



Governing Body

330th Session, Geneva, 17 June 2017

GB.330/PV

Minutes of the 330th Session of the Governing Body of the International Labour Office

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The 330th Session of the Governing Body of the International Labour Office was held in Geneva on Saturday, 17 June 2017, presided over by Mr Ulrich Seidenberger of Germany, as outgoing Chairperson, and Mr Luc Cortebееck (Worker, Belgium), as incoming Chairperson.

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

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Institutional Section

First item on the agenda

Election of the Officers of the Governing Body for 2017–18 ([GB.330/INS/1](#))

1. *The Worker spokesperson* said that, because the ILO was a tripartite organization, tradition allowed either the Worker or the Employer Vice-Chairperson to become Chairperson of the Governing Body upon retirement from his or her respective group. She accordingly put forward the candidature of Mr Luc Cortebeeck (outgoing Worker Vice-Chairperson) as Chairperson of the Governing Body and thanked the group of the Americas for having agreed to postpone its chairpersonship by one year.
2. *The Employer spokesperson and a Government representative of Mexico* speaking on behalf of the Government members of the Governing Body endorsed the candidature of Mr Cortebeeck.

Decision

3. ***The Governing Body elected Mr Luc Cortebeeck (Worker member) as Chairperson of the Governing Body of the ILO for the 2017–18 period.***

(GB.330/INS/1, paragraph 3, as amended.)

4. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Paraguay congratulated Mr Cortebeeck on his election and paid tribute to the outgoing Chairperson for his leadership of the Governing Body.
5. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Canada also congratulated Mr Cortebeeck on his election and added his voice of appreciation to the outgoing Chairperson. On a point of procedure, he noted that, under the rules applicable to the Governing Body, there was no automaticity with regard to the assumption of the chairpersonship by a member from the Workers' or Employers' groups. It was to be an exceptional event. Governments had a scheduled rotation and planned multiple years in advance and, as a result, exceptions could prove problematic.
6. *Speaking on behalf of the Asia and the Pacific group (ASPAG)*, a Government representative of the Islamic Republic of Iran wished to congratulate Mr Cortebeeck on his election and to express his gratitude to the outgoing Chairperson.
7. *The Worker spokesperson* paid tribute to the outgoing Chairperson for his capable leadership of the Governing Body and thanked the Government and Employers' groups for supporting the candidature of Mr Cortebeeck.
8. *The Employer spokesperson* expressed his appreciation for the leadership of the outgoing Chairperson.
9. *Speaking on behalf of the Eastern Europe group*, a Government representative of Romania, *speaking on behalf of the Africa group*, a Government representative of Ethiopia and

speaking on behalf of the Western Europe group, a Government representative of Spain all congratulated Mr Cortebeeck on his election and expressed thanks and appreciation to the outgoing Chairperson and Officers.

10. *The outgoing Chairperson* said that he wished to thank all three groups of constituents for their constructive and consensus-oriented spirit throughout his tenure and to congratulate them on having played their governance role extremely well in the previous 12 months. They had elected the Director-General for a second term of office, given full support to his programme and budget proposals, and advanced all seven centenary initiatives. In addition, they had overseen arrangements for a two-week Conference and set a topical agenda for the 106th Session. Owing to the all-important tripartite dynamic of their dialogue, they had ensured that the work of the Governing Body was well connected with that of the Organization as a whole. There was much to do in the years ahead, including the continued integration of the 2030 Agenda for Sustainable Development into ILO programmes, the centenary Conference in 2019, and a global commission on the future of work to be established by the Director-General.
11. He offered his warmest congratulations to Mr Cortebeeck, paying tribute to his balanced viewpoint and huge experience of ILO matters. The election of a Worker as Chairperson of the Governing Body was a truly enlightened, democratic gesture, and it was very gracious of the Americas group to step aside and postpone its candidature for one year. On a personal note, he suggested that it might be worthwhile to extend the tenure of the Chairperson to two years when the chairpersonship returned to the Governments, in view of the extensive investment on the part of the Office in making the Chairperson “fit for purpose”. He wished to thank the Director-General and all his staff for giving him advice, guidance and support whenever he had needed it, and he reaffirmed the support of the Government of Germany for the ILO and the direction in which the Director-General was taking it.
12. *The Director-General* expressed his admiration for the way in which the outgoing Chairperson had negotiated difficult decisions during the year; his great skill and the empathy that he had developed for the Organization were the result of a true understanding of the work done by the ILO. He presented the outgoing Chairperson with the gavel of the Governing Body as a token of its appreciation.

(Mr Cortebeeck took the Chair.)

13. *The incoming Chairperson* said that he was honoured by the confidence placed in him. Tripartism was one of the intrinsic values of the ILO, and he remained convinced that decisions and positions based on tripartite consensus had greater weight and impact than individual ones. The centenary of the Organization would offer a unique opportunity to stress the urgency for the ILO to realize its social justice mandate. Decent work and social justice could lead the way to a real transformative agenda of the world of work and society, where all could get fair outcomes from globalization. By engaging in social dialogue, sustainable and lasting solutions could be found to the many challenges currently being faced.

Decision

14. ***The Governing Body elected Mr Mthunzi Mdwaba (Employer, South Africa) as Employer Vice-Chairperson and Mr Luis Enrique Chávez Basagoitia (Ambassador, Permanent Representative of Peru) as Government Vice-Chairperson of the Governing Body for the 2017–18 period.***

(GB.330/INS/1, paragraph 3, as amended.)

Second item on the agenda

Approval of the minutes of the 329th Session of the Governing Body ([GB.330/INS/2](#))

Decision

15. *The Governing Body approved the minutes of its 329th Session, as amended.*

(GB.330/INS/2, paragraph 2.)

Third item on the agenda

Appointment of Governing Body committees and working parties and of the Board of the International Training Centre of the ILO, Turin ([GB.330/INS/3](#) and [GB.330/INS/3/Add.\(Rev.\)](#))

16. *The Chairperson* said that the Governing Body needed to appoint the Chairperson of the Committee on Freedom of Association. In the absence of a consensual candidate for the post, he suggested that the Committee should appoint one of its members to chair the subcommittee meeting in September 2017 and the Committee meeting in October 2017. He also invited the Office to prepare documented proposals to put to the Officers of the Governing Body at their meeting in October 2017, to allow the nomination and appointment of the Chairperson of the Committee on Freedom of Association to take place at the 331st Session of the Governing Body.

Decisions

Committee on Freedom of Association

17. *The Governing Body appointed for the 2017–20 period the Governing Body members mentioned in the revised addendum to document GB.330/INS/3 as members of the Committee on Freedom of Association.*

18. *The Governing Body requested:*

- (a) *the Committee on Freedom of Association to appoint one of its members to chair the subcommittee meeting in September 2017 and the Committee meeting in October 2017;***
- (b) *the Office to prepare proposals for the appointment of the Chairperson of the Committee on Freedom of Association for consideration by the Officers of the Governing Body, to allow for the appointment to be made by the Governing Body at its 331st Session (October–November 2017).***

(GB.330/INS/3, paragraph 5 as amended.)

Working Party on the Functioning of the Governing Body and the International Labour Conference

19. *The Governing Body noted the appointment of the 32 members of the Working Party on the Functioning of the Governing Body and the International Labour Conference made by the three groups, mentioned in the revised Addendum to document GB.330/INS/3.*

(GB.330/INS/3, paragraph 10, as amended.)

