the administrative bodies created as a result of the new recruitment and selection procedures. In the case of article 4.2(a) of the Staff Regulations concerning linguistic requirements upon appointment, the amendment was the consequence of the transfer of existing text from the current Annex I of the Staff Regulations. The draft amendments to article 10.1 of the Staff Regulations were the Office's response to the request by the Governing Body to clarify the respective roles of the Governing Body and the Director-General with respect to the conclusion by the latter of collective agreements with the Staff Union regarding the conditions of employment of ILO staff.
- 725.** *The Worker spokesperson* expressed his group's satisfaction with regard to the improved atmosphere of social dialogue and industrial relations within the Office. The new collective agreement and the proposed amendments to the Staff Regulations were the result of negotiation and agreement between management and the Staff Union. He supported the efforts to make progress in all areas of the reform plan of action, while recognizing that discussions were ongoing in several areas, and encouraged the parties to continue with those positive efforts.
- 726.** With regard to the review of the ILO contracts policy, he welcomed the identification of basic principles to ensure good management of the Office's human resources and, referring to Article 101(3) of the Charter of the UN, recalled that the requirement to employ the best possible staff implied that conditions of service must be attractive, with the possibility of permanent contracts for some staff, and must provide opportunities for a career in the international civil service. He called upon the Office to ensure a more balanced composition of staff at headquarters and the field.
- 727.** The Workers' group welcomed the recognition of the need to promote greater diversity within the staff and supported the measures outlined in paragraph 13 of the document. Geographical representation and diversity should be reviewed on a regular basis and the information provided to the Governing Body should contain detailed disaggregated data on geographical diversity. The Workers' group endorsed the draft decision in full.

¹² GB.320/PFA/13.

- 728.** *The Employer coordinator* recognized that achieving balance across a wide range of principles and interests in the area of human resources management was a difficult task; while good policy was needed to set the framework, effective execution would be vital. The Employers' group appreciated that concrete proposals had now been presented to the Governing Body which appeared to represent a reasonable way forward in meeting the requests and expectations of all parties. It supported the proposals in respect of recruitment and selection as well as the measures outlined to improve diversity within the Office. The suggestions with regard to the linguistic criteria required upon recruitment were understood to be necessary and the group agreed with the principle that further linguistic skills could be acquired over time following appointment, which seemed to be a sensible and sensitive balance.
- 729.** Proposals to increase functional and geographical mobility through a Recruitment, Assignment and Mobility Committee (RAMC) were welcomed. The group noted that the new procedure should not have a significant impact on the length of recruitment processes and considered that it should be monitored, as long recruitment procedures were not in anyone's interest. He recalled that there was a need to balance the development of existing staff skills through internal mobility with the introduction of new skills through external recruitment.
- 730.** The Employers' group supported the proposals for staff development and noted that core technical competencies should remain the focus of development policies; however, it did not support the introduction of any hierarchy in terms of technical competencies and was not in favour of any training activity targeting technical upskilling around the ACIs for as long as they were operating on a trial basis. Improvements in industrial relations were also welcomed and in particular the clarification of the role of the Governing Body regarding the implementation of collective agreements. The group endorsed the proposal that any agreement which had major financial or policy implications or was inconsistent with common system conditions of employment would require a decision by the Governing Body. The Employers' group supported the draft decision in full.
- 731.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom acknowledged the progress made and welcomed the revised procedures for recruitment and selection proposed by the Office. Clarification was requested as to the application of the principles of the proposed recruitment and selection procedure in the regions and the scope of each region's discretion. The proposed RAMC was a welcome tool that addressed concerns expressed previously; it was, however, necessary to ensure that its role remained strictly advisory. She approved of the developments reported in relation to the performance management framework as an essential contribution to ensuring accountability, and welcomed the ongoing efforts to review conflict prevention and resolution mechanisms. With regard to the proposals concerning staff management relations, while recognizing the importance of collective bargaining, she requested clarification as to the level of authority of the Governing Body in implementing collective agreements, referring to the proposed amendments to article 10.1(c) of the Staff Regulations and, in particular, to the exact meaning of the proposed expression "where appropriate". Her group supported subparagraphs (a), (c) and (d) of the draft decision. Specific country statements would follow on subparagraph (b).
- 732.** Lastly, referring to the report on Decisions of the United Nations General Assembly on the report of the International Civil Service Commission (ICSC), submitted for information,¹³ she noted that the report raised the issue of the increasing costs of staff compensation. While the civil services of many member States currently faced pay freezes or reductions,

¹³ GB.320/PFA/INF/5.

the compensation packages of the UN civil service continued to increase. Several UN common system organizations, including the Food and Agriculture Organization of the United Nations (FAO), the International Maritime Organization (IMO), the World Intellectual Property Organization (WIPO), the Universal Postal Union (UPU), and the WHO, had expressed concerns regarding the budgetary impact of increasing staff costs decided by the ICSC, and many member States considered that they should have a say in that regard. The group therefore proposed to include an additional paragraph in the draft decision requesting the Director-General to convey to the ICSC and the UN General Assembly the concern of member States about the budgetary impact of rising staff costs, especially in the context of the comprehensive compensation review.

- 733.** *A Government representative of France* expressed support for subparagraphs (a), (c) and (d) of the draft decision. Regarding subparagraph (b), he viewed the proposed amendment to article 4.2(a)(ii) as a serious setback for multilingualism. He recalled that multilingualism was part of the ILO regulatory framework and core values and that it ensured cultural diversity in the Organization, including respect for the legal traditions of both civil- and common-law systems. In his view, the proposed amendment, presented as a technical amendment, could have dangerous political repercussions.
- 734.** *Speaking on behalf of the Nordic countries, Hungary and the Netherlands*, a Government representative of Denmark acknowledged the difficulty of achieving a balanced workforce with the existing linguistic requirements and therefore supported the proposed amendment to article 4.2(a)(ii).
- 735.** *A Government representative of the United Kingdom*, noting that diversity was essential for the Office and that the current language requirements for recruitment were seen as a barrier to increased diversity, also supported the proposed text in article 4.2(a)(ii).
- 736.** *A Government representative of Switzerland* welcomed the proposals; the main features of the human resources reform plan of action were realistic and included innovative methods to respond adequately to operational needs. With regard to linguistic diversity, she opposed the proposal to move text from the current Annex I into article 4.2(a)(ii) of the Staff Regulations: reducing requirements in terms of linguistic knowledge would not help to improve diversity. In her view, it would be preferable to enlarge the choice of languages required upon appointment rather than to adopt a minimalist attitude. She requested further clarification as to the time frame for the reform of the contracts policy. Noting the need to ensure the harmonization of employment conditions between RBTC staff, she suggested that the new recruitment and selection procedure be implemented on a trial basis. Concerning staff-management relations, she sought clarification regarding the respective roles of the Director-General, the Governing Body and the Staff Union.
- 737.** *Speaking on behalf of the Africa group*, a Government representative of the United Republic of Tanzania expressed appreciation for the document and noted the progress made with reform in the area of human resources management. With regard to the procedure for recruitment and selection, the group welcomed the proposal to establish a central RAMC. The group encouraged the Director-General to move forward with the contracts policy and emphasized the need to implement effectively the proposals contained in paragraph 24 of the document, regarding learning and development initiatives. The group urged the Director-General to address the issue of under-representation and geographical balance and reiterated that the level of contribution of member States should not be the only criterion used to determine adequate levels of representation. The group supported the draft decision.

