

Governing Body

337th Session, Geneva, 24 October–7 November 2019

GB.337/INS/PV

Institutional Section

INS

MINUTES

Institutional Section

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Opening remarks

1. *The Director-General* made an introductory statement to the Governing Body. The statement is reproduced in its entirety in [Appendix I](#).
2. *The Employer Vice-Chairperson*, emphasizing the importance of the current session of the Governing Body in the ILO's Centenary year, said that the items to be discussed were decisive in terms of maintaining the relevance of the Organization and strengthening its leadership. The adoption of the ILO Centenary Declaration for the Future of Work signalled that it was time to move from words to action, and resources must be allocated to the ILO's new areas of focus. He recalled the tripartite nature of the Centenary Declaration, which should be adhered to in letter and spirit, and which should not be considered on the same footing as preparatory documents such as the report of the Global Commission on the Future of Work, which did not have the same level of tripartite support. Recalling that the Centenary Declaration had been endorsed by the United Nations (UN) General Assembly, he said that it was important to protect the tripartite governance structure of the ILO as the UN reform process progressed and to consider how the role of the social partners would be respected. In that regard, he thanked the governments who had shown support for the International Trade Union Confederation (ITUC) and the International Organisation of Employers (IOE) in their endeavours to be granted observer status in the UN General Assembly. An item on the follow-up to the UN reform process should be included on the agenda of the 338th Session (March 2020) of the Governing Body to ensure the ILO's adequate participation in that process.
3. In order to implement the Centenary Declaration successfully, the ILO must act as a policy leader, and should not focus solely on standard setting and compliance. It should address, more broadly, issues that were relevant to all its constituents. The Office should take into account the Employers' concerns by recognizing that the development of the business environment was critical to decent work. Social dialogue and tripartism were the key to sustainability. The whole of the Governing Body, with no single constituent group or region assuming more importance than the others, must provide clear direction to the Office, which the Office must then take. The Director-General should also ensure that no one in the Office was still playing the role of fourth constituent.
4. The Centenary Declaration was the first instrument of its kind to recognize the importance of the role of sustainable enterprises as generators of employment and promoters of innovation and decent work. Its emphasis on productivity was also notable. Consequently, the Office should integrate the role of sustainable enterprises into all its policy guidance and activities. In view of the challenges posed by existing internal productivity gaps and low expenditure on innovation, the ILO should promote policies on productive development and diversification. The Centenary Declaration was also extraordinary in that it highlighted the need for an enabling environment for entrepreneurship and sustainable enterprises, and he emphasized the importance and urgency of work in that regard.
5. *An Employer member from Germany*, reflecting on her participation in the work of the Committee of the Whole at the 108th Session of the International Labour Conference as its Employer Vice-Chairperson, said that the Centenary Declaration, which was the outcome of intense tripartite negotiations, would ensure the Organization's relevance for decades to come. The Declaration prioritized the creation of an enabling environment for enterprises, which must become a guiding principle in addressing informality and creating decent work. It also focused on skills, and the Office should develop a global skills profile and strategy, harnessing the synergies between its work and, for example, the work of the International Training Centre of the ILO (Turin Centre), increasing the ILO's recognition as a leader in

that area. The Declaration allowed the ILO to address the regulations and frameworks necessary for diverse forms of employment to lead to decent work, without imposing value judgements. In addition, it reflected the consensus that all workers must enjoy protection in accordance with the Decent Work Agenda, taking into account four areas of work to which the Employers were committed, namely: respect for fundamental rights, an adequate minimum wage, statutory or negotiated; maximum limits on working time; and safety and health at work. The resolution on the Declaration constituted a road map and highlighted the need for the appropriate allocation of resources under the Programme and Budget for 2020–21.

6. *The Worker Vice-Chairperson* recalled that the Centenary Declaration called upon all constituents of the ILO to reaffirm their unwavering commitment and to reinvigorate their efforts to achieve social justice and universal and lasting peace to which they agreed in 1919 and 1944. That was a powerful message, renewing a commitment that was relevant in the current world of work and highlighting that action had to be taken to put people and the planet above profit. The Centenary Declaration provided a road map for upholding the ILO's values and the rights of workers. The programme and budget, while important, should not be the only point of reference for the ILO's work; the Organization's efforts over the last 100 years must also inform future action.
7. She welcomed the reference in the Centenary Declaration to committing to a world of work free from violence and harassment and the significant efforts being made globally to promote the ratification and implementation of the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019. Nevertheless, much remained to be done. The Declaration delivered on some important points; for example, it confirmed that the ILO's tripartite and normative mandate was still fully relevant, and addressed concerns about the erosion of the employment relationship and the need to protect all workers, in all forms of work, so as to ensure the inclusivity of ILO standards.
8. Furthermore, the Centenary Declaration promoted workers' rights as a key strategy for inclusive and sustainable economic growth, thus granting the ILO an authoritative basis for strengthening social dialogue and collective representation. She looked forward to action being taken to accord occupational safety and health the status of a fundamental right. The Declaration recognized the role of public services and the public sector, an area that possibly received insufficient provision under the Programme and Budget for 2020–21. Urgent action was required to address the need for a human-centred approach to technological change as recognized in the Declaration. Her group would have welcomed more forward-looking and precise language on the need for effective national and cross-border regulation in the area of sustainable enterprises. Employers must be encouraged to embrace that concept, drawing on previous discussions and the activities currently being carried out on decent work in global supply chains.
9. She welcomed the acknowledgement by the United Nations of the ILO's central position within the global multilateral system. That position must be reflected at all levels, including in the programme and budget. Lastly, she emphasized the value of the work of the Global Commission on the Future of Work, a source to which the ILO should return for ideas and guidance in the future. When put into action, the Centenary Declaration, combined with the outcomes of other work by the Office and outside, would help realize the shared vision for a brighter future for people and the planet.

First item on the agenda

Approval of the minutes of the 336th Session of the Governing Body ([GB.337/INS/1](#))

Decision

10. *The Governing Body approved the minutes of its 336th Session.*

(GB.337/INS/1, paragraph 2)

Second item on the agenda

Agenda of future sessions of the International Labour Conference ([GB.337/INS/2](#) and [GB.337/INS/2\(Add.1\)](#))

- 11.** *The Worker spokesperson* said that her group welcomed the reaffirmation in the ILO Centenary Declaration for the Future of Work of the importance of setting international labour standards. Greater efforts were required in that regard, however, including efforts to implement the recommendations of the Standards Review Mechanism Tripartite Working Group (SRM TWG) concerning standard-setting items for the agenda of future sessions of the International Labour Conference. Her group commended the recommendation made by the SRM TWG at its fifth meeting, and approved by the Governing Body at its current session, that the Office should submit to the Governing Body for consideration at its 338th Session (March 2020) proposals for possible standard-setting items on the topics of biological hazards, ergonomics and manual handling, chemical hazards and guarding of machinery. The Governing Body must be in a position at its 338th Session to follow up on those recommendations.
- 12.** It was regrettable that the Conference's recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008, and the General Surveys prepared by the Committee of Experts on the Application of Conventions and Recommendations and submitted to the Conference had been less than successful in identifying the regulatory gaps to be placed on the agenda of the Conference.
- 13.** Turning to the agenda for 2020, her group supported a general discussion on the social and solidarity economy for a human-centred future of work, building on the Centenary Declaration's confirmation of the supporting role of that economy in generating decent work, productive employment and improved living standards for all. Such a discussion would provide guidance for constituents on creating an enabling environment for such an economy, allow for the examination of that economy's contribution to formalizing the informal economy and encourage greater coherence in relevant legislation and programmes. It would also provide an opportunity to take stock of the implementation of the Promotion of Cooperatives Recommendation, 2002 (No. 193), exchange good practices and reach a universal definition of the term "social and solidarity economy". A discussion on the social and solidarity economy would appropriately mark the centenary of the ILO Cooperatives Unit in 2020 and send a strong message on the continued relevance of that area of work. Given the ILO's leading role in multilateral platforms that promote cooperatives and the social and solidarity economy, the discussion of those matters by the Conference would be

instrumental in promoting greater coherence across the multilateral system on the role of the social and solidarity economy in creating decent work.

- 14.** Noting that the Programme and Budget for 2020–21 identified skills and lifelong learning as a priority and that standard-setting discussions on apprenticeships and other forms of work-based learning would take place in 2021 and 2022, she said that the Office should focus on preparing for good standard-setting discussions and on implementing the priorities identified in the programme and budget. The Governing Body could reassess later whether further guidance was necessary.
- 15.** The matter of a just transition of the world of work towards environmentally sustainable economies and societies for all had been the subject of a general discussion in 2013, leading to the adoption of guidelines on that subject; her group saw no value in holding another general discussion in that regard. It was still, however, strongly in favour of a Convention on the subject, supplemented by a Recommendation, to guide constituents in implementing sustainable development policies. An ILO instrument would be timely given the strong commitment to the issue within the international community.
- 16.** Her group looked forward to the results of the Office’s research on the resolution of labour disputes, which would be of particular relevance to the SRM TWG and should feed into the review of dispute resolution instruments. The important issue of dispute prevention and resolution required further attention; it was not comprehensively addressed by international labour standards. Her group therefore supported the proposed meeting of experts, which would deepen understanding of existing challenges and the necessary next steps. That meeting could also inform the SRM TWG’s review. Her group welcomed the planned Global Dialogue Forum on Decent Work in the World of Sport and its possible follow-up at the Conference. Regarding the fight against corruption, she welcomed the quality of the working paper on national law and practice on protecting whistle-blowers in the public and financial services sectors and supported the proposed meeting of experts on the subject in the context of the programme of global sectoral meetings for 2020–21, using the resources kept in reserve for one additional meeting per biennium.
- 17.** Recalling the outcomes of the recurrent discussion on social dialogue in 2018 calling for continued research on the access to freedom of association and the right to collective bargaining of digital platform and gig economy workers, and the relevant provisions of the Centenary Declaration, she said that her group fully agreed with the proposal to hold in 2021 a tripartite meeting of experts on ensuring decent work in the platform economy, which would help shaping the necessary policy approach and guide the inclusion of the topic on the agenda of the Conference in the future.
- 18.** In recent discussions, her group had highlighted the importance of the care economy and its relationship to improving work–life balance and decent work for those with family responsibilities. She called on the Office to prepare proposals for consideration by the Governing Body at its next session on the possible inclusion of the care economy as the subject of a general discussion at a future session of the Conference.
- 19.** Referring to the revised draft decision contained in paragraph 9 of document GB.337/INS/2(Add.1), she said that her group supported subparagraphs (a)(i), (b)(i) and (c). It did not support the proposal in subparagraph (b)(iii) to limit the item on a just transition of the world of work towards environmentally sustainable economies and societies for all to a general discussion. She noted that the earliest that the subject could be placed on the agenda as a standard-setting item was 2022.

20. *The Employer spokesperson* said that, in order to translate words into action, the ILO must start by aligning its agenda-setting work with the priorities set out in the Centenary Declaration and must orient its focus accordingly. Therefore, his group strongly supported the proposal to include a general discussion on skills and lifelong learning as the final agenda item for 2020. Skills and lifelong learning in a changing world of work had been highlighted as a priority in the Centenary Declaration and provided a way to ensure that nobody was left behind, and it was critical for the ILO to become a global leader in that area. The proposed agenda item would complement and reinforce the standard-setting discussion on apprenticeships and the recurrent discussion on employment in 2021.
21. Regarding the items that were already on the agenda for the 109th Session (2020), he said that the recurrent discussion on social protection required a broader approach that considered not only sustainability but also the new reality of work. Noting that the general discussion needed to go beyond the context of the labour market and examine the root causes of inequalities, he recalled his group's proposal at the 335th Session of the Governing Body to change the title and scope of the item to "Inequalities and opportunities for the new world of work", and emphasized that a broader framework would deal with a fuller and more realistic solution-oriented landscape of the current reality in the world of work.
22. Regarding the agenda for 2021, he reiterated that, when considering impact and change, his group did not accept that standards were the only solution. His group would prefer a general discussion on "The role of sustainable enterprises as a principal source of full and productive employment and decent work". A discussion of that item would encompass the more narrowly focused item "Decent work and the social and solidarity economy for a human-centred future of work", which did not accurately reflect the priorities that had been highlighted in the Centenary Declaration. He proposed that the title of the agenda item should be amended accordingly. He emphasized the importance of focusing on the bigger picture and said that the Governing Body must accept when repeated strategies had not worked.
23. Furthermore, his group had always expressed reservations about having a standard-setting discussion on a just transition of the world of work and saw no value in having a repeated general discussion as the Office had already established guidelines for a just transition towards environmentally sustainable economies and societies for all in 2015. It was more important to focus on the priorities agreed in the Declaration. The ILO focused too much on creating new standards but failed to consider their practical impact, not least in terms of fostering formal employment. The focus must shift towards consolidating, concentrating on and rationalizing fewer high-impact instruments. Moreover, the level of detail in standards, which was often an obstacle to ratification, implementation and reporting, should be reduced. Detailed guidance should only be provided in accompanying non-normative instruments, which could also be more easily updated.
24. With regard to the five subjects proposed for inclusion on the agenda of future sessions, the Employers were of the view that none were ready to be considered for inclusion and required more research, review and discussion. They proposed the following as possible subjects for future sessions, which were all topics highlighted in the Centenary Declaration: harnessing the fullest potential of technological progress; ensuring that education and training systems were responsive to the labour market needs of today and tomorrow, with an emphasis on employability; expanding choices and optimizing opportunities for all workers; and supporting the role of the public sector as a significant employer and provider of quality public services.
25. Referring to the draft decision, he clarified that his group proposed amending subparagraph (a) to read "(a) place on the agenda of the 109th Session of the Conference (2020) an item related to skills and lifelong learning (general discussion)". In addition, the

group proposed amending the title of subparagraph (b)(ii) to “the role of sustainable enterprises as a principal source of full and productive employment and decent work”, and removing subparagraph (b)(iii).

26. *Speaking on behalf of the Africa group*, a Government representative of Côte d’Ivoire, said that the strategic and coherent approach, which his group supported, could be further enhanced by taking into account the conclusions of exchanges held in other tripartite forums. The four subjects currently under preparation, as described in the second part of Appendix I, were of great interest to his region in view of its decent work deficit. He encouraged the holding of tripartite meetings of experts and the Global Dialogue Forum in order to garner preliminary reflections on those subjects prior to their scheduling by the Governing Body. Decent work in the digital platform economy was another necessary topic for discussion given the rapidly changing nature of that sector.
27. Taking into consideration the Centenary Declaration, which emphasized a human-centred future of work, as well as the recurrent discussions and standard-setting activities that were already planned, the Africa group supported the inclusion of a general discussion on skills and lifelong learning on the agenda of the 109th Session of the Conference. Similarly, his group supported the placement of a general discussion on decent work and the social and solidarity economy on the agenda of the 110th Session.
28. On the basis of the recommendations of the SRM TWG, the Africa group supported the placement of the withdrawal of the Fee-Charging Employment Agencies Convention, 1933 (No. 34), on the agenda of the 110th Session of the Conference, and the abrogation of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), on the agenda of the 119th Session.
29. He supported subparagraphs (c) and (d) of the draft decision and proposed that subparagraphs (a) and (b) should be amended in line with his group’s views.
30. *Speaking on behalf of GRULAC*, a Government representative of Uruguay said that all groups should be given the opportunity to exchange views prior to the selection of items for the Conference agenda. Equally, the Conference agenda should incorporate aspects of other active discussions, such as those ongoing in the SRM TWG, which would ensure informed decision-making. As the work of the SRM TWG would be useful for selecting a standard-setting item for the agenda of the 111th Session of the Conference (2022), she asked the Office to keep governments up to date on its activities. GRULAC would appreciate receiving detailed information on the possible options, as well as on the type of instrument envisaged and the outcome expected at the Conference.
31. GRULAC supported holding a general discussion on skills and lifelong learning, which particularly affected developing countries, at the 109th Session, and a general discussion on the social and solidarity economy at the 110th Session. Emphasizing the importance of independence and protection in public service, she requested more information on the meeting of experts on that topic referred to in paragraph 20 of Appendix I. Significant normative and knowledge gaps persisted in relation to decent work in the platform economy, a highly topical issue. For that reason, the Office should plan for the discussion on that subject to be broadened so as to identify the most effective course of action.
32. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that the Centenary Declaration should guide the choice of items for the agenda of future sessions of the Conference. His group therefore supported the inclusion of skills and lifelong learning as a general discussion on the agenda of the 109th Session. The social and solidarity economy was also important, as emphasized in the Declaration. ASPAG would prefer to

keep the discussion of the agenda of the 110th Session open to allow for evolving priorities to be better reflected. He therefore requested the Office to provide the Governing Body with further options for consideration. As one standard-setting item on apprenticeships was already on that agenda, he argued that no other standard-setting item should be considered for the 110th Session.