Standards Review Mechanism Tripartite Working Group

20. *The Governing Body:*

- (a) *appointed for the 2017–20 period Mr Jan Farzan (Germany) as the Chairperson of the Standards Review Mechanism Tripartite Working Group;*
- (b) *noted the appointment of the 32 members of the Standards Review Mechanism Tripartite Working Group for the 2017–20 period made by the three groups and listed in the revised addendum to document GB.330/INS/3.*

(GB.330/INS/3, paragraph 13, as amended.)

Board of the International Training Centre of the ILO, Turin

21. *The Governing Body appointed 24 of its members – 12 from the Government group (including six from among the representatives of the ten Members of the International Labour Organization of chief industrial importance), as well as six from each of the other two groups, mentioned in the addendum to document GB.330/INS/3 – as members of the Board of the International Training Centre of the ILO, Turin, for the 2017–20 period.*

(GB.330/INS/3, paragraph 16, as amended.)

Fourth item on the agenda

Reports of the Committee on Freedom of Association

382nd Report of the Committee on Freedom of Association ([GB.330/INS/4](#))

22. *The Chairperson of the Committee on Freedom of Association, introducing the Report, said that there were 176 cases before the Committee, 22 of which had been examined on their merits. He was pleased to note that there had been no case which the Committee had been obliged to examine without the benefit of a response from a government.*

23. Urgent appeals had been made to governments that had failed to send complete observations, despite the time that had elapsed since the submission of the complaint or the Committee's previous examination of the case. Such appeals had been made to Argentina, Cameroon, Colombia, the Democratic Republic of the Congo, the Republic of Korea, India, Republic of Maldives, Mexico, the Philippines, Peru, Senegal, Somalia, Swaziland and Tunisia. The deadline for receipt of observations was 2 October 2017.
24. The Committee had noted important progress in the follow-up given to its recommendations in seven of the 16 cases examined by it and had thus effectively closed them. In particular, the Government of Ireland had explicitly prohibited inducement to forego trade union representation; several workers had been reinstated and check-off facilities restored in Italy; and allegations of interference in an employers' organization in Togo had been satisfactorily resolved.
25. The Committee had drawn the attention of the Governing Body in particular to four cases, owing to the extreme seriousness and urgency of the matters dealt with therein. In Case No. 3203 (Bangladesh), the Committee had requested the Government to ensure that all alleged anti-union acts were fully investigated and the perpetrators held accountable, and to take all necessary measures to ensure that the police and other State authorities were not used as an instrument of intimidation and harassment of workers, and that all future allegations of anti-union violence reported to the police were properly and expeditiously investigated in order to avoid impunity. The Committee had further requested the Government to report progress on the trade union registration process to the Committee of Experts on the Application of Conventions and Recommendations, to which it had referred the legislative aspects of the case.
26. Case No. 2609 (Guatemala) had previously been examined by the Committee on seven occasions. The Committee had again expressed its deep and growing concern over the seriousness of the case, given the many instances of murder, attempted murder, assaults and death threats, and the climate of total impunity. It had urged the Government to ensure that the possible anti-union motive for the murder of members of the trade union movement was fully and systematically taken into account in planning and conducting investigations, and that the investigations focused not only on the perpetrators but also on the instigators.
27. With regard to Case No. 2508 (Islamic Republic of Iran), he had met with the Government delegates to the Conference, to express the Committee's concern at the lack of concrete results. The Committee expected that the Parliament of the Islamic Republic of Iran would soon be in a position to adopt amendments to the labour law so as to bring it into line with the principles of freedom of association. Additionally, the Committee had firmly urged the Government to bring its conclusions to the attention of the Iranian judiciary, with a view to ensuring that peaceful trade union activists were not sentenced to prison on vague charges of acting against national security and propaganda against the State.
28. In Case No. 2254 (Bolivarian Republic of Venezuela), the Committee had again expressed its deep concern at the various and serious forms of stigmatization and intimidation directed against the Venezuelan Federation of Chambers and Associations of Commerce and Production (FEDECAMARAS), its member organizations, their leaders and affiliated companies. The Committee had insisted on the urgency of the Government taking strong measures to prevent such actions and statements and to ensure that FEDECAMARAS was able to exercise its rights as an employers' organization in a climate free from violence, pressure, or threats of any kind against its leaders and members. The Committee had insisted on the urgency of the Government adopting immediately tangible measures with regard to bipartite and tripartite social dialogue and had deplored the fact that the Government had not yet provided the action plan that had been approved by the Governing Body. The Committee had again urged the Government to take immediate action to create a climate of trust based

on respect for employers and trade union organizations. Given that the Committee had recently received new allegations from the complainant and a response from the Government, it would come back to all those serious matters at its next meeting.

29. *The Employer Vice-Chairperson of the Committee* reiterated that the governments involved in the cases mentioned in paragraphs 8 and 10 of the Report had been requested to provide information before 2 October 2017, to enable the Committee to address those cases at its meeting in October 2017.
30. Progress had been made in the discussion of the Committee's working methods with a view to improving its functioning, trustworthiness and tripartite governance, all of which were important to its credibility and to the impact of its work. The subcommittee would meet again in September 2017 to continue its work on the new Office publication. His group believed that the title of the publication should correspond with its contents, namely a compilation of the Committee's conclusions, and not of its principles. The current title misled readers and decision-makers at the national level. He was pleased to note that the names of enterprises were now mentioned only in the sections of the Report containing complainants' allegations; the complaints procedure concerned only ILO member States, not social entities such as enterprises.
31. A total of 176 active cases were currently before the Committee, while more than 150 cases were in follow-up. Since the Committee's previous meeting in November 2016, 24 new cases had been submitted, 15 of which were from Latin America. In order to promote a geographical balance of complaints, his group continued to invite complainants to make use of national dispute settlement bodies, as well as of committees for the settlement of disputes before the ILO, where they existed. At its June 2017 meeting, the Committee had examined 22 cases on their merits, reaching definitive conclusions in 17 cases (ten definitive reports and seven reports in which the Committee had requested to be kept informed of developments) and interim conclusions in five cases. In addition, the Committee had examined 16 follow-up cases, of which it had concluded its examination with respect to seven cases, and wished to draw four serious and urgent cases to the attention of the Governing Body. In several cases analysed at the meeting, on the other hand, the evidence presented had been very weak or had involved human resources issues, rather than violation of the principles of freedom of association. That underlined the need for the Committee, at its next meeting on working methods, to seek ways of improving the admissibility criteria.
32. He wished to emphasize some elements of the recommendations made in one of the most serious and urgent cases considered, namely Case No. 2254 (Bolivarian Republic of Venezuela). The Committee had expressed deep concern about the serious and different forms of stigmatization and intimidation against FEDECAMARAS and its affiliated organizations, and had urged the Government to take immediate steps to create a climate of trust based on respect for employers' and trade union organizations, with a view to promoting solid and stable professional relations. In addition, the Committee had decided to request its Chairperson to establish contact with the Government during the 106th Session of the Conference, in order to achieve greater cooperation in complying with its recommendations.
33. In conclusion, he expressed deep appreciation to the outgoing Chairperson of the Committee for his untiring efforts to improve its functioning and to seek solutions that reconciled a diversity of views and maintained a spirit of consensus.
34. *The Worker spokesperson for the Committee* said that he wished to start by explaining the importance of the Committee to the newly elected Governing Body. Since its creation in 1951, the Committee had been given the task of examining complaints alleging violence and violation of freedom of association, whether or not the country concerned had ratified

Conventions Nos 87 and 98. The work of the Committee and other supervisory mechanisms paved the way for resolving difficulties and ensuring that the fundamental human right to organize and form employers' and workers' organizations was respected all over the world.