738. Supporting the statement made on behalf of the Africa group, *a Government representative of Algeria* added that the ILO should serve as a role model with regard to staff management relations. He also underlined the importance of the reform of the recruitment and selection procedures for the quality and efficiency of staff and emphasized the role of continuing education and training throughout the professional life of ILO staff.
739. *A Government representative of Egypt* emphasized the principles of equity and justice represented by geographical representation and the need to ensure equal recruitment opportunities to candidates from different countries and regions.
740. *Speaking on behalf of ASPAG*, a Government representative of Australia, supported by Government representatives of China, Islamic Republic of Iran, India, Japan and Republic of Korea, expressed his appreciation for the Director-General's efforts to continue the various human resources reform initiatives and the extensive consultation processes undertaken. The proposals in relation to language requirements sought to improve geographical representation through recruitment of candidates from areas where English, French or Spanish were rarely used; a strict requirement for fluency in two ILO working languages had proven an obstacle for such candidates. He noted that although the proposed changes were merely editorial in nature, they were important in order to ensure that the original intent of the Staff Regulations was upheld, rather than what had apparently become the practice of requiring fluency in two official languages, regardless of the origin of the candidates. The group was concerned that despite the increasing importance of the ILO's work in the region, 26 of the 45 ASPAG countries were either unrepresented or under-represented, including China, Japan, the Republic of Korea, and many Arab States and small island States in the Pacific. Only 132 nationals from the ASPAG region were currently employed by the Office in the Professional category and above (around 20 per cent of the workforce in that category), while the ASPAG region accounted for 60 per cent of the world population. The level of under-representation was even more marked in the Director and higher categories. He requested that the Governing Body be provided with a more detailed overview of national and regional representation Office-wide in future reports on the composition and structure of the staff. He called on the Office not to inhibit its ability to recruit talent globally, which was key to the ILO's relevance. The group supported the draft decision in its entirety.
741. *A Government representative of China* supported the proposed measures to address under-representation, and stressed the importance of attracting technical expertise from all countries, in particular developing countries, where the ILO's intervention was most needed. It was therefore essential to put in place recruitment processes that provided more equitable opportunities for candidates from all regions.
742. *A Government representative of the Islamic Republic of Iran* supported the draft decision, but recalled that concerns regarding the detrimental impact of the requirement for two ILO working languages on geographical representation and technical expertise had been expressed on many previous occasions. It was vital that recruitment was carried out in compliance with the principles of competence, efficiency, fairness and equitable geographical distribution. He encouraged the ILO to monitor geographical representation and endorsed the proposed changes in that regard.
743. *A Government representative of India* expressed appreciation for the human resources reform proposals. With regard to linguistic diversity, she noted that more affirmative initiatives were needed to include representation of Asian and African languages and therefore welcomed and fully supported the draft decision.

744. *A Government representative of Japan* said that it was crucial for the ILO to embark on a drastic reform to keep up with changing demands. He welcomed the Director-General's proposals and supported the statement made on behalf of ASPAG, and the draft decision. The proposed changes were important for the ILO to improve geographical diversity. It was also incumbent on member States to ensure that they were able to provide the highly qualified expert workforce required by the ILO.
745. *A Government representative of the Republic of Korea* also supported the reform plan. She welcomed in particular the developments in the area of performance management, which would increase accountability, as well as the measures proposed regarding language requirements, which would have a positive impact on diversity.
746. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica, supported by a Government representative of Spain, also welcomed the close consultation with the staff around the various aspects of the reform and shared the overall support for the proposals put forward by the Office. Her group supported subparagraphs (a), (c) and (d) of the draft decision. Concerning subparagraph (b), GRULAC also supported all proposed amendments to the Staff Regulations, except for the inclusion of text from Annex I concerning linguistic requirements in article 4.2(a)(ii) of the Staff Regulations. That text did not seem consistent with its objective as stated in paragraph 13 of the Office paper: while GRULAC was in favour of improving geographical diversity in the Office, it should not be achieved to the detriment of multilingualism. She suggested that no decision be made on that specific issue at the current session of the Governing Body so that sufficient time could be made available to address and clarify the legitimate doubts raised. She also requested additional time to consider the additional subparagraph in the draft decision proposed by IMEC.
747. *A Government representative of Argentina* indicated that the protection of a legitimate concern such as geographical diversity in the staff of the ILO could not be made to the detriment of the equally legitimate concern for the protection of multilingualism. His Government considered that the proposed amendment to article 4.2(a)(ii) would lead progressively towards monolingualism in the Office. He called for additional time for the Governing Body to find other ways of reconciling all concerns at issue.
748. *A Government representative of Mexico*, recalling that the staff was the most important asset of the Office, stressed the importance of recruitment and selection procedures which addressed the need for geographical and linguistic diversity, a point also acknowledged by the Joint Inspection Unit in its 2012 report on staff recruitment in UN system organizations.¹⁴ Because of the doubts expressed by several speakers about the text in the proposed amendment to article 4.2(a)(ii), she shared the view that additional time was needed to come up with a proposal that clarified that multilingualism would not be weakened.
749. *A Government representative of Panama* urged the Office to find wording that would leave no doubt that multilingualism was being strengthened, but stressed that the search for consensus was the joint responsibility of the Office and Governing Body members.
750. *A Government representative of Colombia* called on all member States concerned with geographical imbalances or under-representation to work together to find solutions that would also preserve multilingualism as a key aspect of diversity.

¹⁴ JIU/REP/2012/4.

751. *Government representatives of Cuba, Trinidad and Tobago, and Venezuela* shared the view that the text of the proposed article 4.2(a)(ii) of the Staff Regulations was not yet ripe for an agreement and that additional time was required to dispel the doubts expressed.
752. *A Government representative of El Salvador* recalled the importance of the human dimension of any reform concerning human resources management, and the need to respect principles such as non-discrimination. The proposed text in article 4.2(a)(ii) could be seen as discriminatory in that the linguistic requirements for candidates could vary based on their country of origin.
753. *The Employer coordinator* noted the wide range of views expressed by the member States which to a large extent reflected those existing within his own group and therefore considered it appropriate to seek additional time in order to allow for further discussion and consultation to reach consensus on the question of linguistic requirements. The matter could be reconsidered at the 322nd Session of the Governing Body in November 2014. The group considered that the addition proposed by IMEC seemed out of place, in that the points put forward by the Office pertained to procedures for workforce planning, mobility and diversity, while that suggested by IMEC related to pay. He suggested that it might also be considered at a later stage.
754. *The Worker spokesperson* recalled that the draft decision proposed by the Office was the result of negotiation and agreement between management and the Staff Union. The group did not support the additional point suggested by IMEC, and agreed with the Employers' group that it was not the appropriate context. Furthermore, it had not been established that the evolution of staff costs was having an unsustainable impact on the ILO budget and such an assertion should only be made based on an objective review of the situation. He suggested that the proposed addition was mainly addressed to member States and questioned whether that was appropriate, given the tripartite nature of the Organization and the Governing Body. If member States wished to make such representations to the ICSC or the UN General Assembly, they could do so directly and did not need to ask the Director-General to intervene. Lastly, he recalled that the need to recruit and retain the most competent officials necessarily involved the ability to offer the best terms and conditions of employment; the proposed additional subparagraph in the draft decision had the opposite effect.
755. *The representative of the Director-General* noted the broad support for the various areas of human resources management reform proposed by the Director-General. He confirmed that the implementation of the new agreement on recruitment and selection should not have any significant impact on recruitment timelines and that hiring fresh talent remained essential for the Office. The proposal to implement the new recruitment and selection procedures on a trial basis raised legal and practical difficulties, but it was understood that their effectiveness would be reviewed over time, and that any required adjustments would be made in due course. He clarified the role of the Joint Negotiating Committee in ensuring consistency between regional practices for the recruitment and selection of locally recruited staff and the principles established in the proposed procedures. He also confirmed the advisory role of the RAMC. Information on national and regional diversity was already available in the annual report on the composition and structure of the staff, but additional details could be included regarding diversity at senior levels. As for negotiations on the review of contractual arrangements, the complexity and scope of the subject matter would most likely require a comprehensive overhaul of the Staff Regulations. While it was therefore difficult to commit to a specific date for the submission of final proposals in that regard, the review of the contracts policy remained a priority of the human resources management reform.