33. *Speaking on behalf of IMEC*, a Government representative of Greece said that the strategic and coherent approach to the setting of the Conference agenda should be maintained and could be enriched by incorporating the outcomes and new perspectives emerging from regional, sectoral and other technical meetings that were of broader interest. The SRM TWG's recommendations would provide a new perspective on the creation of a robust and up-to-date international labour standards body in view of the commitments made in the Centenary Declaration. In that connection, IMEC supported including a general discussion on skills and lifelong learning on the agenda of the 109th Session, which would also support the third recurrent discussion on employment and the standard-setting discussions on apprenticeships, both scheduled for 2021.
34. She requested clarification on whether only one slot remained open for the 2020 Conference agenda, or whether, as implied in paragraph 16, one technical item and/or one or two follow-up items to the Centenary Session could also be included.
35. IMEC preferred to complete the agenda for the 110th Session of the Conference at the 338th Session of the Governing Body (March 2020) to allow for a more informed decision, taking into account other discussions, and in particular the SRM TWG's recommendations on standard-setting items related to OSH and the possibility of including safe and healthy working conditions in the ILO's framework of fundamental principles and rights.
36. Finally, IMEC supported the inclusion in the Conference agenda of the withdrawal of Convention No. 34 and the abrogation of Convention No. 96, as recommended by the SRM TWG. The group proposed amending subparagraph (a) of the draft decision to read "(a) place on the agenda of the 109th Session of the Conference (2020) an item related to skills and lifelong learning (general discussion)". It proposed amending subparagraph (b) to read "place on the agenda of the 110th Session (2021) of the Conference an item related to the withdrawal of the Fee-Charging Employment Agencies Convention, 1933 (No. 34)", and the addition of a new subparagraph (c) to read "defer to the 338th Session (March 2020) of the Governing Body the decision to place on the agenda of the 110th Session of the Conference (2021) an item related to: (i) decent work and the social and solidarity economy (general discussion); or (ii) a just transition of the world of work towards environmentally sustainable economies and societies for all (standard-setting discussion or general discussion); or (iii) any other item based on the discussion at the 337th Session". Subparagraphs (c) and (d) of the draft decision would then become subparagraphs (d) and (e) respectively.
37. *Speaking on behalf of the European Union and its Member States*, a Government representative of Finland said that North Macedonia, Montenegro, Albania, Bosnia and Herzegovina, Norway, Armenia and Georgia aligned themselves with her statement. Supporting the statement made by IMEC, she was pleased that the Office's suggestions for future Conference agendas reflected the views expressed at the Centenary Session. The EU and its Member States had a special interest in the subject of skills and lifelong learning, and considered that the ILO should take a leading role in that field at a global level. She therefore supported the inclusion of a general discussion on skills and lifelong learning on the agenda of the 109th Session.
38. The EU and its Member States were consistently investing in OSH, with positive effects on business productivity and national competitiveness. They had also been actively involved in

the previous SRM TWG, and considered it essential to give proper follow-up to its work. Given the importance of the topics, she supported the proposal to defer completion of setting the agenda for the 110th Session of the Conference to the 338th Session (March 2020) of the Governing Body. She supported the holding of Conference discussions in the near future on both the social and solidarity economy and a just transition of the world of work towards environmentally sustainable economies and societies for all. She also supported the holding of a tripartite meeting of experts on ensuring decent work in the platform economy in 2021 to feed into a Conference discussion, possibly in 2023. She reiterated the EU and its Member States' strong interest in a discussion on how to safeguard the quality of work and the social protection of all workers in digital labour platforms, including by combating informality. Finally, she confirmed the EU's support of the amendment to the draft decision proposed by IMEC.

39. *Speaking on behalf of ASEAN*, a Government representative of Thailand said that key ASEAN priorities included: the governance challenges of skills and lifelong learning systems; lifelong learning for individuals, and the contribution of enterprise to skills development; the design of skills and lifelong learning systems; the need for upskilling and reskilling; universal access to skills development; links between skills development, skills utilization, decent work and sustainable enterprise growth; and the role of lifelong learning as an organizing principle of education and training systems. To address those issues, ASEAN therefore supported the inclusion on the agenda of the 109th Session of the Conference of an item on skills and lifelong learning for general discussion.
40. *A Government representative of Italy* reiterated the importance of the social and solidarity economy for the future of work, since it played a fundamental role in human-centred work and had the potential to generate new jobs and decent work, and contribute to productive employment and improved living standards for all. That fundamental role had been reflected in Part II of the Centenary Declaration. Calls for new models of development were growing as value-oriented companies combined innovation, decent work and the inclusion of disadvantaged workers, and the social and solidarity economy was providing innovative solutions to create and sustain jobs. The theme had also been given due consideration in policy outcome 3 of the Programme and Budget for 2020–21. It should therefore be included as an agenda item for the 109th Session of the International Labour Conference (2021), and as a subject for discussion at the 338th Session of the Governing Body.
41. *A Government representative of the Islamic Republic of Iran* said that the social and solidarity economy and cooperatives provided innovative solutions to creating and sustaining jobs, and had the potential to advance decent work, formalize the informal economy and integrate youth into work. The Centenary Declaration called for the creation of an enabling environment for entrepreneurship and sustainable enterprises, including cooperatives and the social and solidarity economy, and he therefore encouraged the Office to continue work on the matter and bring developments to the attention of the Governing Body.
42. *A Government representative of Japan* supported the proposal to hold a general discussion on skills and lifelong learning at the 109th Session of the Conference, since that was an important theme that featured in the Centenary Declaration. Her Government preferred not to make a decision on the additional agenda item for 2021 at the present session, in order to better capture priorities nearer the time. The proposed standard-setting item on a just transition of the world of work towards environmentally sustainable economies and societies for all would not provide added value, since the ILO already had guidelines on sustainable development, decent work and green jobs. A general discussion item would be more appropriate for 2021, which would allow more time to consider different options. The Office had proposed interesting items for future general discussions, such as the resolution of

individual labour disputes and decent work in the platform economy. Further potential topics should be prepared by the Office, to enable the Governing Body to choose from a larger selection at its next session.

43. *A Government representative of India* noted that the dynamic nature of labour markets demanded continuous updating of workers' skills, particularly due to the massive transformations brought by globalization, technological revolution, climatic changes and demographic transition. The general discussion on skills and lifelong learning should focus on the importance of skills gap training, and the role of recognition of prior learning in mapping existing skills of unorganized workers and integrating the informal economy into the formal skills landscape. Decent work and the social and solidarity economy was an important agenda item, and discussion of that topic should take country-specific contexts into account. The subjects of decent work in the world of sport and decent work in the platform economy should be considered for discussion at Conference sessions beyond 2021. Furthermore, enhanced understanding of digital platforms was needed, since they had altered the labour relationship and were challenging norms relating to fixed hours and places of work, minimum wages and social security.
44. *A representative of the Director-General* (Deputy Director-General, Management and Reform) clarified that the Governing Body was required to choose one additional item for the Conference agenda for 2020, and one for the agenda for 2021. The item for discussion in 2020 needed to be decided at the present session of the Governing Body, while the decision on the item for discussion in 2021 could be deferred to the following session. If that decision was deferred, a revised document taking Governing Body members' comments into account would be issued.
45. *The Worker spokesperson* noted the preference expressed in the room for the social and solidarity economy as an agenda item. Contrary to the comments of the Employers' group, it was not a narrow issue, but instead an increasingly broad topic. The unfolding economic, social and ecological crises around the world had spurred interest in alternative business ownership models that were driven by social and environmental values beyond the pursuit of profit. A number of umbrella terms were used to describe those alternative structures, which also included cooperatives, associations and social enterprises.
46. While her group agreed that skills were an important issue, she had heard many comments about what action workers should be taking on skills; however, the Global Commission on the Future of Work had identified the need for greater investment in the acquisition of skills as well as opportunities to make good use of them. Furthermore, paragraph II(A)(iii) of the Centenary Declaration was broader than skills and lifelong learning: it highlighted the joint responsibility of governments and social partners, and mentioned the need to enhance workers' capacity to make use of the opportunities available for decent work. Other elements of the Declaration were closely related to that issue, such as the call to develop policies to generate full, productive and freely chosen employment and decent work opportunities for all and to facilitate the transition from education and training to work. The most important element for the Workers' group was that employment must be freely chosen. Since many workers lacked access to skills due to the precarious or informal nature of their jobs, the debate on skills should include consideration of the obstacles to skills acquisition and how to overcome them, and the transition from skills and training to decent work.
47. Given that, at the 338th Session of the Governing Body in March 2020, it would be too late to include an standard-setting item on the agenda for 2021 – which would have been her group's preference to give effect to the SRM TWG recommendations – the Workers were willing to defer the decision on the additional agenda item for 2021 to the 338th Session of the Governing Body, on the understanding that consideration would be given to the inclusion

of the broader issue of the care economy, work–life balance and decent work at a future session of the Conference, beyond 2021.

48. *The Employer spokesperson*, referring to paragraph II(A)(iv) of the Centenary Declaration, highlighted that no one part of the paragraph should be selected as more important than another part; full and productive employment was just as important as freely chosen employment. His group frequently worked with organizations that were part of the social and solidarity economy and helped them to improve their productivity. It was, however, a narrow issue as it focused on a smaller part of the economy. The generic statement that every unit in the economy outside the alternative economy was driven by profit and nothing more was flawed. Although paragraph II(A)(ix) of the Declaration referred to the social and solidarity economy, the context was of “supporting the role of the private sector as a principal source of economic growth and job creation”, “in particular micro, small and medium-sized enterprises”; the phrase “as well as cooperatives and the social and solidarity economy” meant that that should be in addition to the priority issues. Therefore, there was a need to work with the text as a whole, in the order in which it was set and in a way that would best help people in the real world, to ensure that the Governing Body remained relevant. His group was willing to defer the decision on the choice of an additional item for the agenda of the Conference in 2021.
49. *The Chairperson* said that he understood that the amendment proposed by IMEC reflected the general view of the Governing Body.
50. *Speaking on behalf of GRULAC*, a Government representative of Uruguay said that her group was flexible and could agree to defer further discussion of the agenda of the 2021 session of the Conference to the following session of the Governing Body. She nevertheless wished to place on record the strong interest of the countries of Latin America and the Caribbean in the social and solidarity economy.

Decision

51. *The Governing Body decided to:*
- (a) *place on the agenda of the 109th Session of the Conference (2020) an item related to skills and lifelong learning (general discussion);*
 - (b) *place on the agenda of the 110th Session (2021) of the Conference an item related to the withdrawal of the Fee-Charging Employment Agencies Convention, 1933 (No. 34);*
 - (c) *defer to the 338th Session (March 2020) of the Governing Body the decision to place on the agenda of the 110th Session of the Conference (2021) an item related to:*
 - (i) *decent work and the social and solidarity economy (general discussion);*
or
 - (ii) *a just transition of the world of work towards environmentally sustainable economies and societies for all (standard-setting discussion or general discussion); or*
 - (iii) *any other item based on the discussion at the 337th Session;*

- (d) *place on the agenda of the 119th Session (2030) of the Conference an item on the abrogation of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96); and*
- (e) *request the Office to take into account the guidance provided in preparing the paper for the 338th Session (March 2020) of the Governing Body.*

(GB.337/INS/2(Add.1), paragraph 9, as amended by the Governing Body)

Third item on the agenda

Matters arising out of the work of the 108th Session (2019) of the International Labour Conference: Follow-up to the resolution concerning the elimination of violence and harassment in the world of work ([GB.337/INS/3/1](#))

52. *The Employer spokesperson* recalled that, although her group had been broadly in favour of the adoption of the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019, some employers' organizations still had certain reservations, in particular with regard to the scope of the Recommendation and related measures. Greater consultation with the various groups needed to be incorporated into the strategy to ensure that the activities corresponded to the needs of the constituents. The Office should also work with all member States, whether they intended to ratify the Convention or not, since violence and harassment were global issues.
53. The resolution concerning the elimination of violence and harassment in the world of work had not only promoted ratification of the Convention but also the effective implementation of the two instruments. Indeed, as noted in the document, many States would require time to determine the extent of the changes needed to implement the Convention. That time was all the more important because many of the provisions had a very broad scope that made implementation complicated. For example, the definition of violence and harassment differed from national practices and so could prove an obstacle to ratification, in spite of the provisions made in Article 1(2). In addition, the right to a workplace free of violence and harassment had never been recognized in any international human rights instrument before, so its implementation could require constitutional amendments in some countries. The strategy should therefore have two distinct phases: one centred on assisting countries to determine opportunities for and obstacles to ratification; and the second on ratification itself, including the activities outlined in the report. There should also be a tripartite discussion before moving to the second phase.
54. Both the document under discussion and the Convention itself were very clear that the social partners had a key role to play in the implementation of the Convention. She therefore urged governments to work with representative employers' and workers' organizations as early in the process as possible. Social dialogue should be an integral part of implementation and the Office should ensure that governments worked with the social partners at the national level. However, the ILO should work with the most representative employers' and workers' organizations, not directly with "sectoral social partners" or "groups disproportionately affected by violence and harassment", as suggested in paragraph 17 of the document.
55. On a related note, capacity-building for employers' and workers' organizations should remain at the core of the ILO's activities, in particular by involving the Bureau for

Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV) in the establishment of capacity-building processes. However, the technical assistance referred to in paragraph 30 should be provided in consultation with, rather than through ACT/EMP and ACTRAV. Eliminating violence and harassment was the responsibility of all departments, not just ACT/EMP and ACTRAV. The Office should therefore allocate the necessary resources for that.

56. Paragraph 22 indicated that one of the areas of focus for further research was “new risks of violence and harassment stemming from the impact of technology and new forms of work”, which did not seem to be very relevant, given the lack of understanding of what constituted violence and harassment. The Office should instead adopt a holistic approach, providing an overview of violence and harassment in all forms of work. Recalling that the Governing Body had also been tasked with adopting the outline of the ILO's new research strategy, the strategy on violence and harassment should also follow that new guidance. The strategy must also respond to requests from constituents. However, that did not seem to be reflected properly in paragraph 30, which mentioned the requests of organizations concerned for technical assistance but did not take account of the specific needs and priorities identified by those organizations. The allocation of resources for the strategy should take account of requests from governments, employers and workers equally.
57. The Convention had taken an inclusive approach by including all actors, recognizing in Article 4.3, for example, that each had different responsibilities, but did not elaborate on how that would work in practice. It would therefore be very helpful if the Office could help constituents establish their respective responsibilities in order to ensure that the Convention was implemented effectively. The Employers' group fully endorsed providing specific support for small and medium-sized enterprises (SMEs), as outlined in paragraph 31. It was important for the Office to provide clear guidance and tools, since some flexibility had been introduced into the instruments to take account of their constraints.
58. With regard to paragraph 34, the group supported activities to promote the two instruments in other international bodies. However, they fundamentally objected to including Convention No. 190 in the multilateral human rights system. Indeed, the preamble to the Convention included specific text noting that harassment was not yet a human rights violation. That precise wording had enabled a number of governments to support the instruments. Including Convention No. 190 with other human rights instruments would also go beyond the mandate of the resolution, which had simply requested the Director-General to bring the instruments to the attention of relevant international and regional organizations, and promote partnerships and joint initiatives to eliminate violence and harassment in the world of work.
59. She welcomed the goal of the Office to become an exemplary employer. The ILO must be beyond reproach in order to protect the credibility of its work with constituents. That goal should therefore be more than a simple declaration and receive appropriate follow-up. She requested that tools be provided to the Governing Body to measure the Office's progress in that regard. She also requested the results of the most recent internal survey in order to evaluate the ILO's position within the UN family, and to be informed about future surveys. The Employers' group supported the draft decision.
60. *The Worker spokesperson* commended the adoption of Convention No. 190 and Recommendation No. 206, which notably provided the first common definition of the term “violence and harassment”, acknowledged the specific nature of gender-based violence and harassment, and highlighted the importance of ensuring the right to equality and non-discrimination of groups disproportionately affected by violence and harassment. Given the cases of violence and harassment experienced on a daily basis, the adoption of the new

standards was an important and timely step. In addition to a comprehensive strategy to promote ratification of the Convention and implementation of the instruments, a concrete target should be set of achieving at least 45 ratifications by the end of the strategy's six-year time frame, namely 2025.