35. Turning to the four serious and urgent cases which the Committee had drawn to the special attention of the Governing Body, he noted that, in Case No. 3203 (Bangladesh), the allegation concerned repeated acts of anti-union retaliation, arbitrary denial of union registration and union-busting activities, as well as a lack of law enforcement, the Government's public hostility towards trade unions and, finally, non-compliance of the new draft Bangladesh Export Processing Zones Labour Act, 2016, with the principles of freedom of association and collective bargaining. The complainant had also raised the issue of the 2012 murder of a trade unionist and the unresolved nature of the case. Both Case No. 2508 (Islamic Republic of Iran) and Case No. 2609 (Guatemala) had been examined by the Committee on many occasions. The Workers' group deeply deplored and condemned all kinds of anti-union activities, as well as the lack of law enforcement and, last but not least, the arrests, maltreatment and murders in Guatemala and the death of one person in the Islamic Republic of Iran. Governments were strongly urged to respect the principles of freedom of association and to follow the conclusions and recommendations of the Committee, so that workers could get the respect and dignity they deserved.
36. Issues such as dismissal, transfer and anti-union practices, harassment of both public and private sector workers and trade union leaders, and the failure of the labour inspectorate and the labour court to meet their obligations to provide appropriate protection to workers and their leaders were to be found in cases such as Cases Nos 2948 (Guatemala), 3018 (Pakistan), 3069 (Peru) and 3159 (Philippines). Other serious concerns to the Workers' group were restrictions on collective bargaining rights and the right to strike, as well as arrest, detention, death threats, attempted murder and killing of workers, trade union members and their leaders. All those concerns were to be found in Case No. 1865 (Republic of Korea).
37. The Committee had accordingly urged the Government of the Republic of Korea to respect the principles of freedom of association and ensure that it did not infringe the right of workers to engage in legitimate trade union activities. Furthermore, it had requested the Government of Guatemala to submit information about appeals against dismissal; urged the Government of Pakistan to ensure the execution of a ruling, secure the reinstatement of workers and institute an independent inquiry; asked the Government of Peru to keep it informed of the outcome of an appeal filed with the constitutional court; urged the Government of the Philippines to ensure that the status of the union and the collective agreement were valid; and expressed great concern when arrests and charges occurred (in the Islamic Republic of Iran) and deep and growing concerns over the seriousness of a case involving murders (in Guatemala).
38. The Workers' group welcomed the work done by the Office with a view to updating the *Digest* and were confident that an updated publication would be issued by the end of 2017, at the latest.
39. *The Worker spokesperson* said that the outgoing Chairperson of the Committee was well-known for his authoritative work and his great independence in the world of labour law. He was inspired by the quest for social justice in the Netherlands, in Europe and in the world at large. A member of the Royal Netherlands Academy of Arts and Sciences and of several advisory bodies, he also served on the boards of a number of national and international corporations and chaired the Social Justice Expertise Center. He had been appointed as Chairperson of the Committee in 2002 and had chaired its meetings in a way that testified to his capacity, as a labour law expert and experienced professor, to find bridges across sometimes very troubled waters. His achievements were remarkable and highly appreciated, not only by the Workers' group but also in trade unions throughout the world.

40. *A Government representative of Mexico* said that his Government had sent information about Case No. 3226 in a letter dated 11 May 2017 and requested that it be removed from the list of urgent cases and listed under the heading “Observations received from governments” in the final Report. In addition, he understood that the information pertaining to Case No. 2694 should be channelled through the Committee of Experts with a view to establishing legal certainty.
41. *A Government representative of Guatemala* said that, while the Report mentioned her Government’s commitment, it wrongly described the climate as one of total impunity and failed to recognize the substantial progress achieved in that regard. Specific actions taken included the establishment of a special commission against impunity and the earmarking of additional resources by the authorities and four new judgments since 4 March 2017.
42. In its Report, the Committee invited her Government to systematically take possible anti-union motives into account. However, the trade union aspect had not been excluded at any point in the investigations, in accordance with General Directive 1-2015 issued by the Public Prosecutor. Her country’s reports on its efforts and progress were not being taken into account, nor was the use of new, scientific research methods and technologies which, to date, had found no anti-union motive but, most recently, had found a motive of femicide. The Committee also urged her Government to establish special courts, without taking into account the fact that courts for high-risk crimes had existed in her country since 2009 and a number of important cases had been resolved there. Her country remained committed to the prevention of violence and the elimination of impunity for the entire population, including trade unionists.
43. *A Government representative of the Islamic Republic of Iran* said, with regard to Case No. 2508, that his Government had adopted and unveiled a charter of citizens’ rights at a high-level forum in December 2016, with a view to fully realizing and developing social and economic justice nationwide. Its policy was to promote and further empower Iranian workers’ and employers’ organizations so that they could play a free and active role in the economy. Moreover, amendments to the regulations pertaining to articles 131 and 136 of the Labour Law were on the current Government’s agenda. Tripartite discussions on that topic had been held and the outcome submitted to his Government for approval. His Government would continue to promote freedom of association and strengthen social dialogue. The Committee was invited to consider closing Cases Nos 2508 and 2566, in view of the actions taken and progress achieved in the settlement of the issues pertaining to those cases.
44. *A Government representative of Senegal* said, with reference to Case No. 3209, that his country was listed as not having sent a reply, whereas it had sent a letter on both 30 September 2016 and on 23 May 2017 and would therefore like to be removed from the Report.

Decision

45. *The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–148, and adopted the recommendations made in paragraphs: 176 (Case No. 3203: Bangladesh); 189 (Case No. 3189: Plurinational State of Bolivia); 209 (Case No. 3231: Cameroon); 226 (Case No. 3116: Chile); 250 (Case No. 3198: Chile); 274 (Case No. 3131: Colombia); 296 (Case No. 3162: Costa Rica); 314 (Case No. 3117: El Salvador); 354 (Case No. 2609: Guatemala); 379 (Case No. 2948: Guatemala); 392 (Case No. 2978: Guatemala); 427 (Case No. 2508: Islamic Republic of Iran); 449 (Case No. 3156: Mexico); 466 (Case No. 3018: Pakistan); 483 (Case No. 3146: Paraguay); 499 (Case No. 3069: Peru);*

518 (Case No. 3160: Peru); 543 (Case No. 3159: Philippines); 583 (Case No. 3129: Romania); 601 (Case No. 3175: Uruguay); 627 (Case No. 2254: Bolivarian Republic of Venezuela); and 638 (Case No. 3082: Bolivarian Republic of Venezuela), and adopted the 382nd Report of its Committee on Freedom of Association as a whole.

(GB.330/INS/4.)