- 756.** *The Director-General* thanked the Governing Body for its positive views on the progress achieved thus far by the Office in the area of human resources management reform, in particular concerning workforce planning, recruitment and selection, and mobility. The progress reported to the Governing Body had been possible thanks to great efforts of both management and staff representatives to maintain a constructive engagement on issues that were often challenging. Recognizing that it was easier to maintain that level of constructive engagement when agreements started bearing concrete results, he welcomed the overall support of the Governing Body for the direction of the reform on the areas in respect of which work was still ongoing.
- 757.** Concerning the lack of consensus around subparagraph (b) of the draft decision, the Director-General stressed that the purpose of the Office's proposal was to increase diversity in the Office so as to address what could only be described as the chronic under-representation of some member States and regions within the ILO's workforce. He had committed, at the request of the Governing Body, to correcting the situation, not only because it represented a failing of the Office towards member States, but also because geographical imbalances were to the disadvantage of the Organization, which needed talent and expertise from all regions and backgrounds in order to succeed in its response to global challenges. While he was convinced that the proposed approach would not undermine multilingualism or cultural diversity, he acknowledged the concerns expressed by a number of speakers that the proposal to move text from Annex I to article 4.2(a)(ii) of the Staff Regulations could work in the opposite direction. In order to build consensus on the best means to improve diversity within the ILO, he therefore suggested that all amendments to the Staff Regulations, except the proposal to move text from Annex I into a new subparagraph (ii) in article 4.2(a), be adopted and that a discussion on the important issue of multilingualism take place at a future session of the Governing Body.
- 758.** Noting the lack of consensus concerning the additional subparagraph proposed by IMEC, the Director-General similarly proposed to postpone a decision in that regard to a future session of the Governing Body. In the interim, the Office would be able to provide the Governing Body with figures relating to the evolution of staff costs in the ILO so that any request for the Director-General to intervene with the ICSC or the UN General Assembly would be based on an informed discussion and decision of ILO tripartite constituents.

Decision

759. The Governing Body:

- (a) noted the progress made in implementing and adapting the Human Resources Strategy to the new challenges identified in the Director-General's human resources reform;*
- (b) approved the amendments to the Staff Regulations contained in the appendix to document GB.320/PFA/13, with the exception of article 4.2(a)(ii);*
- (c) requested an update on developments and further policy proposals at its 322nd (October 2014) and 323rd (March 2015) Sessions as required; and*
- (d) requested a review of the Human Resources Strategy for its 325th Session (November 2015) drawing on the achievements and lessons learnt from the 2010–15 Human Resources Strategy.*

(GB.320/PFA/13, paragraph 46, as amended.)

Appendix I

Statement by the Chairperson of the Staff Union Committee

Madam Chairperson,
Director-General,
Members of the Governing Body,
Dear colleagues and everyone else present today,

I have the honour to address you as Chairperson of the Staff Union which represents almost two-thirds of the staff and, therefore, as spokesperson of officials at headquarters and in the field.

Death of Marc Blondel

Allow me first to pay tribute to Mr Marc Blondel who has just passed away and who was one of the leading lights of the Workers' group at the ILO. Marc Blondel had a keen sense of social justice and of workers' rights. His unerring defence of them will not be forgotten. He was also an ardent defender of staff working conditions at the Office. Successive chairpersons of the Staff Union frequently benefited from his wise, apposite advice and his wide knowledge of the arcane workings of the Governing Body. I would like to convey the Staff Union's sincere condolences to his family. I and the whole community of workers, which today is in mourning, share their sorrow.

A year of reforms

For the Office and even more for its staff, the year which has just ended, 2013, has been one of intense activity on more than one count. First, it saw the start of the Director-General's reform at headquarters.

A reform always has many facets and entails various responsibilities. It is naturally up to the Director-General and the Governing Body to decide on the content of the reform, the direction of policy and governance.

But any reform always has repercussions on the staff's employment and working conditions. And it is, of course, this aspect of the reform that I am dealing with today. At headquarters, I am tempted to say "as expected" the Office staff displayed its professionalism and commitment to the Organization, never baulking and loyally falling in behind the Director-General in order to ensure that targets were achieved on time and that the Office delivered on its promises with activities of the requisite quality.

The first beneficial effects of the reform are beginning to be felt, but do not think for one minute that it has all been plain sailing. In their daily work, my colleagues have had to devote much effort and show great patience in adapting to structural reorganization while adhering to previously assigned strategic objectives and incorporating new priorities set by the eight areas of critical importance.

For staff, reform is almost always synonymous with worry, uncertainty and upheaval, no matter what assurances may be given at the outset. The way change is handled and the sharing of information is of the utmost importance in a reform process, as is consultation with staff representatives through properly established procedures.

Throughout last year, the Staff Union therefore strove, because this is its role, to limit any adverse effects which this reform might have had on staff and to ensure that personal aspirations and concerns are also heard. A worker who is listened to is a more motivated worker and a motivated worker is a worker committed to the Organization. The main reason why it was possible to limit the impact of this first stage of reform on the colleagues directly concerned is that mechanisms for constant dialogue between the administration and staff representatives have been put in place.

Structural reorganization is virtually complete at headquarters, although staff still have a number of concerns with regard to their new job descriptions.

But we have only waded halfway through the process. The overriding concern of staff in the field, where reform is still in its early stages, is to ensure that the same consultation mechanisms to accompany the changes can be adopted in each region where the reform will have a significant impact on staff throughout its implementation. Recent experience at headquarters shows how much our Organization stands to gain from such consultation.

But the main reason I am here today is to report to you on a year's reforms in terms of human resources.

Document GB.320/PFA/13

After my statement, you are going to discuss the proposals arising from the Director-General's reform plan of action in the area of human resources management, set out in document GB.320/PFA/13. You will doubtless have some pertinent comments to make on how to increase the Organization's efficiency and you will have to express your views on a number of proposals made in this document.

I will be frank with you. If, last July, someone had told me that the administration and the Staff Union would be able to report on so much progress in this document, I would certainly have found that hard to believe. Given our horrible experiences in recent years, this document is nothing short of a miracle. It would seem that we have at last found a sound framework for industrial relations at the Office. It will probably not lead straight to heavenly industrial relations, but at all events it will enable us to avoid the hell of an absence of social dialogue.