61. She urged member States to avail themselves of Office support with regard to consultations and national efforts to advance ratification, including pre-ratification reviews of national laws and practice. Awareness needed to be raised regarding how the instruments could help address violence and harassment, including gender-based violence and harassment, through both labour laws and social policy. To that end, awareness-raising initiatives and promotional materials – which should be made available to all constituents – would be vital, as would the proposed development of guidelines, materials and training.
62. Effective policymaking required reliable data on violence and harassment, including its manifestations and access to remedial measures for victims. Her group therefore welcomed the Office's offer to assess current data availability on violence and harassment with a view to developing a new and consistent methodology for measuring its incidence in the world of work; that should also cover data on the impact of domestic violence. It was also positive that efforts would be made to develop the capacity of the many actors involved in the fight against violence and harassment. International cooperation and partnerships were another key component; that part of the strategy would enable the ILO to demonstrate the added value of its international labour standards and tripartism. In addition, resource mobilization was essential; the Office should undertake extra efforts to ensure that the resources needed to implement the strategy were made available within the integrated resources framework.
63. She expressed concern regarding an appeal by the Federation of Private Entities of Central America, Panama and the Dominican Republic (FEDEPRICAP), which called for Governments in its region to refuse to ratify Convention No. 190 in order to avoid harming employment generation; such statements were unhelpful when working to address the human rights violations covered by the Convention. In light of the overwhelming support for the Convention from Workers, Governments and the majority of the Employers' group, and given that several organizations affiliated to FEDEPRICAP were also members of the International Organisation of Employers (IOE), she expected the IOE and its affiliates to join the Workers in recommending ratification to member States. Her group supported the draft decision.
64. *Speaking on behalf of GRULAC*, a Government representative of Uruguay recalled that her group had endeavoured to find common ground during the informal consultations and negotiations on the adoption of Convention No. 190 and Recommendation No. 206. GRULAC agreed that coordinated action was required at all levels and that ILO technical cooperation and international cooperation would be crucial to countries' efforts to design policies to eliminate violence and harassment at work that were suited to their particular circumstances. Her group attached great importance to the coordination of different national systems, such as health systems, in order to detect violence and harassment and assist victims, and it welcomed the gender focus of the instruments and their explicit reference to vulnerable groups. GRULAC agreed that other Conventions must be taken into consideration when implementing policies to prevent violence and harassment at work, particularly the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The ILO's research would be extremely relevant when detecting legislative and institutional gaps and when identifying sectors particularly affected by violence and harassment. Eliminating violence and harassment in the world of work was a shared responsibility, and GRULAC was committed to future actions. GRULAC supported the draft decision.
65. *Speaking on behalf of the Africa group*, a Government representative of Lesotho expressed his group's support for the proposed strategy and its simple, achievable and measurable

actions. Member States must prioritize the ratification of Convention No. 190 and the effective implementation of the instruments. To accelerate the ratification process, awareness-raising efforts should target specific institutions, such as the legislature and the judiciary, and existing forms of protection and the Convention's alignment with domestic legislation should be examined. He welcomed the efforts of the International Training Centre of the ILO (Turin Centre) to train governments, the social partners and workers, noting that consideration should also be given to the efforts of other specialized labour institutions, such as the African Regional Labour Administration Centre. His group supported capacity-building for governments, the social partners and civil society and welcomed the Office's intention to use and adapt existing training tools, which could include initiatives such as the Supporting Children's Rights through Education, the Arts and the Media (SCREAM) programme.

- 66.** His group was of the view that the consideration of other instruments, such as the Domestic Workers Convention, 2011 (No. 189), could improve the implementation of the Convention and Recommendation, and it supported the focus on SMEs and the informal economy. Given the importance of promoting international cooperation and resource mobilization for ending violence and harassment at work, the Office should foster relationships with other international institutions, such as the International Organization for Migration, to that end, and should mobilize resources to optimize the implementation of the instruments. His group welcomed the Office's strategy to lead by example as an employer; it should share its best practices in that regard with other international organizations. His group supported the draft decision.
- 67.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that the diverse dimensions of violence and harassment required a holistic approach. ASPAG believed that the strategy should address regional and national differences. He called on the Office to enhance its awareness-raising and knowledge-sharing efforts with regard to the two instruments and to provide assistance to constituents in that respect. There was significant value in researching how the prevention of violence and harassment and protection for victims could be strengthened. The Office should maintain the necessary synergies with other strategies and initiatives during the implementation of the proposed strategy. His group supported the proposed strategy and the draft decision.
- 68.** *Speaking on behalf of IMEC*, a Government representative of Canada said that the adoption of Convention No. 190 and Recommendation No. 206 represented a historic milestone and was a timely response to growing awareness of a problem brought about by a pernicious deficit in worker protection. Her group welcomed the instruments' specific reference to gender-based violence and harassment. Their adoption confirmed the ILO's vitality as it entered its second century, as well as the power of tripartism. Nevertheless, for the instruments to have meaningful effect, member States must ensure their implementation in practice. Her group agreed that ending violence and harassment at work would require significant change in societies and workplaces, necessitating coordinated efforts at multiple levels. It therefore welcomed the Office's proposed strategy, which should incorporate measures to guarantee accessibility. Her group also supported the proposed institutional implementation framework, including efforts by the Office to lead by example.
- 69.** The proposal to enhance existing partnerships to promote the instruments within the multilateral system was welcome. Existing resources should be mobilized to implement the proposed strategy, and her group welcomed the specific output on violence and harassment in the ILO's overall results framework. It looked forward to regular updates from the Director-General on the strategy's implementation and effectiveness and encouraged the Office and constituents to work together towards the broad ratification and effective implementation of the Convention. IMEC supported the draft decision.

70. *Speaking on behalf of the EU and its Member States*, a Government representative of Finland said that Turkey, North Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, Norway, Armenia and Georgia aligned themselves with her statement. The Convention and the Recommendation would provide a comprehensive legal and policy framework to eliminate violence and harassment in the world of work, which included a gender-based approach. The EU and its Member States had engaged actively in the relevant discussions at the 108th Session (2019) of the Conference and had supported the adoption of the ambitious Convention. She therefore strongly welcomed the strategy, which would take into account constituents' differing needs and priorities, contribute to achieving the SDGs and aim to ensure the wide ratification of the Convention.
71. The effective implementation of the Convention and Recommendation would require the mobilization of all relevant actors; she therefore welcomed the proposed awareness-raising initiatives. Drawing attention to the strategic opportunity offered by the Convention to highlight the relevance of tripartism, she expressed support for the objective of promoting the Convention in the multilateral system, and for the Office's efforts to lead by example. The proposed institutional implementation framework for the strategy, including the creation of a working group, was welcome, as was the planned knowledge-sharing forum, which would enable the ILO to consider its next steps and strengthen cooperation. The implementation of the strategy must be adequately resourced, including through the mobilization of extrabudgetary resources. She supported the draft decision.
72. *Speaking on behalf of ASEAN*, a Government representative of Thailand said that his group welcomed the framework for ILO action to implement the resolution and the Office's support for member States in that regard, taking into account the different needs and priorities of constituents. ASEAN member States' efforts to eliminate violence and harassment in the workplace included the Vientiane Declaration on Transition from Informal Employment to Formal Employment towards Decent Work Promotion in ASEAN.
73. *A Government representative of India* said that ending violence and harassment at work required significant social change and coordinated, multilevel interventions. The implementation of the strategy should reflect member States' different needs and priorities. Extensive studies on types of violence and harassment, risk factors and possible prevention measures would produce actions and legal provisions to be implemented at the national level. There was a need to develop a database on violence and harassment and a consistent methodology for measuring its incidence in the world of work. The issue of violence and harassment in the workplace should also be addressed by Decent Work Country Programmes. Training for labour inspectors was essential and required the ILO's technical assistance. Addressing the issue in the informal economy and virtual workplaces would remain a challenge, and a coordinated approach between the ILO and its tripartite constituents should be adopted in order to improve understanding of the issue of violence and harassment in the workplace and to eliminate it.
74. *A Government representative of Ecuador* said that her delegation welcomed the proposed strategy and agreed that partnerships with international and regional organizations should be promoted and linked to a substantial resource mobilization strategy that allocated appropriate funds. Ecuador had begun making the necessary preparations to ratify the Convention, which would require significant social change that could not be brought about by legal instruments alone; complementary actions and mechanisms were also needed. She urged other member States to consider the prompt ratification and effective implementation of the Convention. Her Government supported the draft decision.
75. *A representative of the Director-General* (Director, Conditions of Work and Equality Department (WORKQUALITY)) said that the Office had taken note of the suggestion to set a ratification target with a specific time frame and the observation that, while many countries

were not yet ready for ratification, they may nonetheless wish to work towards creating the necessary conditions for ratification in the future; technical assistance would be provided to those countries upon request. The document's reference to the integration of Convention No. 190 into the multilateral system had been made in the context of using existing entry points to raise awareness of the new instruments among the international community and in the multilateral system. That would help achieve coherence across the UN system, in the light of the UN reform process and the instruments' relevance to the ILO's constituents and beyond. The ILO engaged regularly with the UN human rights treaty bodies, which would likely have an interest in Convention No. 190. The strategy therefore proposed a continuation of that engagement in relation to the two new instruments.

76. The Office was committed to leading by example, and any changes to the collective agreement or statutory provisions on harassment at work would be subject to the usual internal consultation and negotiation, and the endorsement of the Governing Body if necessary. The results of the system-wide Safe Space Survey, conducted in late 2018, had been made public. The Office would draw on those results and consult with staff representatives, managers and staff members, along with internal and external experts, to improve its performance. No further surveys were planned for the time being. The proposed strategy for the implementation of the Convention would last six years, and the Governing Body may wish to consider envisaging a mid-term review.

Decision

77. The Governing Body:

- (a) *requested the Director-General to take into consideration the strategy, and the guidance given during its discussion, in the implementation of the Programme and Budget for 2020–21, as well as when preparing the next strategic framework and future programme and budget proposals and facilitating extrabudgetary resources; and*
- (b) *requested the Director-General to review the implementation of the strategy and report back to the Governing Body on a regular basis.*

(GB.337/INS/3/1, paragraph 39)

Follow-up to the resolution on the ILO Centenary Declaration for the Future of Work: Proposals for including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work ([GB.337/INS/3/2](#))

78. *The Employer spokesperson* highlighted the instrumental role played by his group in the development of the ILO Declaration on Fundamental Principles and Rights at Work (1998 Declaration). Indeed, his group held that Declaration dear and attached great importance to occupational safety and health (OSH), notably recognizing the impact it had on worker motivation, productivity, and economic and social development. The issue was also a core element of the ILO's mission, and featured prominently in the Sustainable Development Goals (SDGs). The Organization should do more to promote health and safety at work by allocating more resources to efforts in that area and streamlining its various

activities. Although initiatives such as the OSH Global Action for Prevention flagship programme, Vision Zero Fund and SCORE programme showed potential, work was needed to establish how they supported OSH priorities and ensure that efforts were not duplicated. In addition, it was not clear what progress had been made on the Global Strategy on Occupational Safety and Health adopted by the International Labour Conference in 2003, or whether it was still being implemented.

- 79.** The discussion on whether safe and healthy working conditions should be included in the ILO's framework of fundamental principles and rights at work would be complex, and the Governing Body should not be pressured into making a rapid decision. It was essential to acknowledge the important characteristics that underpinned the practical realization of occupational safety and health. Firstly, a safe and healthy workplace was a shared responsibility; the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) referred to the active participation of government, employers and workers in securing a safe and healthy working environment "through a system of defined rights, responsibilities and duties". Secondly, improving OSH was a continuous process that required consideration of countries' level of development, as was recognized in Convention No. 187 and the Occupational Safety and Health Convention, 1981 (No. 155), which made provision for flexible mechanisms to allow the adaptation of legislative frameworks to national circumstances. Both those considerations would need to be reflected in any formulation of OSH as a fundamental principle.
- 80.** Certain practical and legal questions had not yet been addressed and required closer examination. Initially, the Governing Body should identify the main objective of including safe and healthy working conditions in the framework, namely whether the aim was to promote the ratification of certain OSH Conventions or the implementation of relevant principles. If that was the case, it should consider whether such aims could be achieved more effectively in a different way. Furthermore, it was necessary to clarify how the 1998 Declaration would be affected by adding OSH to the framework for fundamental principles and rights at work, and in particular whether this would reopen the discussion on the 1998 Declaration. Efforts would be needed to ensure that the focus of and the consensus on that text was maintained, and that additional rights could not be added in the future. He also wondered whether OSH could even be recognized, promoted and realized as a fundamental principle in the same manner as the existing fundamental principles and rights, or whether it was simply one of the many decent labour conditions – such as decent working time, minimum wages or social security – that the fundamental principles and rights were designed to achieve. A new Convention might be needed to reflect the core elements of OSH as a fundamental principle, or it might be possible to identify one or two existing ILO Conventions to serve that purpose, such as Convention No. 155, Convention No. 187, the Occupational Health Services Convention, 1985 (No. 161), or the Protocol of 2002 to the Occupational Safety and Health Convention, 1981.
- 81.** Other key considerations related to the impact such a change would have on member States. He asked whether it would entail any additional duties other than reporting, and whether the move would be supported by member States that had not yet ratified other ILO OSH standards. In addition, the change could affect many trade agreements that referred to the 1998 Declaration, and which were based on the understanding that it contained just four fundamental principles. There could also be implications for the field of human rights more generally.
- 82.** Given the many important questions that remained, it would be premature for the Governing Body to approve the procedural road map for the consideration of including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work; rather, it should give the road map due consideration, pending clarification of the outstanding queries. His group believed that the road map as currently proposed incorrectly assumed that

the tripartite constituents had reached a consensus on the subject, which was not true, as much time had instead been spent on reaching consensus regarding the Centenary Declaration. It should be underlined that the in the resolution on the Centenary Declaration, the Conference had asked the Governing Body to consider proposals – in the plural – on the matter; constituents therefore needed time at the current session to air preliminary viewpoints, which would serve as a basis for future discussions. He therefore asked the Office to present a balanced background paper to the Governing Body in March 2020 that detailed the objective of the proposal, based on the questions he had asked; the implications of the proposal, both inside and outside the ILO; and alternative options for achieving OSH for all workers on the ground. He proposed amending the draft decision to read:

The Governing Body decided to give due consideration to the procedural road map for the possible inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work set out in paragraph 21 of document GB.337/INS/3/2 taking into account the guidance provided in the discussion.

- 83.** *The Worker spokesperson* indicated that, although the ILO had paid considerable attention to occupational safety and health, important deficits remained. In fact, regularly updated ILO figures showed an upward trend in accidents and work-related ill health worldwide. The well-documented social and economic costs of occupational accidents and diseases made a compelling moral and economic case for giving occupational accidents and diseases the highest priority at enterprise, national and international level.
- 84.** The Workers' group was of the firm opinion that the Governing Body must follow up on the Centenary Declaration and Conference resolution regarding OSH without delay. Occupational safety and health fit the definition of "fundamental rights", i.e. rights that were essential to the objectives of the Organization. Decent work could only be achieved if work was safe and did not put the health of workers at risk. The right to life was certainly a human right.
- 85.** Regarding the proposed road map, she expressed concern at the fact that the first bullet point of paragraph 21 asked the Governing Body to consider whether a fundamental right to a safe and healthy working environment could be recognized in the same manner as the four existing fundamental principles and rights at work. Such a request was redundant given that the resolution on the ILO Centenary Declaration for the Future of Work already gave a clear tripartite mandate to the Governing Body to proceed in that direction. However, she acknowledged the need to further discuss important legal and practical issues, particularly whether the 1998 Declaration should be revised, or whether another mechanism could be used, and which OSH Conventions would be selected. She supported the other time frames set out in the proposed procedural road map.
- 86.** Regarding the amendments to the draft decision proposed by the Employers' group, she failed to see why the Governing Body should go back to background documents and discussions that would include options that did not make OSH a fundamental right. To do so would go against the Conference resolution. In order to be faithful to the outcomes agreed at the Centenary Session, she advocated staying as close as possible to the language of the first paragraph of the resolution itself when finalizing the draft decision. Her favoured language would be:

The Governing Body decided to approve the procedural road map for the consideration of proposals for including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work.

- 87.** *Speaking on behalf of GRULAC*, a Government representative of Uruguay welcomed the proposed road map but indicated that more detail on the substantive questions to be discussed

at each Governing Body session would be welcome. Various concurrent initiatives and processes, including the SRM TWG recommendations on OSH instruments, must be taken into account in future discussions. The Office should clarify how it proposed to amend a document as fundamental as the 1998 Declaration, specifically whether inter-sessional consultations were envisaged. GRULAC supported the amendment proposed by the Employers' group under condition that the matter be discussed again at the March 2020 session.