46. *The Chairperson* said that he wished to pay tribute to the outgoing Chairperson of the Committee for his 15 years of service to the Committee and his years of leadership of his national delegation to the International Labour Conference and as Chairperson of the Committee on the Application of Standards. The ILO was fortunate to have obtained the services of such an eminent scholar, judge, arbitrator and mediator, whose experience, intelligence and wisdom had brought the Committee to balanced and fair decisions on countless cases.
47. *The Director-General* said that he wished to express his appreciation for the extraordinary contribution made by the outgoing Chairperson of the Committee to the ILO. During his 15 years of service in that role, he had chaired 45 meetings and accomplished a great deal of work with his colleagues. While the volume of his contribution was evident and impressive, his achievements could be measured in other terms. In particular, he had led the Committee through some important and at times difficult discussions during its re-examination of its ways of working, so providing an extraordinarily valuable input to the evolution of the Organization. In addition to his considerable skills, experience and qualifications he had brought his practical hands-on experience in the world of work to face those challenges. The ILO was indeed fortunate to have been able to call on the services of a person so thoroughly imbued with the spirit and the ways of work of this Organization, for so many decades.
48. *The outgoing Chairperson of the Committee* expressed his gratitude for the kind words directed to him. He had been committed to the ILO for 22 years, first in his national delegation and for the previous 15 years as Chairperson of the Committee on Freedom of Association. Nothing was truer than the cliché that freedom of association and collective bargaining were at the heart of the Organization. If freedom of association and collective bargaining were not protected by Conventions Nos 87 and 98 and by the principles that the Organization had set out in 1919, those in the room would not be there. Having a Committee on Freedom of Association was essential; although the Committee had been functioning for over 60 years, in 2017 it had before it 176 cases of alleged violations.
49. After 15 years, it was time to bring in a new Chairperson. While it had been an honour and a privilege to serve as Chairperson, during the previous three years it had been increasingly difficult to reach consensus. That difficulty represented a danger to the Committee, to the supervisory system and to the entire Organization. It was easy to be divided but far more challenging to be united and to act on a consensual basis. Indeed, no consensus had been reached on his successor. It was essential that all in the Organization remained united and that they cherished and kept its unique supervisory system, which was admired by all international organizations worldwide.
50. *The Chairperson* said that it remained to endorse the nomination of the Worker spokesperson for the Governing Body.
51. *Speaking on behalf of the Workers' group*, a Worker member from Canada said that she was honoured to announce the nomination of Ms Passchier from the Netherlands as the Worker spokesperson. Ms Passchier was a fierce and pragmatic advocate of workers' rights, gender issues and fairness, with extensive knowledge of international policy.

52. *The Worker spokesperson* said that it was a privilege to be given the opportunity to represent the workers of the world at the ILO, the only international institution where workers had a seat at the table with employers on an equal basis. It was crucial to preserve that unique tripartite position and its normative framework and build on it for the future of work, to provide more decent work and greater equality for millions of workers and their families worldwide. Women would have a particularly important role to play in that endeavour, and she was proud to be the second woman to lead the Workers' group at the ILO.

Fifth item on the agenda

Questions arising out of the 106th Session of the International Labour Conference requiring immediate attention

53. *The Employer Vice-Chairperson* said that the two-week format had again reinforced the Organization's credibility and efficiency. The discussions of the Committee on the Application of Standards had strengthened its value and Employers and Workers had achieved timely agreement on the list of cases. There was growing ownership of the way in which conclusions were drafted and greater clarity on areas of consensus. Constituents remained free to express their different views, with an eye on the guidance of the Committee of Experts on the Application of Conventions and Recommendations. Improvements in the running of that crucial Committee were intrinsically linked to the overall functioning of the ILO standards supervisory system. The Employers expected the output of the ILO Standards Initiative to be positive and were committed to the joint position agreed with the Workers to achieve its objectives.
54. The general discussion on labour migration could be highly relevant for the credibility of the ILO. The outcome should improve the Organization's support for sound and effective governance of migration that maximized the benefits while minimizing the risks. Part of the conclusions focused on future action for the ILO, in particular its contribution to the development of the United Nations global compact for safe, orderly and regular migration; on the utility of the 2016 *General principles and operational guidelines for fair recruitment*; and on skills development for migrant workers. The ILO would need to provide more active and effective support through the development of a specific programme addressing migrant workers; taking such a practical approach would prove its relevance and credibility in that field. The Committee for Fundamental Principles and Rights at Work had reached a satisfactory conclusion that complemented and built on the 2016 evaluation of the ILO Declaration on Social Justice for a Fair Globalization. It had steered the ILO's ongoing work in that regard to ensure that it was based on practical action. The future focus should be on plugging implementation gaps, taking a bottom-up approach. The discussions on the adoption of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), had been fruitful. Constituents had overcome their differences on controversial points to achieve a consensual and practical outcome on that important matter. The time was ripe to improve ILO action in countries with more urgent needs, using the approach agreed in the Recommendation.
55. In short, expectations had been met. The outcomes agreed upon by the Conference should be properly followed up; means of improving the functioning of the ILC in the relevant Governing Body structures would be discussed in due course. Based on the experience of 2017, it would be important to strengthen tripartite governance by increasing constituent involvement in the conclusions, as the Committee on the Application of Standards had done for the third consecutive year, thus better reflecting the general discussions and the consensus among constituents. Furthermore, the Governing Body might work on how to

help the Office produce reports that reflected expectations in areas of interest from all constituents. A more focused and balanced input could have helped to overcome challenges that had arisen in some discussions. In addition, time management could be further improved, with a view to avoiding night sittings. Lastly, progress made in the interaction on the World of Work Summit panels could be improved by better preparation with constituents.

56. *The Worker spokesperson* said she was looking forward to good cooperation with the Employers' group over the coming three years. With regard to the 2017 session of the Conference, she noted that the report of the Credentials Committee had been published only shortly before its adoption; in the future, the Workers would like to see it published earlier in the morning. The two-week format put considerable pressure on all involved in every aspect of the Conference. The pace was perhaps too intense for many, particularly where it was necessary to reach consensus among a large number of delegates while allowing all to speak their minds, and that could affect the quality of the work done. Nevertheless, all had worked hard and delivered high-quality results. The Workers' group wished to recall the importance of using ILO parliamentary language in the debates in the Conference and of having due respect for tripartism, which had been challenged on one occasion.
57. *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that he was satisfied with the outcomes of the three technical committees, which reflected the views and concerns of all constituents in a balanced manner. The conclusions of the committees for labour migration and for fundamental principles and rights at work provided a good framework for future activities and added to the ILO's contribution, particularly in relation to migration and fair recruitment. The adoption of Recommendation No. 205 deserved particular mention, as it constituted a unique normative framework that addressed the challenges faced by vulnerable groups in times of crisis. The constructive spirit in which the deliberations had been conducted was appreciated, as was the commitment and flexibility of the Chairperson, Vice-Chairpersons and Governments in finalizing the revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71). The Africa group wished to reiterate its concern with regard to the listing of countries appearing before the Committee on the Application of Standards, specifically the number of African countries, and the fact that the complaints did not take into account measures recently implemented by members of the group. He hoped that those concerns would be considered in the future.
58. *Speaking on behalf of IMEC*, a representative of Canada said that IMEC had consistently provided feedback on the functioning of the Conference over the years and much of its input had been actioned. In 2017, it had appreciated the improved committee-specific web pages; improved time management, particularly in the Committee on the Application of Standards; the increasing use of technology, the improved functionality of the mobile app and the online availability of committee documents; the electronic board in the Committee on the Application of Standards; the return of the pigeon-holes; and the adoption of all committee conclusions.
59. Further efficiencies or improvements could be realized. The format of the tentative plan of work could be reviewed to make it more readable. The regional groups should be encouraged to bring their nominations for chairpersons of the ILC committees to the March session of the Governing Body. Constituents should be encouraged to send delegates and advisers familiar with the Organization and its tripartite negotiation dynamics. Focused, concise and action-oriented outcomes were essential. The well-balanced draft texts received from the Office for the work in drafting groups were appreciated; however, many were received too late to allow for the proper management of national and collective positions. Similarly, the final list of cases in the Committee on the Application of Standards came too late to allow appropriate consultations with capitals. Moreover, after-hours support and safety during the Conference needed attention, particularly lighting, access to unlocked exits and provisions

for transport. Basic sustenance options were needed when late sittings were programmed or foreseeable.