What inherently shapes this document? As you will probably have noticed yourself, it is a whiff, a slight stirring, a touch of optimism which suggests to the staff representatives that, perhaps, the foundations have once again been laid for a healthy, constructive dialogue between the administration and staff. And about time too! It is self-evident that tripartism and collective bargaining form part of the Organization's DNA and of the fundamental principles which we defend in all four corners of the world.

Over the last nine months, the social partners of this Organization finally got round a table for regular, long and sometimes tough negotiations but, as one of my counterparts from the administration often said at critical junctures in the negotiations, "we had to succeed" in order to present you with real results.

Essentially you will have to decide on some draft amendments to our Staff Regulations, most of which are concerned with reforming the procedures for recruiting and selecting Office staff. This draft is the outcome of strong negotiations between the administration and staff.

As Chairperson of the Staff Union and on the strength of the endorsement of this outcome by our General Assembly on 27 February, I can with quiet confidence say it is a good one for several reasons:

- It is a sound proposal because, as far as its form is concerned, it strongly signals to you, the members of the Governing Body that, after years of wrong turns and difficulties, an internal industrial relations framework is emerging where respect,

dialogue and negotiation have their rightful place in the International Labour Organization.

- It is a sound proposal because, as far as its substance is concerned, it meets the Organization's requirements for top-level skills, while respecting the principles of geographical and linguistic diversity. It will also make it possible to enhance geographical and internal functional mobility and, we hope, lead to better career development for staff.
- It is a sound proposal for the staff because basically it meets the needs for transparency, fairness and objectivity, all of which are fundamental if my colleagues are to trust these procedures. Indeed, the latter constitute one of the keystones of the system of the career development of staff devoted to the ILO's cause.
- Lastly, it is a sound proposal because it will enable the Office's staff and its representatives to look forward to further discussions of human resources issues in the future, with the safeguard that even if their positions and viewpoints are not shared, they will be respected and discussed in good faith.

The files which staff representatives and the administration have started to discuss are crucial, because they concern the very essence of working conditions. Our optimism must not detract from our traditional vigilance, especially in future discussions of contract policy at the Office. This is also a work in progress which will have substantial repercussions on staff.

It has often been said in this meeting room that the Organization's most valuable asset are the men and women who work for it. As a Staff Union representative, I am certainly not going to contradict that statement, but I would add that what is even more valuable for staff is to have secure employment and the possibility of a career. Having a career in the UN system is a means of securing an official's loyalty to the Organization's objectives. The possibility of permanent employment in the Organization also ensures that an official can exercise independent judgement in keeping with the code of conduct and ethics. Having a career is a strong motivation to maintain a high level of performance for the Organization now and in the future.

Today, too many of my colleagues cannot calmly concentrate on their work and the Organization's objectives, because they are too concerned and too worried about their immediate professional future, since they are still all too often recruited on types of contracts which do not guarantee employment and working conditions worthy of our Organization, despite their devotion which even goes so far sometimes as laying down their life.

It is clear to the staff representatives that the crucial issue in forthcoming discussions of contractual policy will be the Organization's ability to offer all its staff decent working conditions making it possible to ensure that the objective of "One ILO" becomes a reality, and which will enable all Office workers to perform the duties assigned to them independently, on a long-term basis and in compliance with the fundamental principles of the international civil service as set forth in the Charter of the UN.

For the staff of the ILO, it will also be vital in the forthcoming discussion of human resources reform to obtain guarantees that the Noblemaire and Flemming principles are respected and remain the basis of staff employment conditions at the Office and to arrive at a fair, even-handed policy on retirement age, a workplace free of health risks, and staff safety and security, a policy offering a better work-life balance and social security, especially with regard to health insurance, which measures up to the principles advocated throughout the world by our Organization.

As you will have grasped, the stakes for a successful reform are high, but is this not the least that can be asked of an organization devoted to humanity's employment and working conditions?

For all the reasons I have just given and for the sake of our Organization, whose aims of decent work and social justice its staff is proud to defend, I would therefore ask you to support the draft decision at the end of this document and to approve the amendments to the Staff Regulations.

This approval would be a token of your faith in the ability of the parties involved to present you with well thought-out, responsible proposals which reconcile the Organization's interests and its staff's aspirations as well as possible. It would enable all of the staff whom I represent today to have confidence in the future of this Organization and to better serve its mandate.

Thank you.

Geneva, 18 March 2014

Catherine Comte-Tiberghien

Appendix II

Amendments to the Staff Regulations

(as approved by the Governing Body on 18 March 2014)

Chapter IV

Recruitment and appointment ¹

ARTICLE 4.2

Filling of vacancies

(a)(i) The paramount consideration in the filling of any vacancy shall be the necessity to obtain a staff of the highest standards of competence, efficiency and integrity. Due regard shall be paid to the importance of maintaining a staff selected on a wide geographical basis, recognizing also the need to take into account considerations of gender and age.

(ii) Every official shall be required to possess a fully satisfactory knowledge of one of the working languages of the Organization.

(iii) Officials in the Professional category and officials in the Director and Principal Officer category shall be required to possess a degree awarded by a recognized university, or its equivalent in experience.

(iv) In the filling of any vacancy, service in the Office, including service in the field where relevant, shall be taken into account.

(v) Without prejudice to the foregoing, officials shall be selected without discrimination on the basis of age, race, gender, religion, colour, national extraction, social origin, marital status, pregnancy, family responsibilities, sexual orientation, disability, union membership or political conviction.

(b) Appointments to vacancies of Deputy Director-General, Assistant Director-General and Treasurer and Financial Comptroller shall be made by the Director-General after consultation with the Officers of the Governing Body.

(c) The Director-General may designate a Principal Deputy Director-General, in which event such designation shall be made after consultation with the Officers of the Governing Body and with the agreement of the Governing Body.

(d) Vacancies in the Director and Principal Officer category shall be filled by the Director-General by transfer in the same grade, promotion or appointment. Such promotions or appointments, other than to vacancies in technical cooperation projects, shall be reported to the Governing Body with a short statement of the qualifications of the persons so promoted or appointed. The position of Chief Internal Auditor shall be filled by the Director-General after consultation with the Governing Body.

(e) Transfer in the same grade, promotion or appointment by direct selection by the Director-General shall be the normal method of filling vacancies:

- of Chiefs of Branch and Directors of offices in the field;

¹ See also Annex I: Recruitment and selection procedure.

- in technical cooperation projects;
- in the Office of the Director-General;
- of principal secretary to a Deputy Director-General;
- of a purely temporary nature, up to two years, of a specialist nature, not expected to lead to a career in the ILO, any extension beyond two years being subject to article 4.2(f).

The Director-General may in such cases, at his or her discretion and after consulting the Recruitment, Assignment and Mobility Committee mentioned in article 10.6, decide on the use of one or other of the methods of filling vacancies referred to in article 4.2(f).

(f) The methods to be employed to fill vacancies in the General Service, National Professional Officer and Professional categories shall comprise transfer in the same grade, promotion or appointment, normally by competition in accordance with the procedure set out in Annex I or, in the case of local staff in external offices, other existing mechanisms. New mechanisms or changes to existing mechanisms for recruitment and selection of local staff in external offices shall be endorsed by the Joint Negotiating Committee. However, promotion or appointment without competition may be employed only in:

- filling vacancies requiring specialized qualifications;
- filling vacancies caused by upgrading of a job by one grade or in the case of a job upgraded from the General Service to the National Professional Officers category or to the Professional category or in the case of a job upgraded from the National Professional Officers to the Professional category by one grade or more;
- filling vacancies in urgency;
- filling other vacancies where it is impossible to satisfy the provisions of article 4.2(a) above by the employment of any other method.