- 88.** *Speaking on behalf of the Africa group*, a Government representative of Senegal emphasized that the Centenary Declaration posed significant legal and practical challenges and recalled that the 1998 Declaration had taken some four years of hard work to finalize. Fortunately, it seemed that the Office had fully grasped the complexities involved and designed a timetable for the task ahead that was realistic and achievable. Nevertheless, the Africa group considered that inter-sessional consultations would also be necessary. She supported the draft decision.
- 89.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that impact-oriented planning, as well as appropriate funding and resource mobilization, would be key to effectively delivering the commitments envisaged in the Centenary Declaration. As well as being crucial for sustainable development and the future of work, investment in OSH would help contribute to the attainment of the 2030 Agenda, especially SDGs 3 and 8. While ASPAG appreciated the ILO's continued efforts to address occupational accidents and work-related diseases and deaths with a special focus on achieving social justice, it also recognized that achieving effective prevention remained a major challenge for the Organization. While he considered the proposed road map a possible planning tool for moving forward, he stressed that the issue at stake should be handled in an open, transparent and efficient manner. Organizing inter-sessional consultations on a regular basis would be instrumental in that regard. ASPAG would prefer a consensus-based decision on the way forward for possible inclusion of OSH as one of the fundamental principles and rights at work.
- 90.** *Speaking on behalf of IMEC*, a Government representative of Ireland welcomed the proposed road map and noted that IMEC stood ready to discuss issues of substance in accordance with the timetable proposed in the road map. She also welcomed the fact that the Governing Body could consider inter-sessional consultations as and when appropriate. Given that the issue of including safe and healthy working conditions in the framework of fundamental principles and rights at work would have to be decided by the Conference, she requested clarification from the Office on how the decision-making process would work in practice. She insisted that nothing in the procedural road map should affect the implementation of the recommendations of the SRM TWG on the modernization and updating of OSH standards. IMEC supported the draft decision as drafted by the Office.
- 91.** *Speaking on behalf of the European Union*, a Government representative of Finland said that Turkey, North Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina and Norway aligned themselves with his statement. The EU supported the statement delivered by IMEC. The EU supported efforts to integrate the right to safe and healthy working conditions into the ILO's framework of fundamental principles and rights at work. Having listened carefully to the discussions of the Committee of the Whole at the Centenary Session, the EU appreciated that certain legal and technical issues remained to be considered and that further dialogue would be needed to build consensus. It was of the view that the 110th Session of the Conference would be the appropriate time for such a discussion, and that, with good social dialogue in the Governing Body and strong legal and technical support from the Office, constituents would be in a position to consider an outcome document at that session. It was essential that the discussion would in no way affect the implementation of the recommendations of the SRM TWG on the modernization and updating of OSH

standards. He approved of the procedural road map, which provided adequate time and space for the necessary dialogue and deliberations in advance of the 110th Session of the Conference. He welcomed the possibility, as set out in paragraph 22, for the Governing Body to consider inter-sessional consultations as and when appropriate. The EU supported the draft decision prepared by the Office.

- 92.** *Speaking on behalf of ASEAN*, a Government representative of Thailand expressed support for the adoption of safe and healthy working conditions as one of the fundamental principles and rights at work. However, she noted with concern the low rate of ratification of the main OSH Conventions, namely Convention No. 155, Convention No. 161 and Convention No. 187. She called on the Office to provide enhanced support and assistance to help those member States that intended to ratify them. In the event that the Governing Body ultimately decided to elevate safe and healthy working conditions to the status of a fundamental principle and right at work, support from the Office would be essential in assisting ASEAN States to overcome obstacles to implementation. ASEAN looked forward to seeing future ILO strategies for that purpose.
- 93.** *A Government representative of Brazil* underscored that, as the discussions currently under way in the SRM TWG were expected to eventually lead to the adoption of new OSH standards, the outcome of those discussions would bring to bear new perspectives. Before taking a final decision on whether to include safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work, it would be indispensable to discuss substantive and legal issues, including definitions, the scope of terms, the possible choice of individual OSH Conventions to which the status of fundamental principle and right would apply, and the most appropriate way of giving legal effect to such a decision. In order to achieve consensus, the subject should be discussed in stages, starting at the March 2020 session of the Governing Body. After that discussion, the Governing Body would be in a better position to decide on a road map that would include a timetable and the content of more specific actions to be taken. Based on those considerations, Brazil supported the amendment to the draft decision proposed by the Employers' group.
- 94.** *A Government representative of India* pointed out that occupational safety and health required specific changes in the production process, and, in turn, the functioning of management at the operational level. As such, OSH should be seen as a social security objective. Before safe and healthy working conditions could be included in the ILO's framework of fundamental principles and rights at work, exhaustive deliberations and consultations with all stakeholders would be required. All stakeholders should be asked to identify the most relevant Conventions, indicating reasons for their choice. He requested the Office to provide details on the reporting burden for member States. India looked forward to participating in further constructive discussions on the matter.
- 95.** *A Government representative of Uruguay* said that, while he supported the statement by GRULAC and the amendment proposed by the Employers' group, his support was contingent on Governing Body members being given the opportunity to discuss the issue again at the March 2020 session.
- 96.** *A Government representative of Switzerland* recalled that his country had always supported the inclusion of OSH as a fundamental principle and right at work, and that it had participated in the Committee of the Whole tasked with drafting the Centenary Declaration. He welcomed the proposed road map. While identifying the Conventions concerned would be a key aspect of work to elevate the status of OSH, Switzerland had not been in a position to ratify the OSH instruments mentioned in paragraph 6. Although OSH was firmly anchored in Swiss national law, the country had a public labour inspection system and a second layer of protection based on private insurance, and its dual system posed a compatibility problem

with respect to those Conventions. For that reason, Switzerland would be in favour of the idea of consolidating important OSH instruments on the basis of content rather than legal system. Switzerland supported the road map and the original draft decision proposed by the Office.

97. *A representative of the Director-General (Deputy Director-General for Management and Reform)* said that the road map had envisaged a long-term approach, including a series of substantive discussions over the following two years that would hopefully lead to a decision to guide the Governing Body's way forward.
98. The resolution on the ILO Centenary Declaration for the Future of Work had been deliberately worded to gain strong tripartite consensus; in particular, the Conference had requested the Governing Body to consider the matter "as soon as possible" and had sought "proposals" since there had been no agreement on a single outcome or on the incorporation of the subject into the 1998 Declaration or another instrument. The Office had indicated to the tripartite screening group after the Conference session that it would not be able to prepare a substantive document in time for the 337th Session of the Governing Body; the screening group had consequently decided to include a best-case scenario road map on the agenda for that meeting. The purpose of the first set of substantive discussions would be to identify possible building blocks on the basis of recent discussions; the document to be submitted to the Governing Body in March 2020 would then take those discussions into account. The forms of a possible decision would then be considered in November 2020, with the wording of the final decision discussed in March 2021. The road map did not envisage a fixed programme and there could be opportunities for further discussion if needed, including inter-sessional consultations. As the proposed roadmap was a planning tool, the Governing Body would be able to amend it as the discussions progressed.
99. He advised the Governing Body to refer to the original wording of the Conference resolution in the decision, which was the product of intensive negotiations and tripartite agreement. The draft decision needed to be adopted to allow the Office to start working on the proposals in advance of the next session of the Governing Body; however, constituents should first have time for informal consultations to discuss its final wording.
100. *The Employer spokesperson* agreed that time was needed to discuss the amendments proposed.
101. *The Worker spokesperson* said that her group had been satisfied with the original wording of the draft decision but had proposed its amendment to align its language with the decision made at the Conference, the highest organ in the ILO governance structure. She asked those who supported the Employers' group's amendment to consider how it related to the wording of the Conference resolution; what guidance it would be providing to the Office; and whether it sufficiently responded to the Conference's request for the prompt consideration of the proposals. The Governing Body had only been asked to guide the Office's next steps; the content of the proposals would be discussed at a later stage.
102. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that his group supported the latter two elements of the amendment proposed by the Employers' group, namely the addition of "the possible inclusion" and "taking into account the guidance provided in the discussion".
103. *A Government representative of Uganda* said that although he respected the view of the Employers' group, the matter had been settled by the Conference, which was the highest organ of the Organization and had given the Governing Body clear instructions. He called on the Governing Body to support the amendment proposed by the Workers' group as it respected the wording of the Conference resolution.

- 104.** *The Employer spokesperson* said that, in the interest of achieving tripartite consensus, the text proposed by the Workers' group could be subamended to reflect wording from paragraph 22 of the document and to include the word "approve", despite his group's reservations about "approving" the road map. The new text would read:

The Governing Body decided to approve the procedural road map, as a planning tool, which can be modified depending on progress made, for the consideration of the possible inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work as set out in paragraph 21 of document GB.337/INS/3/2, taking into account the guidance provided during the discussion, and to have an initial review of the road map in March 2020.

- 105.** *The Worker spokesperson* reiterated that her group was strongly in favour of adhering to agreed language when dealing with sensitive issues. With regard to the subamendment proposed by the Employers, her group supported the reinstatement of the word "approve". Her group could also accept insertion of the words "as a planning tool", although that phrase was already in the document, and therefore superfluous in the text of the decision. The phrase "depending on the progress made" should be brought into line with the actual text of paragraph 22: "based on the progress made". The words "for the consideration of the possible inclusion of safe and healthy working conditions ..." should read: "for the consideration of proposals for including safe and healthy working conditions ...", as in the Workers' original amendment, and in the resolution on the Centenary Declaration for the Future of Work. Her group could accept also the final phrase suggested by the Employers, provided it stopped after the word "discussion", to read: "taking into account the guidance provided during the discussion". It was understood that there would be a review of the road map in March, therefore there was no need to repeat it.
- 106.** *The Employer spokesperson* said that the Employers wished to include the last phrase "and to have an initial review of the road map in March 2020", because no substantive discussion about the road map would have taken place by that stage. The purpose of the March discussion would be to review the road map and see whether it was fit for purpose. His group had been reticent about the word "approve" simply because, at the current stage of the process, there was no content for approval.
- 107.** *The Worker spokesperson* said that the Workers understood from paragraph 21 of the document that the first part of the procedural road map was the discussion to be held at the 338th Session (March 2020) of the Governing Body, which would include the "consideration of substantive questions resulting in the identification of possible building blocks". The road map could be modified at any stage by the Governing Body at any session, as stated in paragraph 22.
- 108.** *Speaking on behalf of IMEC*, a Government representative of Ireland said that her group proposed a subamendment to the amended draft decision to add the words "reviewed and" after "as a planning tool, which can be".
- 109.** *Speaking on behalf of GRULAC*, a Government representative of Uruguay supported the subamendment proposed by IMEC. She emphasized the need for flexibility during discussions on the item at 338th Session of the Governing Body to ensure that the road map could be modified in line with constituents' needs.
- 110.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran supported the subamendment proposed by IMEC. He emphasized, however, that it would take time for governments to prepare the ground for implementation of the road map, given the different standards of OSH and safe and healthy working conditions in countries.

111. *Speaking on behalf of the Africa group*, a Government representative of Senegal supported the subamendment proposed by IMEC.
112. *Speaking on behalf of the EU and its Member States*, a Government representative of Finland welcomed the subamendment proposed by IMEC, as the human cost and economic burden of occupational accidents and work-related diseases was too high to ignore.
113. *The Employer spokesperson* supported the subamendment proposed by IMEC.
114. *The Worker spokesperson* said that, in the interest of achieving tripartite agreement, her group would support the amendment proposed by IMEC.

Decision

115. *The Governing Body decided to approve the procedural road map as a planning tool, which can be reviewed and modified by the Governing Body based on progress made, for the consideration of proposals for including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work set out in paragraph 21 of document GB.337/INS/3/2, taking into account the guidance provided during the discussion.*

(GB.337/INS/3/2, paragraph 23, as amended by the Governing Body)

Analysis of the measures taken to promote the effective functioning of the Conference (GB.337/INS/3/3)

116. *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) provided an oral report of the informal tripartite consultations on the working methods of the Committee on the Application of Standards (CAS), held on Saturday, 2 November 2019.
117. The delegates had welcomed the changes to the functioning of the CAS that had been introduced at the 108th Session of the International Labour Conference concerning the publication of its report as a verbatim record to ensure full transparency of the discussions, as well as the restructuring of parts I and II of that report. The participants had discussed a proposal to increase the time frame for its publication in the three working languages from 30 to 40 days; however, although it had been acknowledged that the production of a verbatim record had increased the time needed for translation, the proposal had not been retained as the Employers' and Workers' groups had considered that it could delay national-level follow-up. The delegates had also decided to maintain the practice of allowing Governments to submit new written information on individual cases. Most delegates had agreed a limit of 2,000 words for new information; the Office had therefore been requested to create a template for the report and to present it to the following meeting in March 2020.
118. The delegates had discussed improving the focus of the discussion of the General Survey by organizing it around the following three generic questions: progress and challenges in the implementation of the instruments under examination; measures to promote Conventions and their ratification in the light of the good practices and obstacles identified; and pathways for future ILO standards action and technical assistance. Those questions should be sent to constituents in advance to help them to prepare, and should not restrict the diversity of the discussion.

- 119.** The publication of the long- and shortlists of individual cases had been brought forward: the longlist of individual cases was now published 30 days before the start of the Conference and the final shortlist was adopted at the second sitting of the CAS. Delegates had discussed the possibility of further advancing those dates to grant Governments additional preparation time. As the adoption of the final shortlist fell under the exclusive authority of the CAS, the delegates had requested that the opinion of the Legal Adviser be sought as to whether they, as an informal group, had the mandate to consider options for the adoption of the final shortlist of individual cases prior to the opening of the International Labour Conference. That opinion should then be included in the next background document. Delegates would resume discussions on the subject and on the criteria for establishing the final list of individual cases at the following meeting.
- 120.** The modalities for the adoption of conclusions had been discussed, including the request made by some Governments to grant a consultative role to the Chairperson of the CAS in the preparation of conclusions. However, if agreed, that measure should not jeopardize the Chairperson's objectivity, impartiality and neutrality and would require full respect for confidentiality. The Employers' and Workers' groups had noted that conclusions included consensus-based recommendations and that the Chairperson was not prevented from providing their perspective. Delegates had decided that the possibility of submitting draft conclusions in advance to the governments concerned to allow them time to prepare before the conclusions were announced could be explored, on the understanding that those conclusions could not be amended and the governments concerned would not be involved in their development.
- 121.** The meeting had been informed that the current Chairperson and Vice-Chairpersons of the CAS had confirmed their participation in the round table event to be organized during the Centenary sitting of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) to be held on 28 November 2019. That event would be open to the public and chaired by the current Chairperson of the CEACR, with three former Chairpersons also in attendance.
- 122.** *The Employer spokesperson* said that consultations with representatives in Geneva were essential to ensure efficient and productive Conference discussions. Formal tripartite consultations prior to the Conference would only be of benefit if the views of constituents were listened to carefully and acted upon, and the process should not be a substitute for discussions at the Conference itself. Draft conclusions must always reflect what was actually said by constituents during the general discussion. A distinction must be made between tripartite consultations in preparation for a discussion and those held to resolve issues from preceding discussions.
- 123.** His group shared the concerns regarding the dual-badge system but requested that the Office develop an alternative proposal for access controls in case they proved necessary for future opening ceremonies and high-profile sessions.
- 124.** His group supported the proposal to limit the number of seats for each group, based on the number of registered members, if that system was tested and evaluated before becoming standard practice. The Office was asked to collect information on the contribution made by attendees who were neither Workers, Governments nor Employers and who had no institutional role in the outcomes of what were inherently tripartite discussions. Any limits on the size of delegations should be applied primarily to observers.
- 125.** His group very much regretted the incidents of misuse of social media at the Centenary Session, which had sought to compromise the advocacy of the Employers. It was essential to prevent any parties from attempting to silence or shame any social partner or use domestic

political pressure to curtail their advocacy. Any person found filming or using social media to characterize the position of other groups should be expelled from the meeting room and have their Conference credentials removed and, if a member of an organization which was not a constituent, that organization should also be refused accreditation to the following session. Instructions on the proper use of social media should be included in future *Conference Guides* and stated during the preliminaries of each committee, and should be enforced.

126. Acknowledging the improvements already made in the catering arrangements for night sittings, he stressed that the situation, and indeed the food, remained far from ideal. He supported the proposal to stagger breaks in committees located at the same venue. More “food on the go” options should be provided, and well-stocked vending machines remained indispensable. Closures of facilities owing to public holidays should be avoided through effective planning. He thanked the Office for the improved bus transport, which his group had requested ahead of the Centenary Session.
127. His group supported discontinuing hard copies of the *Conference Guide* and *Daily Bulletin* and said the time had come to embrace electronics in full. He requested that the Office work with representatives to find a technological solution to the circulation of amendments and to use technology more effectively for the innovative electronic tracking and sharing of revisions. He asked the Office either to report back on best practices within the international system in eliminating paper and circulating revisions electronically, or to take the leading innovative role in the process.
128. His group welcomed the restrictive approach to side events and requested that the Office develop a list of objective criteria to clarify the exceptional circumstances in which side events could be considered and how they might be prioritized and resourced.
129. His group supported the regular, but not mandatory at each Conference session, convening of thematic panels to address matters not subjects of specific committees. Such panels should offer high-quality, relevant dialogues to canvass issues, but without attempting agreed conclusions or going beyond the remit of what was identified for agreed conclusions. The panels could be held at the same time as drafting group work.
130. His group, cautioning against a simplistic comparison of the number of votes cast, maintained that certain votes should, where appropriate, continue to be held outside the plenary to allow delegates to complete their committee work and also meet their voting obligations.
131. Committees should finish their work on the morning of the second Thursday of the Conference to allow sufficient time for each group to determine its position on the committees’ outcomes prior to the committee’s report being adopted at the plenary. His group supported setting time restrictions for the presentation of committee reports at the plenary and for individual interventions.
132. His group had originally proposed the introduction of verbatim reports in the CAS and so was pleased to note their positive results and supported their continued production.
133. Although the time limit of 10 p.m. for meetings had ensured that discussions were productive, the standard end time should be 6 p.m. and any extension beyond that should be seen as an exception rather than the norm.
134. His group supported the continuation of the use of time management devices during committee meetings. The online submission of amendments was a positive innovation and had assisted the work of the secretariats but the time allocations for submission and review

had proved excessive. His group had supported the early submission of amendments only in the exceptional case of the second standard-setting discussion at the Centenary Session and did not support adopting the practice in general.