- 60.** Significant seating challenges had been encountered, particularly in room XVII. Separate sections for Workers, Employers and Governments must be clearly delineated. The need of Governments for a greater number of seats and interpretation devices should be kept in mind during preparations for the 2018 session. Given the shorter format, it was vital to expedite committee business by starting on time and strictly enforcing time limits for contributions, particularly opening statements. A short training session for first-time members of drafting groups might help familiarize them with the drafting process. In addition, the last-minute process for Governing Body nominations caused significant challenges, since it left only one day to seek instructions; ideally, nominations would close some weeks before the Conference. The Office was requested to explore mechanisms to bring greater certainty to the electoral process. Although the electronic voting system was easy to use, it had been disconcerting to encounter a lack of a quorum for the first vote on the restoration of voting rights for a member State of the ILO. IMEC urged the Office and member States to undertake the necessary outreach and training to ensure that the requisite number of votes were cast, including by underscoring that social partners were required to vote. Further discussions on avoiding repetitions of that problem would be welcome. Furthermore, time management could be improved for future general discussions. Some sittings of the Committee for Labour Migration had commenced late and hence finished later in the evening than scheduled.
- 61.** IMEC was particularly pleased with the work of the Committee on the Application of Standards, which had again fully discharged its duties in 2017 and effectively implemented many of the recommendations of the informal tripartite consultations on its working methods. Strong time management and the adoption of conclusions in every single case deserved explicit mention. The use of an electronic board had set clear time limits, let participants know the number and names of speakers, and brought a sense of order.
- 62.** In addition, IMEC was very pleased with the adoption of Recommendation No. 205. Following the 2016 discussion, IMEC had requested a stronger presence and contribution of experts from relevant United Nations agencies to inform the Committee's discussions; it noted the extensive consultations that had taken place in preparing Report V(2B) and was pleased with the outcomes of the informal consultations. Those actions had set the stage for smooth negotiations and a successful conclusion. Other positive innovations included the consultations held in May and the fact that the Committee Drafting Committee had started work and circulated its work early, which had enabled members to express themselves coherently by using the same terms. However, the period for submitting amendments was brief and might be extended in the future. Furthermore, the Office might have proactively provided the text of the finalized Recommendation earlier, in order to enable proper consultations prior to voting; an advanced, unedited copy with caveats would have been adequate. On another note, IMEC commended the thought-provoking and timely debate on women at work that had been organized by the Office. The panel discussion had been well moderated. However, it had not included any governmental participation.
- 63.** Lastly, with regard to the final day of the plenary and Committee reports, IMEC urged that time limits on interventions be implemented, with flexibility in extenuating circumstances. The group would recommend shorter reports from Committee Officers and time limits on statements from constituents from the floor. The adoption of Committee reports and the closing procedures could be significantly curtailed to a maximum period of two hours.

Sixth item on the agenda

Arrangements for the Tenth European Regional Meeting (GB.330/INS/6)

64. *The Worker spokesperson*, recalling the statement made by the Workers' group at the 329th Session of the Governing Body in March 2017, said that the International Trade Union Confederation (ITUC) and the European Trade Union Confederation (ETUC) continued to be extremely concerned by the political situation in Turkey, the country which had offered to host the Tenth European Regional Meeting. Violation of trade union and labour rights was increasing, at least 125,000 public servants had been dismissed by emergency decree without access to recourse to justice, freedom of association had been stripped away, and dismissals, house raids and even armed attacks represented everyday risks for trade union leaders in Turkey.
65. In its 2017 Report, the Committee on the Application of Standards, when discussing the application of the Workers' Representatives Convention, 1971 (No. 135), in Turkey, had expressed concern over allegations in relation to the dismissal and arrest of Worker representatives following the proclamation of the state of emergency. The Workers' group, for its part, had noted that the total disregard for the rights of workers and the lack of protection afforded to their representatives were embedded in the overall assault on democratic institutions. Many trade union officials had had their telephones tapped, houses raided and computers confiscated, and trade union action in Turkey was increasingly harmed not only by dismissal and arrests of Worker representatives but also by violence from the police as well as from employers. Furthermore, Turkey had imprisoned more journalists than any other country in the world in 2016. Since the 329th Session of the Governing Body, the state of emergency had been prolonged once again.
66. In the light of that situation, the ETUC and the ITUC did not think that the conditions were met to organize the European Regional Meeting in Turkey in October and proposed that the Regional Meeting should be postponed. If no agreement was reached on that proposal, the European and international organizations would advise their members not to attend the Regional Meeting. On the other hand, should the country return to the rule of law, with democratic rights and freedoms, justice for workers who had been arbitrarily dismissed or arrested, and an end to the continuous and coordinated attacks on trade union workers' rights, then the Workers' group would be ready to review that decision.
67. *The Employer Vice-Chairperson* said that he wished to congratulate Ms Passchier on her endorsement as Worker spokesperson. With regard to the Regional Meeting, he recalled that the United Nations had felt that it would be safe for all to attend the meeting.
68. *Speaking on behalf of the EU and its Member States*, a Government representative of Bulgaria said that Iceland and Norway aligned themselves with her statement. In 2015, the Governing Body had endorsed the proposal of the Director-General to hold the Tenth European Regional Meeting in Istanbul in October 2017, and a Memorandum of Understanding had been concluded between the Office and Turkey for its organization. Regional meetings offered a unique opportunity to discuss relevant developments in the world of work and decent work challenges from a regional perspective. The participation of all constituents was important to achieve meaningful outcomes. She therefore invited the Office, the Workers and the Government of Turkey to continue their efforts in order to reach a common understanding that would be acceptable to all parties.