The Recruitment, Assignment and Mobility Committee shall be consulted on any transfer in the same grade, promotions or appointments made without competition.

(g) In filling any vacancy account shall be taken, in the following order, of –

- (1) applications from former officials whose appointments were terminated in accordance with the provisions of article 11.5 (Termination on reduction of staff);
- (2) applications for transfer;
- (3) claims to promotion;
- (4) if the Director-General and the Staff Union agree, applications from former officials other than those who have been discharged or summarily dismissed;
- (5) on a reciprocal basis, applications from officials of the UN, specialized agencies, or the Registry of the International Court of Justice.

(h) When a job has been upgraded it shall be regarded, for the purpose of this article, as a vacancy.

(i) This article shall be applied in accordance with the provisions of Annex I.

Chapter X

Staff relations and administrative bodies

ARTICLE 10.1

Staff relations

...

(c) Conditions of employment, including the general living conditions, of officials may be jointly determined by the Director-General or his or her designated representative(s) and the Staff Union through social dialogue, information, consultation and collective bargaining. The Director-General shall have authority to bargain collectively with the Staff Union, with a view to the conclusion of collective agreements. Implementation of collective agreements shall be subject, where appropriate, to the authority of the Governing Body concerning approval of amendments to the Staff Regulations or of the resources necessary to enforce the agreements, in accordance with article 14.7.

...

ARTICLE 10.6

Recruitment, Assignment and Mobility Committee

1. A Recruitment, Assignment and Mobility Committee shall be established to assist the Director-General with workforce planning and mobility and to monitor recruitment and selection procedures in line with these Regulations or other applicable rules. The Recruitment, Assignment and Mobility Committee shall, in particular:

- review information regarding workforce planning and mobility and make recommendations on the type and level of recruitment;
- facilitate geographical and functional mobility;
- review proposed vacancies and job descriptions;
- make recommendations for transfers in the same grade without competition;
- advise the Director-General on recommendations arising from competitions.

2. The Recruitment, Assignment and Mobility Committee is composed of: the Director of the Human Resources Development Department, two officials appointed by the Director-General and one official appointed by the Staff Union accompanied by an advisor. The Committee shall be assisted by a Secretary from the Human Resources Development Department. The Committee may invite other officials to assist it in the discharge of its functions. Each member of the Committee, the Secretary and any other person assisting or attending the Committee must observe the full confidentiality of the proceedings, and strictly avoid conflict of interest or perception of conflict of interest.

3. The Recruitment, Assignment and Mobility Committee holds an annual meeting and at least three other meetings during the year.

4. The Recruitment, Assignment and Mobility Committee shall discuss all issues before it, in good faith, with a view to reaching agreement. Where agreement is not reached, the Director-General will be informed of any divergent views. The Committee establishes its own procedure.

Chapter XI

Cessation of service

ARTICLE 11.5

Termination on reduction of staff

(a) The Director-General, after consulting the Joint Negotiating Committee, may terminate the appointment of an established official if the necessities of the service require a reduction of staff involving a reduction in the number of posts. An established official whose appointment is terminated under this paragraph shall, during the two years after the date on which its termination becomes effective, be offered appointment to any vacancy for which the Director-General, after consulting the Recruitment, Assignment and Mobility Committee, considers that the official possesses the necessary qualifications.

Chapter XIII

Conflict resolution

ARTICLE 13.2

Grievances

1. An official ¹ who wishes to file a grievance on the grounds that s/he has been treated in a manner incompatible with her/his terms and conditions of employment shall, except as may be otherwise provided in these Regulations or other relevant rules, ² request the Human Resources Development Department to review the matter within six months of the treatment complained of. The procedure for the examination of general grievances related to the terms and conditions of employment is governed by article 13.3.

¹ For the purpose of Chapter XIII, the term “official” does not comprise the Director-General, Deputy Directors-General and Assistant Directors-General.

² Special procedures apply to compensation claims (Annex II) and the review of performance appraisals (Chapter 6) as well as for appeals in respect of selection and recruitment (Annex I, paragraph 34), discipline (Chapter 12), job grading (relevant administrative circular), termination for unsatisfactory services (articles 11.4 and 11.8), termination on reduction of staff (article 11.5), and withholding of increment (article 6.4) and transfer to a lower grade (article 6.11).

Annex I

Recruitment and selection procedure

GENERAL CONSIDERATIONS

1. In the filling of any vacancy account shall be taken of linguistic knowledge. Officials in the Professional category whose mother tongue is one of the working languages shall normally be required to have a good working knowledge of a second working language and may be required to acquire a knowledge of a third working language. Officials in the Professional category whose mother tongue is not one of the working languages shall be required to possess a fully satisfactory working knowledge of one of the working languages of the Office, as prescribed in article 4.2(a) (Filling of vacancies) and may be required to acquire a knowledge of a second working language. Officials in the Professional category who undertake duties as translator or such other duties as may be designated as similar by the Director-General shall be required to have a thorough knowledge of two working languages as well as the main language into which they translate.

PROCEDURAL STAGES IN THE FILLING OF VACANCIES

2. Selection procedures shall comprise three stages:

- (1) request for the opening of vacancies and review of vacancy announcements;
- (2) identification of opportunities for filling vacancies by transfers in the same grade or through geographical mobility;
- (3) where no suitable opportunity is identified for selection by transfers in the same grade or through geographical mobility, other candidates will be screened, and eligible candidates will be subject to competency assessment and technical evaluation.

FIRST STAGE: REQUEST FOR THE OPENING OF VACANCIES AND REVIEW OF VACANCY ANNOUNCEMENT

3. Proposals to fill a vacancy will be made by the responsible chief who will identify the relevant generic job description, job family and suggested grade, and will prepare a description of the responsibilities, objectives and minimum requirements that are specific to the job. The proposal will be reviewed by the Human Resources Development Department.

4. Confirmed vacancies and the corresponding proposed job descriptions are submitted to the Recruitment, Assignment and Mobility Committee mentioned in article 10.6, along with information concerning:

- (a) proposals to transfer an official without competition due to: pressing humanitarian or certified medical reasons; a legal obligation of the Office, including vis-à-vis officials whose position has been abolished, or the duty to protect the interests of a staff member or group of staff or to preserve a smooth and productive working environment;
- (b) officials who have expressed potential interest in functional or geographical mobility;

- (c) officials on special leave without pay or secondment due to return to the Office;
- (d) gender and diversity indicators;
- (e) variations to generic job descriptions;
- (f) proposals to assign officials to temporary vacancies.

5. The Recruitment, Assignment and Mobility Committee submits a report to the Director-General with recommendations, including any divergent views, on:

- (a) vacancies proposed to be filled without competition for any of the reasons stated in paragraph 4(a) above;
- (b) proposals to address geographical diversity within the Office;
- (c) proposals to limit eligibility in specific vacancies to internal candidates or to other categories of serving officials or groups of serving officials;
- (d) the contents of vacancy announcements.

6. The Recruitment, Assignment and Mobility Committee is informed of the decisions of the Director-General arising from its report.