135. His group acknowledged that modifying the order of discussion of certain provisions had seen positive outcomes but agreed that legal certainty was vital, especially taking into account the number of amendments under consideration. Clear and transparent rules were required and each committee should decide if and when modified sequencing was appropriate. His group strongly rejected the proposal to reserve the drafting group only for the most problematic parts of the outcome, especially following the experience of the Committee of the Whole at the Centenary Session, which had had considerably more working hours than any other committee. Substantive changes were often agreed during drafting group meetings and the meetings allowed for a smoother amendment process, making committee plenaries more efficient. A minimum of three days should therefore be allocated to such groups, accommodated by the initial, general discussion being shortened to two days. Drafting groups should also be open to wider groups of observers from constituents only, as had been the case at the Centenary Session where more Governments had been able to attend.
136. His group firmly opposed the proposal to draft texts ahead of the Conference, as the texts should be accurate reflections of the contributions of constituents to debate during the first plenary days of each committee. The substantial reports provided before the start of committee meetings, the two days of general discussion and the opening statements provided the Office with sufficient time and material for an initial drafting of proposed conclusions based on a clear understanding of positions and priorities.
137. The excessively long and late hours kept by Committee Drafting Committees could be remedied by convening early morning and more regular meetings to allow them to follow the progress made in the committees more easily.
138. His group supported the draft decision.
139. *The Worker spokesperson*, congratulating the Office on the success of the Centenary Session, noted that the time constraints caused by the two-week format of the Conference continued to present challenges both to the Office and to constituents. Although the preparatory meetings for the Standard-Setting Committee had been useful, such meetings could not become decision-making bodies and the necessary resources must be found to ensure adequate participation of all constituents. The Conference website had mainly been appreciated and well used.
140. Her group would welcome the introduction of badges with photographs, if technically possible, and agreed that the dual badge system had not been successful and, in future, limiting access would only ever be a concern for the opening ceremony. While she was concerned by the insufficient room capacity for the main committees, the proposal to limit the number of seats for each group should only be used as a last resort and flexibility on the issue should be maintained. The Office should continue to monitor the significant difference between the number of registered participants and the number of persons attending the Conference. It was currently premature to impose any limits on the size of delegations.
141. She commended the Office for helping to raise the visibility of the Conference through coverage in social and other media. Social media guidelines should be provided to participants but not be too prescriptive. Her group supported the proposals regarding catering services and welcomed the improvement in transport facilities.

142. She would accept a reduction in the number of printed copies of the *Daily Bulletin* and *Conference Guide*, but not their full elimination, and asked the Office to provide information on the number of printed copies produced and picked up. Regarding general logistics, drafting groups should meet in rooms that were fit for purpose, unlike the room where the Committee of the Whole had held its negotiations during the Centenary Session. Her group understood the need to maintain limitations on side events. The rise in bilateral events should be monitored at the next Conference session before criteria for allocating rooms were adopted. She agreed to continue with the practice of some of the Conference opening formalities being performed by the Conference itself and of each Government only having the right to address the plenary once.
143. The high-level section had proved successful and should be used as a model for future high-level segments in plenary. The Workers' group had always asked for that modality to be used in respect of policy coherence aspects, where it made sense to invite high-level guests from other organizations of the multilateral system. She saw little value in replicating thematic forums in other parts of recurrent discussions, where sufficient time needed to be allocated to substantive exchanges between tripartite constituents. Voting should take place in the plenary in order to preserve the solemnity of the process and the straightforward web-based voting system meant that no time was saved by voting outside the plenary. Her group held no strong views regarding the need for a Reporter but would welcome the opinions of the Governments on the issue. The trial of time limits for the discussion of technical committee reports should continue at the next session of the Conference, as their formalization remained premature. Her group supported the proposals relating to Provisional Records. It agreed to maintain the measures applied to the Selection and Finance Committees the following year, while noting the need for a meeting of the Selection Committee at the 109th Session in relation to the abrogation and withdrawal of instruments.
144. Her group agreed that the informal tripartite working group on the working methods of the Committee on the Application of Standards (CAS) remained the appropriate forum to discuss possible improvements in the working methods of that Committee. She agreed with the proposed simplification of the determination of the quorum for voting purposes and with the need for the Credentials Committee to have continuity in its membership, calling on the Governments to consider adhering to that principle.
145. Her group welcomed the arrangements for the working hours and time management of technical committees and noted the need for flexibility. Regarding the reduced time for opening remarks and the online submission of amendments for the Standard-Setting Committee, she noted that the Centenary Session saw the second year of that discussion and that it would not be possible to foresee amendments prior to a first sitting, as the Workers' group would not yet have consulted with the Workers' delegates. More time should have been made available for negotiations on the Centenary Declaration.
146. Her group did not support the proposal to prepare draft conclusions for general or recurrent discussions before Conference sessions, as only a small group of Workers, and Employers, would be involved, which went against the universality of the Conference, and the discussion of conclusions before a full debate at the Conference would prejudice outcomes and undermine the parliamentary function of the Conference. Her group did not support dealing with draft conclusions directly in plenary and noted that the format of recurrent and general discussion conclusions were much more detailed than those of the Centenary Declaration. The current arrangements should therefore be maintained. Her group supported the draft decision.
147. *Speaking on behalf of GRULAC*, a Government representative of Uruguay said that GRULAC supported the two-week format of the Conference. GRULAC was committed to continuing its efforts to provide details of its nominated Officers of the Conference and

committees in a timely manner. The dual badge system had not been successful and a seating allocation plan should be introduced so that smaller delegations, where members may only be able to cover parts of meetings, did not lose their seats to larger delegations. GRULAC did not support limiting the number of delegates participating in meetings in principle, but would agree to it in practice if it enabled access for all delegations. Given the busy schedule of the Conference, it was essential for the meeting rooms for the Government group to be easy to find, conveniently located, with good audio systems and sufficient seats, which had not been the case at the Centenary Session. The meeting rooms for the regional groups must be available on time and in the correct format. The meeting rooms allocated to GRULAC must be available for the full length of the scheduled meeting times, which had not been the case at the Centenary Session.

- 148.** Special security measures should be available for high-level officials, involving special badges, as was the practice at larger UN conferences, so that they could be exempted from time-consuming and excessive security checks. While recognizing the improvements made to catering services, GRULAC requested that further improvements be made, including in the full availability of services during public holidays. The location of transport facilities should be better indicated in future, especially when security measures required they be moved. Interpretation should be provided for all high-level sessions and thematic forums to allow for the full participation of all constituents. GRULAC supported the 10 p.m. end time for evening sittings and encouraged the Office to avoid scheduling events such as receptions at times that might interfere with the work of the committees and extend their working hours.
- 149.** GRULAC encouraged the Office to investigate the possibility of a paper-free document system for amendments. Ways should be found to present amendments more simply and deal with them more easily in plenary. GRULAC regretted that much of the work of the Committee of the Whole had been completed by a drafting committee with representation from a limited number of governments and that excessive discussion of working methods had limited the time available for substantive discussions. While recognizing that the ILO's tripartite nature was unique among UN organizations, GRULAC encouraged the Organization to benefit from common UN working practices, such as holding informal consultations and establishing special committees on specific issues that could not easily be addressed in plenary sessions. Such clear and simple methods would increase transparency and efficiency and improve the working environment. GRULAC applauded the Standard-Setting Committee for its hard work in achieving the approval of the Violence and Harassment Convention, 2019 (No. 190), and Recommendation (No. 206). GRULAC continued to have concerns regarding the working methods of the Committee on the Application of Standards and called for the shortlist of cases to be issued earlier to enable the participation of governments sufficiently in advance. There should be more consultation with governments and recognition of activities at the national level to enable better solutions at the international level. The possibility of appointing a Government chairperson for the Committee should be considered, as it would allow for significant contributions from a Government perspective. Governments concerned should be informed of conclusions sufficiently in advance to be able to inform the respective authorities and should be given the floor immediately before the adoption of conclusions. It was also essential that any information meetings regarding cases be interpreted in all three working languages throughout. GRULAC supported the draft decision.
- 150.** *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire agreed with the Office that the dual badge system for access to the high-level meetings had been unsuccessful and should not be repeated. The group also agreed that a restriction might have to be placed on the number of seats per Government delegation, in view of the limited capacity afforded by the ILO and UN buildings. By contrast, the group considered that the overall information and communications strategy had proved successful, although it urged

the Office to strengthen awareness of the need for greater confidentiality at the committee level. The group approved of the security arrangements for the Conference, which offered useful lessons for future sessions, and welcomed the fact that the Conference arrangements had enabled more delegates to speak than in the previous three sessions, although more effective measures to prevent overrunning speeches might be called for in the future. The group supported the proposal to maintain the arrangements for production of Provisional Records outlined in paragraph 44. It was satisfied with the running of all the committees and referred in particular to the trial of the verbatim report and the methodology used by the CAS, which should be continued and also used for other committees. It also welcomed the methodology and good practices of the Committee of the Whole; its resourcefulness had contributed to its success. The group supported the draft decision.

- 151.** *Speaking on behalf of ASPAG*, a Government representative of Australia said that the intersessional preparations for the Standard-Setting Committee: Violence and Harassment in the World of Work had provided an invaluable opportunity to better understand the more challenging areas of the text. Her group could therefore support the use of tripartite informal consultations to prepare for future standard-setting committees, particularly during years when more than one standard-setting item was before the Conference. She requested more details on how future costs for the Conference might be limited or defrayed. By contrast, such comprehensive intersessional preparation might have helped resolve some of the difficulties encountered during the negotiations in the Committee of the Whole. Her group requested the Office to consider all options for devoting additional time to the consideration of significant documents such as the Declaration in the future.
- 152.** The group welcomed innovations such as the live streaming that had allowed global coverage in real time, the suite of communications products that the Office developed in advance of and during the Conference and, in particular, the improved shuttle services and late-night bus service and the later opening times of Palais facilities. The group commended the Office on its continued efforts to use technology to improve the Conference, particularly through the new voting procedures and the online submission of amendments. However, consideration should be given to extending the deadline for the submission of amendments. ASPAG encouraged the Office to continue its efforts to enforce time limits for speakers and supported the further reduction or elimination of printed documents, a subject on which a committee might be formed. The group was deeply concerned at the long hours worked by delegates and the subsequent strain that placed on Committee Drafting Committee members and the staff of the Office itself in having to prepare for the following day. The group would welcome consideration of ways to reduce the considerable difference between the number of registered delegates and the number of delegates estimated to have attended the Conference, and was sensitive to the additional workload that such a large number of accreditations and registrations imposed on the Office. Finally, given the substantial impact that the Palais renovations were likely to have on future sessions of the Conference, her group encouraged the Office to continue to simplify Conference proceedings as much as possible. Constituents could all play their part by respecting time limits and demonstrating flexibility in the changed environment. With those observations, ASPAG supported the draft decision.
- 153.** *Speaking on behalf of IMEC*, a Government representative of Japan noted that most improvements trialled by the Office during the Conference had been a success, although further advances could be made. She emphasized the importance of finalizing the nomination of the Officers of the Conference as early as possible, to allow timely consultations. Standard-setting committees could also benefit from tripartite consultations before the Conference, but such needs should be identified on a case-by-case basis; her group agreed that the necessary resources should be approved as part of the Conference budget. She welcomed the increased use of technology, such as apps and electronic systems for registration and the submission of amendments and credentials. Noting the problems

encountered in ensuring sufficient seats, she asked the Office to explore possible solutions to allow enough space for participants. Although the differentiated badge system had been implemented effectively, there had been confusion over seating at certain sessions, resulting in delays and disorder; in future, the Office should carefully consider the room arrangements to avoid such issues. Measures to accelerate the catering service would also be welcome.

- 154.** Her group welcomed the measures to improve time management, notably limiting Governments to just one intervention in plenary sessions during discussion of the reports of the Chairperson of the Governing Body and the Director-General, and introducing time limits for all speakers during the adoption of committee reports in plenary. Further efforts should be made to enforce those time limits at future sessions. In addition, the new electronic voting system should be refined to eliminate teething difficulties and save time. Regarding the Provisional Records, she welcomed the steps taken to provide written records of all plenary debates in the three official languages, which should be continued in future, and supported the decision to post the reports of the Selection Committee and Finance Committee online.
- 155.** It was positive that the informal tripartite consultations on the working methods of the CAS would continue, and the changes to its reporting methods were helpful. However, the Office should consider how to ensure additional seats in those sessions for Governments that needed them, including for high-level representatives. Improvements were also needed to ensure smoother operation of standard-setting committees; given the associated workload, strict time management, skilful chairing and adequate preparation were essential, including informal preparatory consultations. Her group had appreciated the online system for submitting amendments, but asked the Office to provide adequate instructions in future. Furthermore, the requirement to submit amendments before the first sitting of the Committee had not allowed sufficient time for consultation and coordination among delegates; that requirement should not therefore be maintained for future sessions. She expressed support for the draft decision.
- 156.** *A representative of the Director-General* (Deputy Director-General for Management and Reform), responding to the points raised and thanking representatives for the guidance provided, said that he shared the concerns regarding meeting rooms but that every available room had been used during the Centenary Session. The issue would be exacerbated during future renovations at the Palais des Nations but the Office was guided by the decision of the Governing Body to remain in Geneva.
- 157.** He noted that the ILO was under the control of the UN security services at the Palais des Nations, so although the Office cooperated closely to make the security process as smooth as possible, it did not have the final say on decisions such as access control, badge permissions and exceptions for high-level guests.
- 158.** Although it was possible to increase the volume of services such as interpreting and catering, such decisions could only be made by the Governing Body owing to the cost implications.
- 159.** The two-week format of the Conference did impose time restrictions and so a balance between the time allocated for drafting committees as opposed to general discussion had to be struck and the decision must be led by the Governing Body. Time management strategies at the Centenary Session had been effective at the plenary and reasonably effective for most of the committees but the cooperation of delegates was required for further improvements.

Decision

- 160.** *The Governing Body requested the Director-General to prepare for its consideration at its 338th Session (March 2020) a detailed programme of work for the 109th Session of the International Labour Conference (2020) based on a two-week format and taking into account its discussion of document GB.337/INS/3/3.*

(GB.337/INS/3/3, paragraph 65)

Fourth item on the agenda

Mid-term report on the implementation of the ILO programme of action on decent work in global supply chains (GB.337/INS/4)

- 161.** *The Employer spokesperson* said that his comments related only to the Governing Body discussion and not to the Technical Meeting on Effective Governance to Promote Decent Work in Global Supply Chains that would be held in February 2020. He thanked the Office for the opportunity provided by the mid-term report to learn about the efforts being made to implement the programme of action through existing projects and initiatives. He noted that many of them counted on the active engagement of his group including Better Work, SCORE, the Vision Zero Fund, and also expressed his group's support for other tools, such as the promotion of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration).
- 162.** In order to evaluate the progress being made and guide future work on global supply chains, the Governing Body should consider the mid-term report in conjunction with three other documents. The first was the synthesis review of independent evaluations of the ILO's work in global supply chains that had been published in September 2019. It produced clear, but worrying findings that were not fully reflected in the Office's mid-term report. For example, it found that: there was no clear ILO definition of global supply chains; there was no overall strategy or holistic approach; global supply chains were an entry point to addressing decent work deficits in a country and the Office's work and should not be treated as a discrete policy issue; there were no baseline data to measure progress; there was no established ILO methodology; there was a lack of evidence regarding what worked and what did not; there was no clear division of roles and responsibilities within the Organization; there was no systemic response at the country level; and most of the projects were one-off and were at the sector or enterprise level. The synthesis review confirmed many of the fears previously expressed by his group, but it also provided an opportunity to re-evaluate and re-orient the Office's work in that area.
- 163.** The second key document that should guide the ILO's work on global supply chains was the Centenary Declaration, which, in Part II, Section A, paragraph (xii), reflected the need to consider how to achieve decent work for all workers, regardless of where they operated, by considering domestic as well as global supply chains.
- 164.** The third key document was the forthcoming Alliance 8.7 report on ending child labour, forced labour and human trafficking in global supply chains. While his group did not support all of its findings, the Alliance 8.7 report highlighted the need to consider both domestic and global supply chains holistically in order to focus on the root cause of issues.