69. *A Government representative of Turkey* reiterated that his country was looking forward to hosting the Regional Meeting. However, recent developments in the process regarding the Meeting were a source of concern. First, the allegations that labour rights and political conditions in Turkey were not conducive to hold such a meeting were baseless. Trade unions, freedom of association and core labour rights were alive and well in his country. Second, the approach adopted by the ITUC and the ETUC did not match the spirit of social dialogue that was the main pillar of the ILO. The three largest trade unions in Turkey had repeatedly stated their willingness to hold the Meeting, and had sent a letter expressing their resolution to the Director-General. The same was equally valid for employers' organizations and two public employee unions. His country devoted great efforts to keeping open the channels of dialogue at both national and international levels, and he firmly believed that preventing the organization of the Meeting in Turkey would be equivalent to dispensing with those channels and losing an important opportunity to foster mutual collaboration.
70. His country had hosted many high-level international meetings in the previous 18 months, and no major security problems had arisen since the beginning of the year. In accordance with the Memorandum of Understanding, the host country only ensured the smooth conduct of the Meeting in terms of its organizational aspects; Turkey did not interfere in any way with the technical content of the Meeting. For those reasons, he would not consent to any decision to postpone the Meeting and expected that the previous decisions of the Governing Body would be maintained and respected.
71. *A Government representative of Azerbaijan* expressed his full support for maintaining the decision taken previously to hold the Tenth European Regional Meeting in Istanbul in October 2017. He was confident that the Turkish authorities, along with the social partners, would do their best to make the event successful.
72. *The Worker spokesperson*, responding to the view expressed by the Government representative of Turkey that it would be against tripartism if the Workers' group did not participate in the Regional Meeting, said that trade unions were champions of tripartism, a large part of which entailed their being able to express their positions freely before, during and after meetings. In the case of the Regional Meeting, however, that would only be possible for trade union representatives who did not come from Turkey. Discussions had taken place both with the trade unions and with the Minister of Labour and others in Turkey, and a promise had been made to establish a committee to investigate the dismissals, but nothing had yet been shown in terms of progress. So long as the only signals were of further deterioration, it would be difficult, if not impossible, for trade unions to really participate. She would like to see genuine progress made on the important issues, such as freedom of speech and the rule of law. If signals of such progress were given soon, the Workers' group could still reconsider its position. If they were not, the Meeting would have to be postponed and the matter discussed again by the Governing Body at its 331st Session.
73. *The Chairperson* expressed the hope that new developments and contexts in the period up to October 2017 would enable the European Regional Meeting to meet with its full tripartite composition.

Decision

74. *The Governing Body upheld its previous decision regarding the dates and the venue of the Tenth European Regional Meeting.*

(GB.330/INS/6, paragraph 4.)

Seventh item on the agenda

Report of the Director-General

Obituary

([GB.330/INS/7](#))

Mr I. P. Anand

75. *An Employer member from India* said that his group had learned with deep regret of the death of their respected and long-serving colleague, Mr I. P. Anand, at the age of 101 years. He had served the ILO from 1967 to 2006 in multiple roles. He had been a freedom fighter for his country before independence in 1947, an active businessman, a believer in free business and the role of employers' organizations, a loyal representative of Indian employers at the ILO and a defender of tripartism. An ambassador for business values, he had also been committed to social causes and remained active to the end. The Employers conveyed their deep condolences and offered their prayers to his family and paid tribute to him for his support of their cause for so many years.
76. *The Worker spokesperson* said that her group asked the Office to convey its condolences to his family and his organization.

Decision

77. *The Governing Body paid tribute to the memory of Mr I. P. Anand and invited the Director-General to convey its condolences to the family of Mr Anand, to the Employers' Federation of India and to the Council of Indian Employers.*

(GB.330/INS/7, paragraph 6.)

First Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Romania of the Protection of Wages Convention, 1949 (No. 95), made under article 24 of the ILO Constitution by the Federation of Free Trade Unions of the Chemical and Petrochemical Industries (FSLCP)

([GB.330/INS/7/1](#))

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

Decision

78. *In light of the Committee's conclusions, and following its recommendations, the Governing Body:*

- (a) *approved the report contained in document GB.330/INS/7/1;*
- (b) *invited the Government and the complainant to provide the Committee of Experts on the Application of Conventions and Recommendations with detailed information on the application of articles 11 and 12 of the Convention and on the functioning of the Wage Guarantee Fund, in the context of the supervision of the application of Convention No. 95 in 2017;*
- (c) *made the report publicly available and closed the procedure initiated by the representation made by the Federation of Free Trade Unions of the Chemical and Petrochemical Industries (FSLCP).*

(GB.330/INS/7/1, paragraph 34.)

Second Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Croatia of the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48), made under article 24 of the ILO Constitution by the Association of Trade Unions of Pensioners of Serbia (USPS)
([GB.330/INS/7/2](#))

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

Decision

- 79. *In light of the Committee's conclusions, and following its recommendations, set out in the report contained in document GB.330/INS/7/2, the Governing Body closed the procedure initiated by the representation.***

(GB.330/INS/7/2, paragraph 58.)

Eighth item on the agenda

Reports of the Officers of the Governing Body

First report: Arrangements for the 19th American Regional Meeting ([GB.330/INS/8/1](#))

Decision

80. *The Governing Body, on the recommendation of its Officers, approved the following arrangements for the 19th American Regional Meeting, to be held in Panama City, Panama:*

- (a) the dates of the Meeting would be from Tuesday, 2 to Friday, 5 October 2018;*
- (b) the official languages of the Meeting would be English and Spanish;*
- (c) as at previous American Regional Meetings, the Governments of Portugal and Spain would be invited to be represented as observers at the Meeting;*
- (d) the agenda of the Meeting would be to discuss, on the basis of the Director-General's Report and the Lima Declaration, the progress made by countries over the last four years with the Decent Work Agenda and the principal challenges faced by the region in achieving a more sustained, inclusive and sustainable pattern of growth with more and better jobs in the future in the light of the 2030 Agenda for Sustainable Development. Particular attention would be given to: an integrated mix of policies conducive to the implementation of the Decent Work Agenda and more specifically to promote productive and inclusive development and full and productive employment and decent work; promote formalization and expand financially sustainable social protection; ensure that labour rights are upheld, an enabling environment for sustainable enterprises is secured and the role of social dialogue in achieving these goals is guaranteed. It was hoped that the Meeting would form the basis for a platform for action to advance towards a better future of work that ILO constituents want in the Americas.*

(GB.330/INS/8/1, paragraph 6.)

Ninth item on the agenda

Programme, composition and agenda of standing bodies and meetings ([GB.330/INS/9](#))

Decisions

Part I. Composition and agenda of standing bodies and meetings

Committee of Experts on the Application of Conventions and Recommendations

New appointment

- 81. *On the recommendation of its Officers, the Governing Body appointed Professor Mónica Pinto (Argentina) as a member of the Committee for a period of three years.***

(GB.330/INS/9, paragraph 1.)

Workers' Symposium: The future of work we want: Workers' perspective (Geneva, 17–19 October 2017)

Composition

- 82. *On the recommendation of its Officers, the Governing Body approved the following composition formula: 30 or more trade union representatives, nominated after consultation with the Workers' group of the Governing Body and coming from both industrialized and developing countries in Africa, the Americas, Asia and the Pacific, Europe and the Arab States. The Bureau for Workers' Activities (ACTRAV) will sponsor representatives from developing and transition countries, while trade unions from developed countries will participate at their own expense. Efforts will be made to ensure that at least 30 per cent of the participants selected are women, in compliance with the Workers' group's policy on gender equality.***

(GB.330/INS/9, paragraph 6.)

Agenda

- 83. *On the recommendation of its Officers, the Governing Body approved the following agenda for the Symposium:***
- *Globalization, new scenarios and changes in the world of work.*
 - *Decent work and human dignity for all as basis of sustainable societies: Challenges and opportunities.*

- *New types of work and enterprises: Challenges and opportunities for governments and social partners.*
- *The role of the ILO and tripartite constituents in new global scenarios.*
- *The SDGs and the Decent Work Agenda: A way to promote a future of work based on social justice.*

(GB.330/INS/9, paragraph 8.)