7. All vacancies open to competition shall be advertised for a minimum period of 30 days, unless otherwise agreed within the Recruitment, Assignment and Mobility Committee. The Human Resources Development Department will disseminate all vacancies among serving staff through internal electronic media and will announce them by other media as appropriate.

SECOND STAGE: IDENTIFICATION OF OPPORTUNITIES FOR FILLING VACANCIES
BY TRANSFERS IN THE SAME GRADE OR THROUGH MOBILITY

8. The Human Resources Development Department will prepare a list of internal candidates who have applied for a vacancy in the same grade and identify those who meet the minimum requirements.

9. The responsible chief shall review the list prepared by the Human Resources Development Department and prepare an evaluation regarding the suitability of candidates.

10. The Recruitment, Assignment and Mobility Committee shall review the list of suitable internal candidates together with the evaluations of the Human Resources Development Department and the responsible chief and shall prepare a report for the Director-General including advice and recommendations for filling vacancies taking into consideration the applications of officials subject to geographical mobility first, having regard to the hardship and duration of a field assignment.

11. Candidates will be informed of the Director-General's decision to fill a vacancy by transfer in the same grade or through geographical mobility.

THIRD STAGE: EVALUATION OF OTHER APPLICATIONS*Screening of candidates*

12. Where no suitable opportunity is identified for selection by transfers in the same grade or through mobility, other candidates will be screened.

13. Prior to the screening process the responsible chief and the Human Resources Development Department will determine: the weight that will be accorded to the various elements to be taken into consideration during the evaluation of eligible candidates (personal résumé, written tests, interview, etc.).

14. The Human Resources Development Department shall provide the responsible chief with a list of candidates who meet the minimum requirements specified in the vacancy announcement.

15. The responsible chief and Human Resources Development Department shall establish a shortlist of candidates in consultation with the technical panel, including where appropriate through eliminatory tests.

Competency assessment

16. Any external candidate or any internal candidate applying to a higher category shall be assessed against core competencies and values agreed within the Joint Negotiating Committee for each of the following grade ranges: G.1–G.4, G.5–G.7, P.1–P.3 and P.4–P.5.

17. The competency assessment shall be managed by the Human Resources Development Department. The assessors shall be selected jointly by the Human Resources Development Department and the Staff Union.

18. Only candidates who are successful in the competency assessment will progress to the next selection stage.

19. Any candidate who has undergone a competency assessment may request feedback, including on possible areas of development.

20. Serving staff who are not successful in the competency assessment will be encouraged to avail themselves of staff development and counselling opportunities provided by the Office and may undertake a competency assessment after a period of six months. As far as practicable, opportunities shall be given to serving staff to undertake a competency assessment outside of a specific competition as a development activity.

Technical evaluation

21. A technical panel shall be established to evaluate shortlisted candidates who have been successful in the competency assessment.

22. The technical panel will comprise the manager responsible for the vacant position or his/her representative, a representative of the Human Resources Development Department and a third independent member selected from a list of serving staff established in agreement with the Staff Union. Technical experts may also be appointed to assist the technical panel in its evaluation of candidates. Technical panel members and

technical experts are required to act impartially, and should not have any conflict of interest or perceived conflict of interest related to any candidates for the position.

23. The technical panel will undertake a rigorous technical evaluation of the candidates in accordance with pre-established criteria through an interview and any other test decided by the responsible chief in consultation with the Human Resources Development Department. The marking of written tests will be blind.

24. The technical panel shall prepare a report with recommendations, including the ranking from the technical evaluation and relevant comments, on candidates recommended for appointment. The technical panel may also recommend that the competition be declared unsuccessful or that it be cancelled.

25. Any internal candidate and any candidate who is a serving staff member has the right to request feedback on his/her performance in the context of the technical evaluation, as well as on areas of possible development. Such feedback may be provided in oral or written form by the responsible chief or a representative of the Human Resources Development Department, as appropriate.

*Review of proposed appointments and staff movements
and decision by the Director-General*

26. Reports from the technical panels shall be reviewed by the Recruitment, Assignment and Mobility Committee, which shall submit the reports, together with its advice and recommendations on other relevant issues for selection, to the Director-General for decision.

Unsuccessful competitions

27. A selection process shall not be declared unsuccessful if, following the competency assessment and technical evaluation, there are candidates suitable for appointment.

28. Before recommending that a competition process be declared unsuccessful, the technical panel may choose to invite any eligible candidate who was not initially shortlisted to competency assessment and technical evaluation.

29. In the event of the process being unsuccessful, the Recruitment, Assignment and Mobility Committee shall provide advice on the means to fill the vacancy.

Publication of results

30. The Human Resources Development Department will publish all the Director-General's decisions on appointments, transfers and promotions made in accordance with the provisions of this Annex as soon as possible on the ILO Intranet. The Human Resources Development Department will also individually notify all candidates of the outcome of competitions.

Internal candidates

31. An official may not apply in a competition as an internal candidate before the successful completion of his/her probationary period.

32. Officials serving on technical cooperation projects, except those detached from another job within the Office, as well as officials appointed under the Rules Governing Conditions of Service of Short-Term Officials, will not normally be eligible to participate as internal candidates. The Recruitment, Assignment and Mobility Committee may agree to extend eligibility to these officials, but may establish special requirements.

Confidentiality

33. All persons involved in recruitment and selection processes and decisions shall respect their duty to maintain strict confidentiality in all matters related to those processes and decisions.

Grievances concerning recruitment and selection decisions

34. Any individual grievance arising from the recruitment and selection process will be dealt with in accordance with Chapter XIII of the Staff Regulations. The deadline for the submission under paragraph 1 of article 13.2 of a grievance related to recruitment and selection decisions will be one month from the publication of the decision.

Appendix III

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

320^e session – Genève – mars 2014
320th Session – Geneva – March 2014
320.^a reunión – Ginebra – marzo de 2014

Liste finale des personnes assistant à la session Final list of persons attending the session Lista final de las personas presentes en la reunión

Membres gouvernementaux titulaires Titular Government members Miembros gubernamentales titulares	p. 195
Membres gouvernementaux adjoints Deputy Government members Miembros gubernamentales adjuntos	p. 203
Membres employeurs titulaires Titular Employer members Miembros empleadores titulares	p. 210
Membres employeurs adjoints Deputy Employer members Miembros empleadores adjuntos	p. 211
Membres travailleurs titulaires Titular Worker members Miembros trabajadores titulares	p. 213
Membres travailleurs adjoints Deputy Worker members Miembros trabajadores adjuntos	p. 214
Représentants d’autres Etats Membres Representatives of other member States Representantes de otros Estados Miembros	p. 216
Représentants d’autres Etats non Membres Representatives of non-member States Representantes de otros Estados no miembros	p. 223
Représentants d’organisations internationales gouvernementales Representatives of international governmental organizations Representantes de organizaciones internacionales gubernamentales	p. 224
Représentants d’organisations internationales non gouvernementales Representatives of international non-governmental organizations Representantes de organizaciones internacionales no gubernamentales	p. 226
Mouvement de libération Liberation movement Movimiento de liberación	p. 227

Membres gouvernementaux titulaires Miembros gubernamentales titulares	Titular Government members
Président du Conseil d'administration: Chairperson of the Governing Body: Presidenta del Consejo de Administración:	Sra. V. M. VELÁSQUEZ DE AVILÉS (El Salvador)

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Mr T. FITSCHEN, Deputy Permanent Representative, Permanent Mission, Geneva.