- 165.** He requested the Office to consider additional recommendations in its continued implementation of the programme of action. Noting that the Office mid-term report described finalizing methods and tools to underpin a more consistent approach to addressing decent work in global supply chains, he appreciated the effort but said that such methods would not adequately address the fundamental issues that existed because of a lack of a comprehensive strategy. He therefore reiterated his request to the Office to work closely with its constituents to address the findings of the synthesis review.
- 166.** He appreciated the Office's efforts to improve its internal coordination, as global supply chains were an entry point for responding to decent work deficits, including in connection to the domestic supply chains to which they were closely connected. Supply chain activities cut across all ILO work, therefore, the coordination role should be carried out by the office of the Deputy Director-General for Policy rather than a specific policy department. He urged the Office to maintain active engagement and coordination with the working groups on apparel, mining, electronics and research and knowledge dissemination, with the involvement of ACT/EMP and ACTRAV. The working groups were an important vehicle to deliver the "One ILO" approach and made it possible to map the entire supply chain in the selected sectors and examine where the issues lay. The working group on research and knowledge dissemination should expand its research to a wider variety of countries and sectors to build a comprehensive understanding of global supply chains, including research on workers simultaneously involved in both domestic and global supply chains. The Office should increase direct engagement with the IOE and ACT/EMP with regard to the remaining three areas of its programme of action. Finally, his group urged the Office to break out of its silo and work more closely with relevant UN agencies, particularly those based in Geneva. Returning to the opportunity provided by the mid-term report, it was critical for the Office to take a holistic approach, and help countries build capacity for sustainable national programmes to address decent work challenges across the entire labour market, including through partnerships with companies in different sectors. In the light of his comments, he proposed that the first part of the draft decision in paragraph 41 should be amended to read: "The Governing Body requested the Office to take into account the findings of the independent synthesis review and the guidance provided by the Governing Body in continuing to implement ...".
- 167.** *The Worker spokesperson* said that, even though domestic supply chains had been recognized in the Centenary Declaration, the ILO's programme of action clearly and specifically concerned global supply chains. Her group looked forward to the forthcoming Technical Meeting on Effective Governance to Promote Decent Work in Global Supply Chains, which should address governance gaps. As the only tripartite and standard-setting organization in the area of labour, the Organization should keep pace with developments at the international level with the discussion of the UN binding treaty on transnational corporations but also at national level with legislation adopted in a number of countries to regulate business behaviour, and show its leadership in realizing decent work in global supply chains.
- 168.** She urged the Office to increase its efforts to promote freedom of association and collective bargaining in export processing zones (EPZs), without which there would be no improvement to working conditions. She cautioned that the Organization's image would be at risk by being associated with programmes that directly undermined or did not sufficiently emphasize and support the importance of the two enabling fundamental rights. She noted with regret that labour inspection had decreased in some EPZs.
- 169.** She encouraged the Office to implement as soon as possible the conclusions of the Meeting of Experts on Cross-border Social Dialogue. Discussions to increase efforts to promote and implement the MNE Declaration should be considered in the continued implementation of

the programme of action on global supply chains. She welcomed the efforts by several ILO departments to follow up on the conclusions of the 105th Session (2016) of the International Labour Conference concerning decent work in global supply chains as well as the sectoral work by the Sectoral Policies Department. However, further coherence and coordination was required in order to work across entire supply chains. The implementation of “One ILO” programmes was an important way forward. With regard to capacity-building, she called for greater efforts to ensure that the Integrated Strategy on Fundamental Principles and Rights at Work 2017–23 effectively recognized the enabling nature of the rights enshrined in 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). The Sustaining Competitive and Responsible Enterprises (SCORE) programme should place greater emphasis on promoting those rights and should also seek to place greater emphasis in working with companies that are unionized and in promoting collective bargaining.

- 170.** The Office’s technical assistance should be tailored to the needs of the different constituents and should promote social dialogue at all levels, with a view to advancing decent work in global supply chains for all workers. Her group would be ready to work with the Office in cases where workers were prevented from organizing and bargaining collectively.
- 171.** In the light of changing business models caused by transformations in the world of work, the programme of action should focus on preventing and addressing informalization in global supply chains in line with the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the Employment Relationship Recommendation, 2006 (No. 198).
- 172.** She objected to reference in the report to programmes that had contributed to “social upgrading”. The term might be understood as a process towards the progressive achievement of fundamental rights, whereas those rights should be ensured at all times and any deficits must be exposed and addressed. The work on OSH and labour inspection should be strengthened, working with the social partners and labour inspectorates, in order to address the worrying trend of decreased investment in labour inspection and more reliance on self-inspection by enterprises. Linkages should be made to the right to organize and collective bargaining and investment in labour inspection.
- 173.** She welcomed the new methodology to map the supply chain, which would provide an important basis for addressing decent work deficits, and the review of the Office’s research on decent work in global supply chains, which should be used to produce evidence-based policy advice. Research should examine business dynamics across tiers or in intermediate and lower tiers and connections between sectors. The digital component of global supply chains as an outsourcing practice could also be included as a research area, drawing on ILO research into the decent work deficits arising out of digital labour platforms, particularly through the fragmentation of the employment relationship. There could also be research into how cross-border social dialogue could contribute to due diligence processes, in line with the MNE Declaration. Furthermore, the Office should address the acute knowledge gaps referred to in the report. She expressed concern that programmes involving industrial relations systems in global supply chains might be underestimated as a tool to address decent work deficits, which should be taken into account when developing capacity-building programmes.
- 174.** Turning to the way forward, she asked for more information on the methods and tools being developed to address decent work in global supply chains, including when they would be launched. The decent work map that would result from that process would be welcome. In the meantime, the Office should apply a precautionary approach and continue to provide policy advice and technical assistance. The report did not specify the areas in which that support would be provided, but her group called on the Office to take note of the guidance

provided by the Governing Body in that regard. That said, her group expressed support for the draft decision.

- 175.** She expressed the hope that the previously agreed programme of action would still form the basis for ongoing work by the Organization. It was regrettable that the Employer spokesperson had once again brought up the subject of domestic supply chains, given the reference to them in the Centenary Declaration. She recognized the high level of domestic activities, including in domestic supply chains, some of which were not related to global supply chains. However, they would be covered by existing ILO standards and national legislation, whereas global supply chains were covered by the conclusions of the 105th Session of the Conference (2016) and the programme of action. The use of the word “holistic” was unhelpful, as it implied the programme of action should be expanded, when in fact the Governing Body had chosen to focus on global supply chains, which was itself a complex issue.
- 176.** The Workers’ group had major concerns about child and forced labour in global supply chains. She recalled the Governing Body’s discussion on decent work in the tobacco sector, and the worrying reports and court cases concerning child labour in the sector. She recognized that some of these issues were domestic, but enterprises active at the global level had to accept their responsibility to address child and forced labour, under the programme of action.
- 177.** Her group recognized the ongoing challenges in the area of global supply chains, and expressed frustration regarding the lack of progress; enterprises and governments had to take responsibility for those challenges, alongside unions. She disagreed that there was a lack of clarity and strategy, although there was room for improvement. Research was important but should entail more than just a synthesis review of evaluations of development cooperation programmes. She therefore did not agree with the Employers that the independent synthesis review should be singled out in the draft decision. She asked the Office to clarify which of the review recommendations it had already taken on board.
- 178.** *Speaking on behalf of the Africa group*, a Government representative of Namibia recalled that the programme of action and the corresponding road map had been revised in 2017. He recognized that the Office had made significant progress in the first two areas of action of the programme of action, and that work had begun in the other areas as a result of linkages with the work already undertaken. He also made note that the working groups that had been created, in consultation with the workers and employers, were helping advance a “One ILO” approach. However, it was not clear from the report whether the Office had identified a list of countries where country-level activities would take place. He asked which countries had been identified, and urged the Office to ensure that the selection was equitable.
- 179.** He expressed the hope that the final report on the programme of action would include information resulting from the mapping of specific industries. He asked the Office to provide more information on the new methods and any identified risk factors in the final report, so as to avoid ambiguity and to encourage a uniform approach. The Office should also provide thorough and evidence-based conclusions resulting from the five areas covered by the Office’s research on purchasing practices and working conditions. Moreover, it should clearly identify the supply chain actors that were more prone to decent work deficits.
- 180.** The lack of an organizational strategy hindered a holistic approach to the Office’s work. His group therefore asked the Office to clarify its position in that regard, and what action it planned to take in response. Finally, it was regrettable that the report did not refer to the synthesis review. His group therefore supported the draft decision as amended by the Employers’ group.

- 181.** *Speaking on behalf of IMEC*, a Government representative of Germany reiterated the importance of the ILO's role in addressing decent work in global supply chains. Welcoming the progress made to implement the programme of action, including the two meetings of experts, IMEC noted positively the "One ILO" approach, the stocktaking exercise to determine progress and the resulting recognition of a need for more coherence and coordination, and the establishment of three working groups to focus on three pilot sectors. Duplication of efforts should be avoided by further investing and promoting synergies in partnerships and initiatives, including the Alliance 8.7 Action Group on Supply Chains. Knowledge generation and dissemination among stakeholders was vital, and the Office's strategic approach to linking knowledge generation and technical assistance, including using applied research to pilot replicable and scalable intervention models, was important if the programme of action was to be fully implemented.
- 182.** IMEC welcomed the data-driven engagement model for future interventions, which was based on supply chain mapping and a survey of decent work challenges and opportunities within a country and sector, and which should be the basis of multi-stakeholder efforts to support the economic and social upgrading of the chain. She asked the Office to elaborate on the findings of the synthesis review and how they were to be incorporated into its future implementation of the programme of action. IMEC supported the draft decision.
- 183.** *Speaking on behalf of the EU and its Member States*, a Government representative of Finland said that Turkey, Montenegro, Albania, Norway, Armenia and Georgia aligned themselves with her statement. She supported the statement made by IMEC. She welcomed the "One ILO" approach and the establishment of working groups focusing on particular sectors. Concerning capacity-building, she asked how the "One ILO" programme and the project to improve the knowledge base on safety and health in global supply chains had contributed to the development of a model for future development cooperation programmes that would be replicable across different types and tiers of supply chains. Such efforts would require effective cooperation with the private sector, as well as ongoing tripartite collaboration and work with other development organizations and initiatives. New development cooperation programmes should include impact measurement and appropriate methodology.
- 184.** She emphasized the importance of the references to the MNE Declaration and the Integrated Strategy on Fundamental Principles and Rights at Work 2017–23, the development of the strategic compliance model built on proactive labour inspection, and the implementation of the conclusions of the two meetings of experts. She welcomed the ILO's cooperation with other organizations and national and international initiatives to strengthen international policy coordination and coherence, including the new methods for assessing prevalence and risk factors related to child labour, forced labour and human trafficking. The deliverables around partnerships were particularly important, as they enhanced synergies and helped avoid duplication. Likewise, knowledge generation and dissemination were of critical importance, and she welcomed the role of the ILO to play a clear role in generating knowledge and statistical information on decent work in global supply chains. It was nonetheless also time for the ILO to step up efforts on the other areas of the programme of action, particularly the ability to provide guidance to enterprises, including on due diligence, respect for wages, and other areas. The Office must be responsive to stakeholders' needs; it required information from country offices, the Employers' and Workers' groups, the ILO Helpdesk for Business, and National Contact Points to identify those needs. She asked the Office to provide additional information on the synthesis review and the insights it had provided, and to explain how they had contributed to the ILO's actions on decent work in global supply chains.
- 185.** The reference to the role of the ILO in domestic and global supply chains in the Centenary Declaration was an important step for the promotion of decent work in global supply chains. That phrasing had recently been endorsed by the conclusions of the Council of the European

Union welcoming the Declaration. The conclusions took into account the role of multinational enterprises and the need to foster responsibility in global supply chains through corporate social responsibility, due diligence, and promotion of decent work and social and labour protections. They also highlighted the need to communicate expectations of enterprise with respect to responsible business conduct, and consideration of appropriate measures when expectations were not met. The EU and its Member States supported the draft decision.

- 186.** *A Government representative of Bangladesh* emphasized the importance of global supply chains for economic development and growth and the achievement of the SDGs. It was important to ensure that the concept of the “global supply chain” was clearly understood by all partners, especially in developing countries. Accurate data would be required to understand the levels, trends, interlinkages and dynamics of those chains. The ILO should ensure that its programmes took into account each national context, and the programme and budget should also incorporate the recommendations set out in the report.
- 187.** *A Government representative of Ethiopia* welcomed the focus on knowledge generation and dissemination, and capacity-building under the “One ILO” programme. Those elements were crucial to enable developing countries to achieve their development objectives. Ethiopia’s proximity to large markets, an abundant labour force and natural resources made it an attractive country for foreign direct investment, and some investing companies had signed public–private partnerships with the ILO to implement the Better Work programme. The Government aimed at creating a conducive environment for businesses, while ensuring respect for the fundamental principles and rights at work through appropriate policies, legislation and promoting social dialogue and workplace cooperation. That was one reason the Government had volunteered to join Alliance 8.7 Pathfinder Countries. It was already collaborating with the ILO under the Better Work and Vision Zero Fund programmes, to build labour inspectorate capacity, improve working conditions and promote sound industrial relations. Setting up those mechanisms and promoting sound industrial relations in their collaborations with the ILO would ultimately provide a blueprint that would enable the Government to bring decent work practices to other strategic sectors of the economy. However, the country’s labour inspection system and institutional capacity required reinforcement to be able to address decent work deficits in global supply chains. The Government called on its development partners and on the ILO and to provide assistance in that connection. Her Government supported the draft decision.
- 188.** *A Government representative of the United Kingdom* welcomed the cross-functional and collaborative approach that the Office had taken, and expressed appreciation for the Office’s intention to gain a comprehensive understanding of decent work deficits in global supply chains, through knowledge generation and research, as that would suppose evidence-based policymaking. He congratulated the ILO for its leadership in Alliance 8.7. The scourge of modern slavery remained high on the United Kingdom’s domestic and international agenda. The recent deaths of 39 people in a refrigerated lorry in the United Kingdom showed that the country was not exempt from the problems of illegal migration, people smuggling and modern slavery. Its eradication was a shared responsibility, and could only be achieved by international collaboration and partnerships. Achieving transparency in global supply chains was a key focus of the United Kingdom, where businesses with a turnover in excess of £36 million were now required to report annually on steps taken to identify and combat modern slavery in global supply chains. That approach, reflective of elements in the UN *Guiding Principles on Business and Human Rights*, appeared to be producing results, and the United Kingdom wished to build on it. But the United Kingdom’s support for the ILO’s Decent Work Agenda, with respect to abusive practices in global supply chains, went beyond modern slavery. Inclusive, sustainable, and job-creating economic development was key, and the United Kingdom’s Economic Development Strategy stated the need to create increases in the number and quality of jobs in developing country companies. The United

Kingdom Government partnered with the ILO, under the Vision Zero Fund programme in Ethiopia, to improve workers' rights and safety and health in the garment sector. The United Kingdom welcomed the opportunity provided by the ILO approach to address decent work in global supply chains in the round, given the shared responsibility nature of the issue. Reiterating the importance of global supply chains, and the need to address them collectively, he noted that the United Kingdom looked forward to participating in the Technical Meeting on Effective Governance to Promote Decent Work in Global Supply Chains in February 2020.

- 189.** *A Government representative of the United States* supported the IMEC statement and noted that the Office's logical approach of identifying gaps and needs first, then setting forward possible tools to address the problems, was on target. She encouraged the Office to review carefully the suggestions put forward earlier by the Employers' group. The most urgent task was to rid global supply chains of child labour, forced labour and human trafficking. The US Government was working with, not against, the business community to achieve that end. Over the past 25 years, it had developed partnerships with 97 governments and 80 organizations to strengthen law enforcement policies and social programmes to end child labour. The Department of Labor had developed an app to assist companies and groups seeking to develop robust social compliance systems for their global production. The app, which provided step-by-step guidance, and included eight critical elements of social compliance, was designed for companies that did not have an in-house social compliance system. The United States Department of State Office to Monitor and Combat Trafficking in Persons monitored and reported on global supply chains, while the Department of Homeland Security and Customs Border Patrols responded actively to global supply chains violations using trade-related tools.
- 190.** *A Government representative of Thailand* said that compiling relevant data and mapping selected global supply chains, from primary producer to end consumer, was imperative. That information was not only for governments to take action, but also for social partners to better understand issues such as skills acquisition and health and safety issues. Knowledge generation was essential to fully understand the issue. Thailand had established a national action plan on business and human rights, in accordance with the UN Guiding Principles on Business and Human Rights, as well as Thailand's National Statistics Plan. The plan encouraged businesses to include respect for human rights as part of their goals. His Government ratified the Work in Fishing Convention, 2007 (No. 188), and had worked with the ILO to reduce decent work deficits and implement good labour practices, especially in supply chains for the seafood and poultry industries. The Thai Labour Standard for Global Supply Chains helped ensure compliance with laws, regulations and international labour standards. The Government, in partnership with the EU, the ILO, the OECD and the social partners, had set up the Responsible Supply Chains in Asia programme to promote responsible business conduct in selected industrial sectors. His Government supported the draft decision.
- 191.** *A Government representative of Nepal* emphasized his Government's strong cooperation with the ILO and support for the Organization. That close relationship was symbolized by the handing over, during the Centenary Session, of the ILO flag that had been successfully unfurled at the top of Mount Everest. Nepal had profited from the project "Towards Fair and Sustainable Global Supply Chains: Promoting Decent Work for Invisible Workers in South Asia" and he wished to thank the Government of Japan for the funding it had provided. The project had targeted garment and metalwork supply chains and had so far benefited over 2,200 workers. The second phase of the project, which focused on informal economy workers and improving their working conditions through formalization, was due to be completed in 2020. The Government encouraged the ILO to continue to implement the programme of action, and supported the draft decision.