Invitation of international non-governmental organizations

84. On the recommendation of its Officers, the Governing Body authorized the Director-General to invite, in addition to the International Trade Union Confederation (ITUC), the Organization of African Trade Union Unity (OATUU) and the World Federation of Trade Unions (WFTU), which have general consultative status with the ILO, the following international non-governmental organizations to be represented at the Symposium as observers:

- *Building and Wood Workers' International (BWI);*
- *Education International (EI);*
- *European Trade Union Confederation (ETUC);*
- *General Confederation of Trade Unions (GCTU);*
- *IndustriALL Global Union;*
- *International Arts and Entertainment Alliance (IAEA);*
- *International Confederation of Arab Trade Unions (ICATU);*
- *International Federation of Actors (FIA);*
- *International Federation of Journalists (IFJ);*
- *International Federation of Musicians (FIM);*
- *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 Advisory Committee to the OECD (TUAC);*
- *Trade Union Confederation of Arab Maghreb Workers (USTMA);*
- *UNI Global Union.*

(GB.330/INS/9, paragraph 10.)

**Meeting of Experts to Adopt a Code of Practice on
Safety and Health in Shipbuilding and Ship Repair
(Geneva, 22–26 January 2018)**

Invitation of international non-governmental organizations

85. *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:*

- *IndustriALL Global Union;*
- *IndustriALL Europe;*
- *European Shipyards and Maritime Equipment Association (SEA Europe);*
- *International Association of Labour Inspection (IALI);*
- *International Occupational Hygiene Association (IOHA).*

(GB.330/INS/9, paragraph 13.)

**Tripartite Meeting of Experts in Labour Statistics on the
Revision of International Classification of Status in
Employment (ICSE-93) (Geneva, 5–9 February 2018)**

Composition

86. *On the recommendation of its Officers, the Governing Body approved the following composition formula: 12 Government experts, nominated after consultations with Governments, six Employer experts nominated after consultation with the Employers' group and six Worker experts nominated after consultation with the Workers' group of the Governing Body. The experts nominated should be well acquainted with the items of the agenda.*

87. *The Governing Body took note that, in order to obtain the government nominations, the Director-General intended to approach the Governments of: Chile, China, France, Germany, Indonesia, Jordan, Republic of Korea, Mexico, South Africa, Switzerland, Uganda and United States. A reserve list would also be established which would include the Governments of the following countries: Argentina, Finland, Japan, Singapore, Tunisia and United Kingdom.*

(GB.330/INS/9, paragraph 18.)

Agenda

88. *On the recommendation of its Officers, the Officers of the Governing Body approved the following agenda for the Meeting:*

- *Revision of the International Classification of Status in Employment (ICSE-93).*

(GB.330/INS/9, paragraph 20.)

**Twentieth International Conference of Labour
Statisticians** (Geneva, 10–19 October 2018)

Composition

89. *On the recommendation of its Officers, the Governing Body approved the following formula: the governments of all member States will be invited to nominate participants who will attend at the expense of their respective governments. It is expected that a great majority, if not all, will be statisticians. In addition, the Director-General will invite six experts nominated by the Employers' group of the Governing Body and six nominated by the Workers' group. The experts nominated should have adequate knowledge to enable them to participate actively in the Conference.*

(GB.330/INS/9, paragraph 24.)

Agenda

90. *On the recommendation of its Officers, the Governing Body approved the following agenda:*

- *General report on past and planned statistical activities of the ILO since the last International Conference of Labour Statisticians (ICLS) in October 2013.*
- *Revision of the International Classification of Status in Employment (ICSE-93), which will be presented as a draft resolution for examination and adoption by the Conference.*
- *Examination of concepts, statistical definitions and measurement methods of issues relevant for decent work, including the indicators identified under the ILO's custodianship in the Global Indicator Framework set up for monitoring the 2030 Agenda for Sustainable Development.*

(GB.330/INS/9, paragraph 26.)

**Part II. Programme of meetings for the remainder
of 2017 and advance information for
2018 and 2019**

91. *The Governing Body took note of the programme of meetings contained in Part II of document GB.330/INS/9, as approved by the Officers of the Governing Body, subject to decisions yet to be adopted, as described in the footnotes of that document.*

(GB.330/INS/9, paragraph 27.)

Other business

International Civil Service Commission

92. *The Director-General* said that, at its session in March 2017, the International Civil Service Commission (ICSC) had issued a decision, based on a cost-of-living survey, which would result in the post adjustment for international staff in Geneva being reduced by approximately 14 per cent and, consequently, their pay being reduced by some 7.5 per cent. Obviously, that was a matter of significance to the Organization and those who worked in it. The Office, having examined the ICSC decision and the methodology used in reaching it, had some significant concerns about the methodology and the manner in which it was applied. Other United Nations organizations in Geneva had reached similar conclusions and had similar concerns. The heads of agencies in Geneva had discussed the matter and made a collective request to the ICSC for a meeting to express their concerns; that meeting had taken place on 24 April 2017, with the Vice-Chairperson of the ICSC. One outcome of that meeting had been an agreement that the matter would be on the agenda of the ICSC at its next full meeting in Vienna, from 10 to 21 July 2017. He intended to attend that meeting, if appropriate arrangements could be made.
93. In the interim, a group of experts in the field of statistics from Geneva had been given access to ICSC data, in order to assess the methodology used and its application, and had visited the offices of the ICSC on 29 May 2017. Their assessment had confirmed serious concerns about the manner in which the survey, on which the ICSC decision was based, had been carried out. If those issues were not properly addressed and rectified, similar results could be obtained from future reviews undertaken at other duty stations, and the current worries with respect to Geneva could be replicated elsewhere. In the light of that situation and the ongoing process of interaction with the ICSC, most notably its meeting in July, he would propose that the issue be placed on the agenda of the 331st Session of the Governing Body in November 2017, when the full implications for the Organization of the decision as it currently stood and any matters that might result from the July meeting could be further discussed.

Brazil

94. *The Worker spokesperson* said she wished to make a short statement on the situation in Brazil. The Brazilian Senate was debating a bill that would dismantle the foundations of the rights to freedom of association and collective bargaining in that country. That attack against fundamental labour rights came at a time when the Government was facing a severe political crisis and serious questions concerning its legitimacy. The proposed changes would expose millions of workers to exploitation and abuse. The reform would make it possible to derogate from labour law protection by collective agreements, allowing employers to put undue pressure on trade unions to reduce their rights guaranteed by the law. In clear violation of Conventions Nos 87 and 98, it would allow the direct negotiation of terms and conditions between individual workers and employers, without the requirement of a union. The bill also proposed to extend working hours to 60 hours per week.
95. In the case of rural workers, a bill under discussion would enable rural workers to receive only housing and food as payment for their work. The voices of those who would be affected by the bill's catastrophic consequences were being silenced, no consultations with trade unions had taken place, and the Government had deployed the armed forces to crack down on trade unions making peaceful protests. Such behaviour did not belong to the modern democracy that Brazilians had fought hard to build. The Workers' group was extremely disappointed that the Committee on the Application of Standards had not examined the case

of Brazil in 2017. Although it agreed on the cases that would and would not be discussed, the group would not sit and watch the destruction of fundamental rights and democratic institutions in Brazil. It would use every possible avenue, including in the ILO, to stop the reversal of social progress made over the previous 20 years.