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Ms S. BAUN, Director, Head of Department International Employment and Social Policies, Federal Ministry of Labour and Social Affairs.

Ms C. NEUBARTH, Permanent Mission, Geneva.

Mr P. PETERS, Permanent Mission, Geneva.

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Niger Níger

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Togo

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

M^{me} 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.

M. E. BENMOUHOU, accompagnant M^{me} Kaddous.

M. C. DAORONG, accompagnant M. Jiang.

Ms M. HAYASHIBALA, accompagnant Mr Sakurada.

M^{me} V. ROUSSEAU, accompagnant M. Cortebec.

Ms L. XU, accompagnant Mr Jiang.

Mr A. ZHARKOV, accompagnant Mr Shmakov.

Membres travailleurs adjoints	Deputy Worker members
Miembros trabajadores adjuntos	

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, Confederația Națională Sindicală Cartel Alfa.

Mr A. HUSSAIN (Bahrain), Assistant General-Secretary for Arab and International Relations, General Federation of Bahrain Trade Unions.

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

Mr B. NTSHALINTSHALI (South Africa), Deputy General-Secretary, Congress of South African Trade Unions.

Mr J. OHRT (Denmark), International Adviser, Danish Confederation of 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.

M. Y. VEYRIER (France), Secrétaire confédéral, Confédération générale du travail - Force ouvrière.

Ms A. WOLANSKA (Poland), Head, International Department, Niezależny Samorządny Związek Zawodowy "Solidarność".

M. R. LAMAS, accompagnant M. de Leeuw.
Ms L. MERLIAK, accompanying Mr Yaroshuk.

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

Mr A. YAROSHUK (Belarus), President, Belarusian Congress of Democratic Trade Unions.

Autres personnes assistant à la session:

Other persons attending the session:

Otras personas que asisten a la reunión:

Ms B. KÜHL (Germany), Policy Adviser, C/- DGB Executive Board.

Sr. C. Mancilla (Guatemala), Secretario General, Confederación de Unidad Sindical de Guatemala.

M^{me} C. SCHLACTHER (France), Confédération française démocratique du travail.

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.
 Mr H. MKHIZE, Adviser to Minister of Labour, Ministry of Labour.
 Ms P. SALUSALU, Personal Assistant to Minister of Labour, Ministry of Labour.
 Mr T. MKALIPI, Acting Deputy Director-General, Ministry of Labour.
 Mr S. NDEBELE, Chief Director, Ministry of Labour.
 Mr M. SKHOSANA, Director, Ministry of Labour.

Albanie Albania

Ms F. KODRA, Ambassador, Permanent Representative, Permanent Mission, Geneva.
 Ms D. XHIXHO, Second Secretary, Permanent Mission, Geneva.

Autriche Austria

Ms I. DEMBSHER, Head of International Social Policy Unit, Federal Ministry of Labour, Social Affairs and Consumer Protection.
 Mr T. HAJNOCZI, Ambassador, Permanent Representative, Permanent Mission, Geneva.
 Ms E. JAMEK, Counsellor, Permanent Mission, Geneva.

Bahreïn Bahrain Bahrein

Mr J. HUMAIDAN, Minister of Labour.
 Mr Y. BUCHEERI, Ambassador, Permanent Representative, Permanent Mission, Geneva.
 Mr A. ABDULLA, Undersecretary, Ministry of Foreign Affairs.

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 H. ALSHAMI, Head of Occupational Safety Department, Ministry of Labour.
 Mr B. AHMED, First Secretary, Permanent Mission, Geneva.
 Mr F. ALBAKER, First 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.

Bangladesh

Mr A. HANNAN, Ambassador and Permanent Representative, Permanent Mission, Geneva.
 Mr S. ISLAM, Bangladesh Export Processing Zones Authority.
 Mr F. RAHMAN, Joint Secretary (Labour), Ministry of Labour and Employment.
 Mr S. SALEHIN, First Secretary, Permanent Mission, Geneva.
 Mr K. MURSHED, Second Secretary, Permanent Mission, Geneva.

Bélarus Belarus Belarús

Mr I. STAROVOYTOV, Deputy Minister of Labour and Social Protection.
 Mr M. KHVOSTOV, Ambassador, Permanent Representative, Permanent Mission, Geneva.
 Mr A. OPIMAKH, Counsellor, Permanent Mission, Geneva.
 Mr A. ANDREEV, Counsellor, Permanent Mission, Geneva.

Belgique Belgium Bélgica

M^{me} T. BOUTSEN, Conseillère générale,
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M. B. DE CROMBRUGGHE DE
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M^{me} A. MONCAREY, Attachée, Délégation de
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Burundi

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Chili Chile

Sr. J. BALMACEDA, Embajador,
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Sr. C. STREETER, Ministro Consejero, Misión
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Sr. F. LETURIA, Agregado Laboral, Misión
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Sr. D. SCHÄRER, Misión Permanente,
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Croatie Croatia Croacia

Ms V. VUKOVIC, Ambassador, Permanent
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Djibouti

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Sr. L. GALLEGOS, Embajador y
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Mr G. AYEHU, Minister Counsellor,
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Fidji Fiji

Mr J. USAMATE, Minister for Labour,
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Finlande Finland Finlandia

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Mr A. RYTÖVUORI, Minister, Deputy Permanent Representative, Permanent Mission, Geneva.
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Grèce Greece Grecia

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Sra. M. BRAN, Primer Secretario, Misión Permanente, Ginebra.

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Guinée Guinea

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Sr. G. RIZZO ALVARDO, Embajador, Representante Permanente, Misión Permanente, Ginebra.
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Irlande Ireland Irlanda

Ms P. O'BRIEN, Ambassador, Permanent Representative, Permanent Mission, Geneva.
Mr J. NEWHAM, Minister Counsellor and Deputy Permanent Representative to the WTO, Permanent Mission, Geneva.
Mr D. SHERIDAN, Principal Officer, Department of Jobs, Enterprise and Innovation.
Ms S. O'CARROLL, Assistant Principal Officer, Department of Jobs, Enterprise and Innovation.
Mr E. GIGUERE, Higher Executive Officer, Department of Jobs, Enterprise and Innovation.
Ms C. MURPHY, Administrator, Permanent Mission, Geneva.

Jordanie Jordan Jordania

Mr R. SUKAYRI, Ambassador, Permanent Representative, Permanent Mission, Geneva.
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Lettonie Latvia Letonia

Mr R. JANSONS, Ambassador, Permanent Representative, Permanent Mission, Geneva.
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 Ms I. DREIMANE ARNAUD, First Secretary, Permanent Mission, Geneva.

Libye Libya Libia

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

Malaisie Malaysia Malasia

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Myanmar

Mr M. WAI, Ambassador and Permanent Representative, Permanent Mission, Geneva.

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Mr B. DHUNGANA, Chargé d'affaires a.i., Permanent Mission, Geneva.
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Nigéria Nigeria

Mr O. ILLOH, Permanent Secretary, Federal Ministry of Labour and Productivity.
 Ms T. BRAIMAH, Director (PM&S), Federal Ministry of Labour and Productivity.

Ms N.A. AROGUNDADE, Ag. Director
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Mr J. OLAREWAJU, Director General
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Mr O. OKORIE, Personal Assistant to
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Mr A. ESSAH, Labour Attaché, Permanent
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Ms K. SOMMERSET, Minister, Permanent
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Ms G. KVAM, Special Adviser.