- 192.** *A Government representative of Mexico* said that the ILO should take a leading role in promoting coherence among the multilateral initiatives related to decent work in global supply chains. The Organization should increase its collaboration with the United Nations, the OECD, the G7 and the G20, harness the force of international texts on the subject of global supply chains, build partnerships, and enhance policy coherence. Mexico promoted national and cross-border tripartite social dialogue by encouraging good governance in supply chains; raising awareness of the shared responsibility of governments and the social partners to contribute to decent work in supply chains; and strengthening the exchange of good practices and of experience between governments, international organizations and representatives of employers and workers. Mexico was confident that the programme of action would reduce gaps in governance and decent work deficits in the area and contribute to inclusive and sustainable growth. The programme should be implemented in accordance with member States' legislation and practice, taking national circumstances and context into account. The Government supported the draft decision.
- 193.** *A representative of the Director-General (Deputy Director-General for Policy (DDG/P))* said that the synthesis review effectively reviewed the evaluations of ILO projects dealing with global supply chains over a ten-year period, many of which had started prior to the programme of action work plan. The programme of action had therefore been able to benefit from the detailed analysis provided by the review as to what had worked and what should be improved. Four recommendations from the review were particularly useful: to inject greater coherence in the broad range of activities undertaken, and to develop a high-level strategy; to strengthen project design and monitoring; to develop a "One ILO" approach; and to consider whether a more in-depth and comprehensive evaluation of the ILO's work would be needed. Many actions related to findings from the synthesis review were discovered in the ILO's own stocktaking, and noted under the "Institutional developments and coordination" section of document GB.337/INS/4. The Office recognized absolutely the need to maximize organizational synergies. The "One ILO" programme in Ethiopia was an example of a more holistic and integrated approach, which the Office hoped to replicate moving forward. The methodology proposed in the "way forward" also outlined the intent to articulate the much-needed measures of progress. To develop a more coherent, evidence-based strategy, the Office would adopt a "whole-of-chain" or "whole-of-sector" approach by comprehensively mapping the sector in order to address the root causes of decent work deficits, then uniting all the actors in the sector to deal collectively with the issues, including freedom of association and collective bargaining.
- 194.** The Alliance 8.7 report found that the bulk of child labour and forced labour occurred in purely domestic supply chains; it also revealed that a not insignificant amount of child labour and forced labour violations occurred in global supply chains, mainly upstream in the supply chain, and not at the export point. That validated the view that the problem should be addressed by sector. The report contained a definition of global supply chains that was consistent with definitions used by other organizations. The report adopted a complicated methodology, which was set out in a forthcoming technical paper. For child labour, the methodology had been based on input-output tables and household surveys. The Office agreed with the need for uniform data, which was part of what it was trying to do. It was making every effort to collaborate with other UN agencies, and had recently done so with UNCTAD on a survey of EPZs. The Alliance 8.7 report had also been produced in cooperation with a number of other agencies.
- 195.** The Office was now ready to launch the second phase of the programme of action, and was in a position to broaden its mapping to include a number of different sectors and as wide a distribution of countries as possible, to favour geographical diversity, and to work collaboratively with other agencies. Previous focus had been on Asia and the Pacific, so the

Office was seeking to broaden that by, for example, working in the Democratic Republic of the Congo and in Mexico.

196. *The Worker spokesperson*, responding to comments from governments that had supported the Employers' amendment on the grounds that the report did not take account of the synthesis review, pointed out that paragraphs 30 and 31 of the document referred directly to the recommendations of the review. Her group supported the draft decision.
197. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that his group supported the draft decision as amended by the Employers.
198. *Speaking on behalf of IMEC*, a Government representative of Germany proposed sub-amending the Employers' proposed amendment with the insertion of the words "to continue" after the words "the Office", while retaining the rest of the original draft decision. Her group understood that there would be no further delay in commencing implementation of the second phase of the programme of action, as agreed by all constituents, nor regarding preparation of the technical meeting to be held in February 2020.
199. *The Employer spokesperson* agreed with the proposal by IMEC.
200. *The Worker spokesperson* supported the proposal by IMEC.
201. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that since the reference to the synthesis review had been retained and the concern raised by the Employers addressed, in the spirit of compromise his group could accept the draft decision as amended by IMEC.

Decision

202. *The Governing Body requested the Office to continue to take into account the findings of the independent synthesis review and, in light of the discussion, to continue to implement the programme of action work plan as outlined in document GB.337/INS/4 in order to maximize results before a final report is submitted to the Governing Body in October 2022.*

(GB.337/INS/4, paragraph 41, as amended by the Governing Body)

Fifth item on the agenda

Annual progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO ([GB.337/INS/5](#))

203. *A representative of the Director-General* (Head, ILO Project Office for the State of Qatar) said that the document provided an overview of the activities and achievements of the technical cooperation programme during the reporting period to October 2019. Important progress had subsequently been made in October with the announcement by the Government of Qatar of three major legislative reforms due to enter into force in January 2020. A Ministry of Interior decision had lifted the exit visa requirement for all workers, with the exception of military personnel. The Council of Ministers had endorsed legislation allowing workers to change employer without obtaining consent from their current employer, as well as a law

establishing a non-discriminatory minimum wage, applicable to all nationalities across all sectors. The minimum wage level would be set on the basis of a joint study completed by the ILO and the Ministry of Labour. Over the coming year, the Office would focus on supporting the enhancement of labour inspection services to ensure full implementation of the new legislation. In addition, it would support the Government to improve labour dispute settlement committees and access to justice and continue expanding work on the joint committees.

- 204.** *The Worker spokesperson* said that the technical cooperation programme had shown what the ILO could achieve when it directed technical assistance towards compliance with international labour standards. With respect to the first pillar of the programme, she welcomed the legislation on a non-discriminatory and evidence-based minimum wage, which she hoped would be adopted as soon as possible and take effect from 1 January 2020. The wage protection system was proving to be an effective tool to immediately remedy any delay or failure to pay wages. However, its scope should be expanded to all workplaces and illegal practices to circumvent it should be tackled; her group anticipated hearing about progress in that regard in November 2020. She welcomed the fact that the Workers' Support and Insurance Fund had received an operational budget and staffing, and expressed the hope that it would be fully operational by the end of the year, as announced.
- 205.** With regard to the second pillar, her group appreciated the adoption of the national labour inspection policy and the establishment of a strategic unit and training plan for 2019–20. Legislative reform should go hand in hand with a strengthened labour inspectorate to ensure effective enforcement, which should receive greater attention as the technical cooperation programme advanced. Advancements in the occupational safety and health programme were also appreciated, in particular with regard to heat stress.
- 206.** Concerning the third pillar, on an employment contractual system replacing the *kafala* system and improved employment and recruitment conditions, the adoption of the decision to lift the exit visa requirement for all workers was welcome and would enable migrant workers to leave the country without obtaining a permit from their employer. However, the exception allowing companies to exclude 5 per cent of their employees with financial and managerial responsibilities from the new measures should be phased out as soon as possible. Once the legislative reforms allowing migrant workers to change employers were in place, the eradication of the *kafala* system could be celebrated. Other key actions in this area included awareness-raising and employment policy work relating to domestic workers, who remained the most vulnerable category of workers and should be a focus of attention. The establishment of visa centres appeared to have helped combat contract substitution and their expansion was welcome.
- 207.** In respect of the fourth pillar, she welcomed the inclusion of forced labour in the National Plan to Combat Human Trafficking for 2017–22 and the establishment of shelters for victims of trafficking and exploitation.
- 208.** Concerning the fifth pillar, her group appreciated the adoption of Decision No. 21 of 2019 and the new requirement for subcontractors to establish joint committees. The first joint committees had been established and other companies had expressed interest in setting up joint committees. Capacity-building efforts would hopefully contribute to the establishment of more joint committees. Noting that the ILO was facilitating the submission of complaints from workers to dispute settlement committees, she said that the dispute settlement mechanism would be critical to ensuring the effective enforcement of the reforms and ensuring that workers had access to their rights. Turning to partnerships, she noted that the Ministry was working with international workers' organizations as well as employers and other governments. The ILO office in Doha hosted community liaison officers representing

four trade union organizations – the International Trade Union Confederation (ITUC), Building and Wood Workers’ International (BWI), the International Transport Workers’ Federation (ITF) and UNI global union – to support raising awareness and support workers in accessing dispute settlement committees and the arrival of a fifth from the International Domestic Workers Federation (IDWF) was imminent. Her group was satisfied that the technical cooperation programme was functioning at full force and had led to legal, institutional and policy reforms for migrant workers in Qatar. Her group would closely follow progress on the implementation of many of the positive developments noted.

- 209.** *The Employer spokesperson* noted that the developments in Qatar were a success for all involved. The Government of Qatar had delivered on extensive labour market reforms in a short period of time. If more countries showed some of the genuine willingness and speed shown by the Government of Qatar, many labour market challenges would be less serious by far. The three legislative reforms announced recently by the Government of Qatar, which must be implemented swiftly and in full, would not only end the *kafala* system but would ensure that decent work and a sustainable economy were at the centre of that country’s future development in line with SDG 8. The transformation in Qatar demonstrated what was possible when the international social partners worked together; their collaboration was essential to the success of the reform process, which served as an example of how to use standards as well as of the work of the ILO’s supervisory mechanism. His group looked forward to the continuation of the reform process.
- 210.** *An Employer member* expressed his thanks to all at the Office, the Government of Qatar and the social partners for their efforts to implement the technical cooperation programme. The Government’s steps to protect workers’ rights through the adoption of legislative reforms, particularly those that would bring an end to the *kafala* system, and the establishment of a social security fund to guarantee workers’ rights and wage rights were significant for the entire Middle East region.
- 211.** *Speaking on behalf of the EU and its Member States*, a Government representative of Finland said that the Republic of North Macedonia, Montenegro, Albania, Norway and Georgia aligned themselves with the statement. The EU and its Member States attached great importance to the promotion, respect and fulfilment of human rights, as safeguarded by the fundamental ILO Conventions and other human rights instruments, and took action in a number of areas in that regard. The overall progress made should be acknowledged. She welcomed the planned lifting of exit visa requirements, which should permit all concerned workers to leave the country temporarily or permanently during their contract period, and noted that the exception to that rule for not more than 5 per cent of a company’s workforce was a temporary provision. The endorsement by the Council of Ministers of draft legislation allowing workers to change employer freely was also commendable. Those measures were fundamental steps towards the abolition of the *kafala* system, and she welcomed the decision of the State of Qatar to implement those measures by January 2020.
- 212.** The approval by the Council of Ministers of draft legislation on a minimum wage was particularly welcome, since it would apply to all workers irrespective of nationality and, once adopted, would be the first such legislation in the Middle East. With regard to improvements in the payment of wages following the creation of dispute settlement committees, she called for the swift handling of labour complaints submitted. She also welcomed the Workers’ Support and Insurance Fund, which should be fully operational by December 2019. The timely payment of overdue wages remained a major obstacle for many workers. The State of Qatar should consider expanding the application of the fund beyond insolvency in order to ensure the continuation of wage payments in cases of accident or the non-payment of wages on other grounds.

- 213.** The focus on labour inspection and occupational safety and health through the adoption of policies that took into account relevant ILO standards and instruments was welcome, particularly since heat stress remained a concern that needed to be adequately addressed by the Government and enterprises. The adoption of Decision No. 21 of 2019 was welcome, alongside the introduction of a requirement for all subcontractors to establish joint committees. The Government should take further steps in that regard and grant workers the right to strike and the right of freedom of association. While the measures taken were important milestones towards the implementation of genuine labour reform in Qatar, further implementation and enforcement was needed to achieve a contractual system that offered fair and decent conditions to all workers. The Government should take further measures to prevent recruitment agents and brokers from charging illegal commissions, with a view to allowing workers to enter into contracts without intermediaries. The announced one-stop shops should be speedily implemented. All reforms should be extended to cover domestic workers. The Government should continue to work with the ILO and the international social partners to meet the goals of the technical cooperation programme; the EU stood ready to support the Government by sharing best practices and providing expertise. She looked forward to assessing the additional progress made next year.
- 214.** *A Government representative of the United States* said that the progress of Qatar in reforming its labour laws and towards implementing a far-reaching labour agenda was significant and substantial. She applauded the decision of the Council of Ministers to abolish the no-objection certificate, remove the exit permit requirement and institute a non-discriminatory minimum wage, thus effectively ending the *kafala* system which had allowed for unscrupulous recruitment procedures. Migrant workers were already benefiting from the information on their rights provided by the newly established Qatar Visa Centres in the major migrant-sending countries and such efforts significantly increased respect for workers' rights and marked an important transition to a freer and more open labour market.
- 215.** She highlighted the use of academic research by the Government of Qatar to develop state-of-the-art techniques for mitigating heat stress and adapt them for the practical use of workers and employers, noting that much remained to be done.
- 216.** She urged the Government of Qatar to institutionalize the national labour inspection policy that it had adopted in April 2019 and build a systematic and effective inspectorate, as labour laws were only meaningful if enforced, and labour inspectorates were the crucial first line of defence against non-compliance. The Government of Qatar should prioritize addressing the delayed payment and non-payment of wages, the protection of domestic workers, who were hidden and often had difficulties in communicating their grievances, and enforcing the new laws that enabled workers to change jobs and leave the country. It should also continue its successful efforts to raise awareness of workers' rights and protections among Government officials, workers and employers.
- 217.** Her Government remained committed to supporting the important reform agenda of Qatar. The United States Department of Labor had signed a memorandum of understanding with the Qatari Ministry of Administrative Development, Labour and Social Affairs in 2019 to support its programme of labour reform, including through the training of labour inspectors. She supported the draft outcome.
- 218.** *A Government representative of Canada* acknowledged the cooperation of the Government of Qatar with the ILO. Her Government welcomed the many positive efforts and reforms undertaken to improve labour rights in the country. The significant labour reforms scheduled to take effect in Qatar in January 2020 were a critical and encouraging step and she looked forward to their full implementation and enforcement. She took note of the progress made

under the technical cooperation programme, including the establishment of a Worker's Support and Insurance Fund and the adoption of a national labour inspection policy.

- 219.** She welcomed the acknowledgement in the document of her Government's cooperation on labour issues with the Government of Qatar; her Government would continue to share information and best practices relating to labour management, collective grievances and management of conflicts and complaints. She also recognized the excellent work of the Office and the Project Office in Qatar in assisting Qatar to meet its commitments under international labour standards.
- 220.** *A Government representative of Switzerland* said that her country recognized the progress made by the Government of Qatar towards abolishing the *kafala* system as a significant step towards protecting the rights of migrant workers. She particularly welcomed the decision by the Council of Ministers to abolish exit permits for all migrant workers, including domestic workers, to remove the no-objection certificate and to strengthen the wage protection system, as those measures would contribute to the respect of the rights of migrant workers. She encouraged the Government of Qatar to continue its cooperation with the ILO to implement the wide-ranging reform programme and to address remaining significant challenges by embedding the measures in employment practice, ensuring the full observance of legal safeguards and making further progress in the areas of recruitment, entry requirements for migrant workers and action against human trafficking.
- 221.** *A Government representative of Qatar* said that he had paid careful attention to the progress report and to the recommendations made by members of the Governing Body, drawing attention to the significant progress made across the five strategic pillars of the technical cooperation programme as detailed in the document. The wage protection system, the deregulation of the entry and exit of migrant workers and the establishment of joint committees were designed to support the rapid resolution of any labour disputes between employers and workers. He highlighted the establishment of the Workers' Support and Insurance Fund, the programme to strengthen the National Plan to Combat Human Trafficking for 2017–22 and the legislation passed by the Council of Ministers, due to enter into force in January 2020, which would ensure better rights for migrant workers. His Government had signed memorandums of understanding and agreements with the Governments of France, the Netherlands and Sweden in various areas including labour, tourism and hospitality, with the Government of the United States and a Swiss aid agency on human trafficking, and with the BWI and the ITF. Improvements had also been made in the development of human resources, improving labour practices and labour inspection and the Government was continuing its efforts to achieve the SDGs. The ILO's technical cooperation programme, legislative reform in Qatar and international cooperation had all led to an atmosphere conducive to a change in tripartite partners' practices and established improved methodology for consultation between social partners in Qatar.