96. *A Government spokesperson from Brazil* said that he wished to express his regret and dissatisfaction that the Governing Body was being used as a quasi-supervisory mechanism, in breach of the Constitution, and that the case of Brazil had been raised at other moments during the International Labour Conference, rather than following the normal procedure of placing a country in a list of cases for discussion, as appropriate, as agreed by consensus. Despite that consensus, the issue had been repeatedly raised in a number of forums. The modernization of Brazilian labour laws, most of which dated back to 1943, aimed to strengthen collective bargaining, make rules clear and objective, increase legal certainty and generate employment. The Federal Constitution enshrined numerous labour rights and set limits for collective bargaining, particularly with regard to health and safety standards at work and the principle of the non-waiver of rights; the bill did not undermine any constitutional rights and included guarantees against bogus outsourcing practices. Once approved by Parliament, the bill would go through the process of sanction or veto by the President. Even after any legislative changes were promulgated, the judicial review bodies could adjust any irregularity and interpret the legislation in light of the Constitution. The Constitution had been closely respected during recent events, and all actions of the Government had been under scrutiny by the courts, and by the Supreme Federal Court in particular.
97. *The Worker spokesperson* said that she thought it was inappropriate to go further into the details of the matter at hand, but she wished to clarify that her group fully agreed with the process whereby the list of cases for discussion was established. The Workers were fully in line with the tripartite rules of the ILO. They had raised specific matters in the world of work which they considered to be of serious concern on previous occasions and would continue to do so in the future.

Appendix

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

330^e session – Genève – juin 2017
330th Session – Geneva – June 2017
330.^a reunión – Ginebra – junio de 2017

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Membres gouvernementaux titulaires
Miembros gubernamentales titulares
Titular Government members

Vice-président gouvernemental: Government Vice-Chairperson: Vicepresidente gubernamental:	Sr. L. E. CHÁVEZ BASAGOITIA (Perú)
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Allemagne Germany
Alemania

Mr U. SEIDENBERGER, Ambassador,
Permanent Mission, Geneva.

substitute(s):

Ms K. NEU-BRANDENBURG, Chief,
ILO/United Nations Division, Federal
Ministry of Labour and Social Affairs.
Ms M. SCHIESSL, Adviser, ILO/United
Nations Division, Federal Ministry of
Labour and Social Affairs.

Bahreïn Bahrain Bahrein

Mr Y. BUCHEERI, Ambassador, Permanent
Representative, Permanent Mission,
Geneva.

substitute(s):

Mr H. ALSHAMI, Acting Director,
Employment, Ministry of Labour and Social
Development.
Mr A. SALMAN, Chief, International
Relations, Ministry of Labour and Social
Development.

Argentine Argentina

Sr. E. SABOR, Secretario de Trabajo,
Ministerio de Trabajo, Empleo y Seguridad
Social.

suplente(s):

Sra. D. GUTIÉRREZ ÁLVARO, Secretaria de
Embajada, Misión Permanente, Ginebra.

acompañado(s) de:

Sr. J. MERCADO, Ministro, Misión
Permanente, Ginebra.
Sr. I. BELTRÁN, Misión Permanente, Ginebra.

Barbade Barbados

Ms E. BYER SUCKOO, Minister of Labour.

substitute(s):

Mr B. GIBBS, Ambassador, Permanent
Representative, Permanent Mission,
Geneva.

accompanied by:

Ms Y. HOWARD, Permanent Secretary,
Ministry of Labour, Social Security and
Human Resource Development.
Mr H. ALLMAN, Deputy Permanent
Representative.

Azerbaïdjan Azerbaijan
Azerbaïyán

Mr M. KARIMLI, Deputy Minister of Labour
and Social Protection of Population.

substitute(s):

Mr E. HASANOV, Counsellor, Permanent
Mission, Geneva.

Brésil Brazil Brasil

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

substitute(s):

Mr P. DALCERO, Minister Counsellor,
Permanent Mission, Geneva.

Ms D. ROCHA MATTOS, Chief of the
International Organizations Division,
Ministry of Labour.

accompanied by:

Mr E. CLABUCHAR MARTINGO, Second
Secretary, Permanent Mission, Geneva.
Mr P. SANGES GHETTI, Second Secretary,
Permanent Mission, Geneva.

Canada Canadá

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**Cambodge Cambodia
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Sr. A. JATER, Ministro Plenipotenciario, Misión Permanente, Ginebra.
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Mr T. LUMISTE, Second Secretary, Permanent Mission, Geneva.

Gabon Gabón

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Hongrie Hungary Hungría

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Ms P. KANDIE, Cabinet Secretary, Ministry of East African Community, Labour and Social Protection.

Mr S. NYAMBARI, Labour Commissioner, Ministry of East African Community, Labour and Social Protection.

Ms E. ONUKO, Minister Counsellor (Labour), Permanent Mission, Geneva.

Ms H. APIYO, Deputy Labour Commissioner, Ministry of East African Community, Labour and Social Protection.

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Malte Malta

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Mr C. MARSH, Technical Attaché, Permanent Mission, Geneva.

Norvège Norway Noruega

Ms C. VIDNES, Counsellor, Labour Affairs, Permanent Mission, Geneva.

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**Pays-Bas Netherlands
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**République dominicaine
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Sr. R. TAVERAS ARBAJE, Consejero, Misión Permanente, Ginebra.

Serbie Serbia

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

Mr D. JOVANOVIC, Second Secretary, Permanent Mission, Geneva.

**Singapour Singapore
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Mr V. MUTHUPALANIAPPAN, Deputy Director, Legal Services Division, Ministry of Manpower.

Ms L. TAI, Senior Assistant Director, Workplace Policy and Strategy Division, Ministry of Manpower.

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Mr T. JANSON, Deputy Director, Ministry of Employment.

**Venezuela (Rép. bolivarienne du)
Venezuela (Bolivarian Rep. of)
Venezuela (Rep. Bolivariana de)**

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Sr. C. FLORES, Consejero Laboral, Misión Permanente, Ginebra.

Zimbabwe

Mr P. MUDYAWABIKWA, Minister Counsellor, Permanent Mission, Geneva.
Ms M. HANGA, Chief Labour Officer, Ministry of Public Service, Labour and Social Welfare.
Ms M. MUKONDOMI, Director of Finance, Ministry of Public Service, Labour and Social Welfare.
Mr N. MASOKA, Permanent Secretary, Ministry of Public Service, Labour and Social Welfare.
Mr P. MAFURATIDZE, Deputy Director, Labour Relations, Ministry of Public Service, Labour and Social Welfare.

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

EPLO Office in Geneva

Mr G. PAPADATOS, Head of Delegation and Permanent Observer to the ILO in Geneva.

Union européenne

European Union

Unión Europea

Mr P. SØRENSEN, Ambassador, Head of the Permanent Delegation of the European Union to the United Nations in Geneva.

Mr C. HALLERGARD, Ambassador, Deputy Head of the Permanent Delegation of the European Union to the United Nations in Geneva.

Ms N. TOLSTOI, Counsellor, Permanent Delegation of the European Union to the United Nations in Geneva.

Ms E. PICHOT, Team Leader for ILO Relations, Directorate General for Employment, Social Affairs and Inclusion, European Commission.

Ms M. GRELOT, Permanent Delegation of the European Union to the United Nations in Geneva.

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

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

Ms L. KROMJONG, Secretary-General.
Mr R. SUÁREZ SANTOS, Deputy Secretary-General.

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

Ms R. GONZÁLEZ, Director, ITUC Geneva Office.
Ms E. BUSSER, Assistant Director, ITUC Geneva Office.