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Nouvelle-Zélande New Zealand Nueva Zelandia

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Philippines Filipinas

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Ms M. VALDERRAMA, Labour Attaché,
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Pologne Poland Polonia

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Ms R. LEMIESZEWSKA, Counsellor to the
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Partnership Department, Ministry of Labour
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Ms M. NOJSZEWSKA-DOCHEV, First
Secretary, Permanent Mission, Geneva.

Portugal

M. A. VALADAS DA SILVA, Conseiller pour les affaires sociales, Mission permanente, Genève.

M^{me} M. SEVINATE, Mission permanente, Genève.

République dominicaine Dominican Republic República Dominicana

Sr. H. HERNÁNDEZ SÁNCHEZ, Embajador, Representante Permanente, Misión Permanente, Ginebra.

Sr. P. MEDINA JIMÉNEZ, Ministro Consejero, Misión Permanente, Ginebra.

Rwanda

M. M. RUGEMA, Chargé d'affaires, Mission permanente, Genève.

M. J. BUDUREGE, Cadre multilatéral en charge des droits de l'homme et des questions humanitaires, Mission permanente, Genève.

M^{me} L. NTAYOMBYA, Cadre multilatéral en communication, Mission permanente, Genève.

Serbie Serbia

Mr V. MLADENOVIC, Ambassador and Permanent Representative, Permanent Mission, Geneva.

Ms D. MLADENOVIC-NESTOROVIC, Second Secretary, Permanent Mission, Geneva.

Singapour Singapore Singapur

Ms Y. TAN, Ambassador, Permanent Representative, Permanent Mission, Geneva.

Mr S. PANG, Deputy Permanent Representative, Permanent Mission, Geneva.

Ms J. BOO, Second Secretary, Permanent Mission, Geneva.

Ms S. LIM, Senior Assistant Director, Labour Relations and Workplaces Division, Ministry of Manpower.

Mr G. TAN, Senior Assistant Director, Legal Services Division, Ministry of Manpower.

Slovénie Slovenia Eslovenia

Ms K. STERBENC, Senior Adviser, Ministry of Labour, Family and Social Affairs.

Somalie Somalia

Mr A. SHEIKH AHMED, Prime Minister.

Mr A. AHMED, Chief of Protocol of the Prime Minister.

Mr B. IMAN, Personal Aide of the Prime Minister.

Mr R. HAJI, Spokesperson of the Prime Minister.

Ms M. MOHAMED, Personal Secretary of the Prime Minister.

Mr J. WILMER, Communication Adviser of the Prime Minister.

Mr D. GEOGRAFI ALI, Office of the Prime Minister.

Mr Y. BARI BARI, Ambassador and Permanent Representative, Permanent Mission, Geneva.

Suède Sweden Suecia

Mr J. KNUTSSON, Ambassador and Permanent Representative, Permanent Mission, Geneva.

Mr C. ERIKSSON, Director, Special Expert, Ministry of Employment.

Mr O. EKEUS, First Secretary, Permanent Mission, Geneva.

Ms A. FALKDALEN, Permanent Mission, Geneva.

**République tchèque
Czech Republic
República Checa**

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

Turquie Turkey Turquía

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

Mr H. OYMAN, Expert, Permanent Mission,
Geneva.

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

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

M^{gr} M. TOMASI, Nonce apostolique,
Observateur permanent du Saint-Siège, Mission
permanente, Genève.

M^{gr} M. DE GREGORI, Attaché, Mission
permanente, Genève.

M. P. GUTIÉRREZ, Mission permanente,
Genève.

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

Organisation arabe du travail
Arab Labour Organization
Organización Árabe del Trabajo

Mr A. LUQMAN, Director-General.
 Mr R. GUISSOUMA, Head, Permanent Delegation of the ALO in Geneva.
 Ms Z. KASBAOUI, Permanent Delegation of the ALO in Geneva.

Conseil de l'Europe
Council of Europe
Consejo Europeo

Mr P. DUMITRIU, Ambassador and Permanent Observer of the Council of Europe in Geneva.
 Ms A. LEVINA, Permanent Delegation of the Council of Europe in Geneva.

Union européenne
European Union
Unión Europea

Ms M. ZAPPÍA, 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 E. PICHOT, Team Leader, Unit External Relations, Neighbourhood Policy, Enlargement, IPA, Directorate General for Employment, Social Affairs and Inclusion, European Commission.
 Mr L. DIALLO, Policy Officer, Unit External Relations, Neighbourhood Policy, Enlargement, IPA, Directorate General for Employment, Social Affairs and Inclusion, European Commission.
 Ms L. VINCENT, Assistant, Permanent Delegation of the European Union in Geneva.
 Ms N. LA TORRE, Permanent Delegation of the European Union in Geneva.

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

Ms S. AVILÉS, Officer-in-Charge, FAO Liaison Office in Geneva.

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

Mr F. SODA, Head, Labour and Human Development Division.
 Ms L. WHITE, Senior Labour Migration Specialist, Department of Migration Management.

Conseil des ministres du Travail des Etats du Conseil de coopération du Golfe

Labour Ministers' Council of the Gulf Cooperation Council States

Consejo de Ministros de Trabajo de los Estados del Consejo de Cooperación del Golfo

Mr K. BOHAZZA, Labour Affairs acting Director.

Mr A. ALI, Legal Researcher.

International Organization of la Francophonie

Organisation internationale de la francophonie

Organización Internacional de la Francofonía

M. A. BARBRY, Spécialiste de programme, Chargé des affaires économiques et de développement.

Union africaine

The African Union

Unión Africana

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

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

Haut-Commissariat des Nations Unies pour les réfugiés

United Nations High Commissioner for Refugees

Oficina del Alto Comisionado de la Naciones Unidas para los Refugiados

Ms A. ROUDIES, Senior Livelihoods Officer, Operations Solutions and Transitions Section.

Banque mondiale

The World Bank

Banco Mundial

Ms S. JACKSON, World Bank's Special Representative in Geneva.

Programme des Nations Unies pour le développement

United Nations Development Programme

Programa de la Naciones Unidas para el Desarrollo

Ms P. LANTZ, Director, Geneva Representation Office.

Mr N. BUHNE, Director, Bureau for Crisis Prevention and Recovery, Geneva Representation Office.

Ms G. BOYER, Conflict Partnerships Specialist, Geneva Representation Office.

Ms L. BERNAL, Trade and Human Development Policy Specialist, Geneva Representation Office.

Mr A. LAFFITTAN, Partnerships Development Specialist, Geneva Representation Office.

Organisation mondiale du commerce

World Trade Organization

Organización Mundial del Comercio

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

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

**Organisation internationale des employeurs
International Organisation of Employers
Organización Internacional de los Empleadores**

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

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

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

**Confédération syndicale internationale
International Trade Union Confederation
Confederación Sindical Internacional**

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

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

Mr A. MEZHOUD, Assistant Secretary-General, International Department.
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**Fédération syndicale mondiale
World Federation of Trade Unions
Federación Sindical Mundial**

Mr N. GHIOKAS.
Mr E. MUNOZ.

Business Africa

Ms J. MUGO, Secretary General.

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

Palestine Palestina

Dr I. KHRAISHI, Ambassador, Permanent
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Mr I. MUSA, Counsellor, Permanent Observer
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