Outcome

- 222.** *The Governing Body took note of the annual progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO contained in document GB.337/INS/5.*

(GB.337/INS/5, paragraph 53)

Sixth item on the agenda

Follow-up to the decision adopted by the Governing Body at its 334th Session to support the National Tripartite Agreement of November 2017 aimed at implementing the road map: Progress report by the Government of Guatemala on action taken ([GB.337/INS/6\(Rev.1\)](#))

223. *The Worker spokesperson* said that while her group welcomed the regular meetings of the National Tripartite Committee on Labour Relations and Freedom of Association, which had been established with the full support of both workers and employers, it had serious concerns about the overall implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) road map. Social dialogue being a means to an end, it was now high time for the National Tripartite Committee to finally deliver on long-standing promises to the workers and unions of Guatemala. If it failed to do so, the unions might cease their participation and low unionization rates would continue to prevail in a country where it was both dangerous to be an active trade unionist and almost impossible to achieve positive outcomes for workers. She noted that the trade unions in Guatemala considered that even the partial progress made between 2013 and 2018 was currently at risk. In addition, she expressed serious concern that most of the 90 cases before the ILO involving the murder of trade unionists remained unresolved, that the anti-union motive was not being prioritized in investigations and that murders and death threats against trade unionists continued unabated.
224. It was regrettable that the promised legislation changes to comply with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Right to Organise and Collective Bargaining Convention, 1949 (No. 98), had not even passed the initial stages of discussion at Congress. Furthermore, the scheme of security measures for trade union leaders was being completely dismantled; it was unsurprising that Guatemala continued to be one of the most dangerous countries in the world for trade unionists according to the global rights index of the ITUC. Anti-union practices such as the frequent dismissal of municipal workers for union activities continued unchecked and minimal progress had been made with regard to reinstatement orders for dismissed workers. Even workers who were reinstated did not then receive their salary. In addition, limitations to the registrations of trade unions persisted and few collective agreements had been approved in 2018 and 2019.
225. She drew the Governing Body's attention to the fact that Case No. 2609 (Guatemala) had been classified by the Committee on Freedom of Association in its 387th Report as serious and urgent in view of the multiple instances of murder, attempted murder, assaults and death threats and the prevailing climate of impunity.
226. As the proposed bill to enshrine the National Tripartite Committee on Labour Relations and Freedom of Association in law had still not been approved, it was possible that the incoming Government of Guatemala could decide to abolish the Committee or change its purpose.
227. She requested clarification from the Office on its presence in Guatemala and as to how subparagraph (e) of the Governing Body's decision at its 334th Session on GB.334/INS/9(Rev.), concerning the implementation of a robust technical assistance programme, would be accomplished. She also recalled that subparagraph (f) of the same

decision had encouraged the international community to provide the necessary resources for the technical assistance programme. She expressed the view that the support currently provided to constituents in Guatemala from the ILO Office for Central America was not consistent with the level required by the Governing Body decision.

- 228.** The frequent changes of government and labour ministers in Guatemala since the article 26 complaint was made in 2012 had led to regular requests to the Governing Body for additional time to implement the road map. Consequently, little progress had been made in a country where severe violations of trade union and labour rights continued. Although her group took note of the Government's disappointment at the lack of engagement from trade unions in the social dialogue process, it was important to understand the concerns and frustration of workers in Guatemala who had witnessed both a lack of significant progress regarding the road map and the withdrawal of the article 26 complaint against their will and in the face of strong opposition from the Workers' group.
- 229.** Her group remained seriously concerned about the shortcomings of the implementation of the road map and the strong possibility of a return to the emergency situation of 2012 that had given rise to the presentation of the article 26 complaint. The measures taken by the Government, as outlined in the document, were far from sufficient in light of the serious nature of the violation of trade union rights. She called upon the Government due to come into office in January 2020 to commit to the swift and comprehensive implementation of the road map. Her group supported the draft decision.
- 230.** *The Employer spokesperson* recalled that the decision taken by the Governing Body at its 334th Session to close the article 26 procedure had been taken after important progress had been noted by a tripartite mission to Guatemala in September 2018. He welcomed the comprehensive information provided by the Guatemalan Government on the additional measures adopted to implement the road map and noted that the report of the National Tripartite Committee containing statements by the country's tripartite constituents had been submitted to the ILO by the Government without the input of the worker representatives, who had failed to meet two deadlines as they had not been able to reach consensus.
- 231.** While highlighting that progress had been achieved with respect to several aspects of the road map, he noted that unresolved issues remained, in particular concerning legislative reforms. Although consensus had been reached on a number of the points with regard to the much needed legislative reforms, in other points there was a clear disagreement between workers and employers. He called upon all parties to attend scheduled meetings of the National Tripartite Committee in order to resolve points of disagreement on the proposed legislative reforms and enable Congress to finalize the process. He expressed regret that an objection had been raised to his request to allow the Chairperson of the National Tripartite Committee to address the Governing Body.
- 232.** *The Worker spokesperson* said that in order to ensure fairness, either both the Workers' and Employers' group should be allowed to present a non-member of the Governing Body to speak on the issue or neither group should be allowed to present such a speaker. It would also not be appropriate for the Employers' group to request that a member of the Governing Body from Guatemala be allowed to speak in addition to the Employer representative.
- 233.** *The Employer spokesperson*, withdrawing his request, emphasized that the Chairperson of the National Tripartite Committee, who was an employer, had worked hard to build bridges between the parties in Guatemala but that his efforts had been thwarted by the fact that the workers had not only failed to attend National Tripartite Committee meetings and ILO training events but had not informed the relevant parties that they would not be attending, which was disrespectful and was directly hampering the progress of the legislative reforms.

- 234.** He noted that no delays to implementing the road map were envisaged as a result of the change of Government in January 2020, as a handover process had been established between the outgoing and incoming labour ministers and the issue was a matter of State rather than of Government. He further noted that the Government, Congress and employers were committed to the road map and urged the workers to join them in engaging fully in the process.
- 235.** *A Government representative of Guatemala* said that his Government recognized that, despite the progress made, there was still some way to go in order to fully implement the road map. The tripartite constituents were determined to work together for the sake of the Guatemalan people and to break the cycle of poverty. It was important to find holistic solutions that created more and better jobs which offered decent working conditions and benefits not provided by the informal economy. Often, agreements made within the National Tripartite Committee on Labour Relations and Freedom of Association were on broader economic or labour issues. Despite some disagreement among Committee members, the cooperation shown by all sides had borne fruit, with no reported killings of trade union leaders in the current year, and a strengthened judiciary. The social partners would be important in supporting the executive power in convincing the judiciary of the need for expeditious proceedings against alleged murderers of trade unionists. It was hoped that further efforts could be made, with further funding, to strengthen the Ministry of Labour and Social Welfare. Following the election of a new government earlier in the year, the electoral legislation had been amended to allow a longer transition period between regimes, enabling the incoming government to engage more thoroughly in continuing the efforts to implement the road map. The upcoming ILO technical assistance programme would greatly facilitate a smooth takeover by the incoming government, which had committed to continuing to work with the ILO on the road map. He appealed for continued support from donors to enable further progress.
- 236.** The incoming government would be assuming the presidency of the National Tripartite Committee, which was in the process of becoming institutionalized as a standing body, through a bill submitted on the basis of tripartite consensus. Amendments to that legislation were being tabled on a tripartite basis, and it was expected to be passed, if not in 2019, in 2020. While some bodies had been unable to meet, technology had been used to enable the social partners to maintain constant contact, and to report urgent offences and request protective measures, without the need for an intermediary. No one could say that Guatemala was failing to comply with its responsibilities of increasing compliance with labour laws, improving working conditions and listening to its constituents. The Governing Body had made the right decision in closing the article 26 case, and the country had responded to the vote of confidence with the support of the ILO. The incoming government possessed the necessary political will to continue making progress on the road map. He closed by thanking the Office and donors for the invaluable technical assistance for Guatemala.
- 237.** *Speaking on behalf of a significant majority of countries from Latin America and the Caribbean*, a Government representative of Uruguay welcomed the tripartite efforts to strengthen social dialogue and fully implement the road map, and encouraged the tripartite constituents to maintain the level of dialogue achieved in the National Tripartite Committee. She trusted in the readiness of the international community to contribute technical and financial resources to the technical cooperation programme due to commence in the near future, in order to make the process sustainable. She urged the executive and legislative authorities due to take office in January 2020 to build on the efforts already made under the road map and ensure the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). She supported the draft decision.

238. *Speaking on behalf of the EU and its Member States*, a Government representative of Finland said that North Macedonia, Montenegro, Albania and Norway aligned themselves with the statement. The EU and its Member States continued to follow closely the progress made by Guatemala on issues related to the implementation of ILO Convention No. 87 and continued to engage with Guatemala on labour law issues. While progress had been made, it was regrettable that, according to the trade union federations' observations, the road map remained largely unimplemented and cases of anti-union discrimination and violence continued. She welcomed the resumption of social dialogue, after five months of inactivity, through the National Tripartite Committee, a body that was crucial to the creation of a climate of trust and cooperation between the social partners. She urged the incoming government and Congress to ensure that the Committee received full legal recognition as soon as possible. The delay in finalizing the legislation needed to bring domestic legislation in line with fundamental ILO Conventions and the limited progress towards the overall implementation of the road map were regrettable. She urged the Public Prosecutor's Office and the Ministry of the Interior to follow the recommendations of the National Tripartite Committee, particularly in relation to the Special Investigation Unit for Crimes Against Trade Unionists, and to continue investigations into the deaths of trade union leaders and trade unionists, in order to ensure prompt and full accountability and justice. It was essential to implement without delay the technical assistance programme proposed by the ILO and approved by the National Tripartite Committee in August, and the Government must also adopt without delay the legislative reforms submitted by tripartite consensus to Congress with a view to fully implementing the road map. She supported the draft decision.
239. *A Government representative of the United States* lamented the lack of progress in implementing the road map in the year since the Governing Body's decision to close the article 26 complaint, and recalled that the United States had advocated keeping the complaint open to ensure that the Government maintained its momentum. She urged the Government to make good on its commitments to reform the Labour Code to bring it into conformity with Conventions Nos 87 and 98, institutionalize the National Tripartite Committee through legislation and restore the breakdown in social dialogue that had disrupted the meetings of the National Tripartite Committee and its subcommittees. She welcomed the recent convictions obtained for the killings of two trade unionists and asked for more information on how the Government intended to improve its investigation process and increase convictions of the instigators and perpetrators of such crimes.
240. She encouraged the reactivation of mechanisms for regular communication between the Public Ministry and workers' representatives to discuss progress in cases of anti-union violence, and requested further information on the status of the 12 cases investigated by the International Commission against Impunity in Guatemala and the Public Prosecutor's Office. General Directive No. 1/2015 on fully and systematically taking into account possible anti-union motives for the murder of trade unionists must be fully implemented. Recalling the tripartite agreement reached in August 2018 on the set of principles that would guide the discussions on the legislative reforms, and the parties' request for ILO technical assistance in securing an international expert to facilitate development of draft legislation in compliance with international standards on freedom of association and collective bargaining, it was regrettable that no progress had been made on that important issue. She asked about the reason for the decline in requests for protection measures in 2019, and the current accessibility and effectiveness of the measures; reports that recipients of protection might still be responsible for some of the costs were concerning. There appeared to be no significant increase in the percentage of reinstatement orders for workers who had suffered anti-union dismissals; the aggregated data made that difficult to assess. Nor had any significant progress been made with respect to the registration of trade union organizations and of collective agreements on working conditions. The National Tripartite Committee's subcommittee on mediation and dispute resolution had failed to agree on governing rules to appoint a mediator.

- 241.** She welcomed the recent development of a proposed technical assistance framework, and asked how the programme would be funded and whether there would be a representative of the ILO in the country. A further positive development was that the Ministry of Labour had been able to collect fines for labour violations since the restoration of its sanctioning authority; she requested information on how the collected fines had been used to improve the capacity of the labour inspectorate, and on efforts to ensure that the underlying violations had been appropriately remedied. Despite the problems that remained, the United States still regarded the road map as highly relevant and supported the draft decision.
- 242.** *A Government representative of Canada* welcomed the progress reported by the Government of Guatemala, including the collaborative efforts of the National Tripartite Committee and its subcommittees, the labour law reform bills currently before Congress and the efforts to better protect against and respond to incidents of violence against trade unionists. She called on the Government of Guatemala to prioritize prompt and effective protection of at-risk trade union leaders and labour representatives, as well as efforts to properly investigate all acts of violence against trade unionists, identify those responsible and ensure that perpetrators and instigators were brought to justice in a timely manner and in accordance with the rule of law and due process. She encouraged the Guatemalan authorities to persevere with genuine and constructive tripartite dialogue aimed at achieving the necessary labour law reforms to align national legislation with the principles of Convention No. 87. The Government should continue to engage closely with the ILO and avail itself of technical assistance, which was essential to making concrete progress. Full and sustainable implementation of the 2013 road map in line with the national tripartite agreement of November 2017 depended on the constructive participation and full commitment of all tripartite constituents. She supported the draft decision.
- 243.** *A Government representative of Panama* commended the tripartite constituents of Guatemala on their success in working together to resolve the internal situation of their country. Their success in conducting tripartite consultations and bringing legislation to Congress without recourse to outside parties was a credit to Guatemala and served as an example for other countries.
- 244.** *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)), responding to questions from the Government of the United States, said that the Office was working together with the Decent Work Team in the ILO Decent Work Technical Support Team and the Country Office for Central American Countries, based in San José, Costa Rica, to develop a technical cooperation programme. In March 2019, the Office had undertaken a mission to Guatemala with a view to engaging with each of the social partners separately and then together so as to ensure a tripartite validation of the various components of the project. As a result of the challenges faced by national social dialogue, the tripartite validation of the project was ultimately achieved in August 2019, after the tripartite national committee was able to resume its functioning. The tripartite validation took place during a mission of Mr Sergio Paixao, who, in his new capacities as the standards specialist of the ILO Office in San José, continued to support the efforts carried out by the tripartite constituents in Guatemala. The technical cooperation project, which had been designed to meet the needs of all three sides, was in the final appraisal stage. The project document would be ready within days, and the Office would share it with potential donors and gauge their interest. Headquarters staff would continue coordinating closely with the Decent Work Team in Costa Rica and with the Guatemalan authorities on a joint strategy for fundraising. A two-track fundraising process was being examined, under which funding from the Regular Budget Supplementary Account (RBSA) would be mobilized in order to be able to engage as swiftly as possible, while funds were being raised for the remaining parts. The project was being developed on the basis that it

would be lead by one international position supported by national officers and that it would be hosted in a project office in Guatemala.

245. *The Worker spokesperson* noted that Governments had expressed both recognition and concern about the situation in Guatemala. The Workers' group was particularly concerned by the Employer spokesperson's allegation that the Guatemalan workers were making a concerted effort to obstruct progress. Those trade unionists were risking their lives to stand up for workers, under harsh circumstances. Both Workers' and Employers' representatives had participated in the 2018 mission to Guatemala, yet their notes seemed to tell very different stories, which was one of the reasons that had led to the closure of the complaint. Employers in Guatemala understood the need to build trust, which required respect. She would like the Employers – both in Guatemala and in Geneva – to show greater support for the process. Meetings were not an end in themselves, but had to deliver something; the Guatemalan workers would of course participate if the meetings were serious, respectful and delivered results. She therefore welcomed the upcoming technical cooperation programme, and expressed the hope that it would receive sufficient resources and the full commitment of all sides. Effective protection of workers and investigation of anti-trade unionist cases had to be prioritized. She looked forward to hearing more positive news when the Governing Body next examined the situation in Guatemala.
246. *The Employer spokesperson* said that it was clear that the Guatemalan people needed to be supported so that they could find their own solutions. He emphasized the importance of showing respect in order to receive respect.

Outcome

247. *The Governing Body:*

- (a) *took note of the report sent by the Government and of the observations communicated by the trade union federations; and*
- (b) *recalled that, in accordance with the decision adopted at its 334th Session (October–November 2018), the Government of Guatemala would report at the Governing Body session of October–November 2020 on the further action taken.*

(GB.337/INS/6, paragraph 4)

Seventh item on the agenda

ILO Research Strategy

([GB.337/INS/7](#))

248. *The Employer spokesperson*, welcoming the proposed ILO Research Strategy for 2020–21, agreed with the references in the proposed strategy to reinvigorating the knowledge and policy dialogue capabilities of its tripartite constituents and the need for ILO research to capture their knowledge and concerns. Concerning the five goals for the proposed strategy, the Employers' group had identified three main shortcomings that should be addressed.
249. First, in addition to the planned consultations between the Office and ACTRAV and ACT/EMP, the proposed strategy should incorporate a mechanism to allow the Office to leverage the institutional knowledge of the secretariats of the Workers' and Employers'

groups effectively and systematically. A regular tripartite mechanism should therefore be set up to facilitate consultation with the constituents on future research topics, approaches and formats, to ensure that research was relevant and balanced. The quality, credibility and impact of ILO research would thereby be enhanced without compromising or constraining its independence and integrity.

- 250.** Second, the reference to “inclusive trade and financial agreements” in paragraph 3 of the proposed strategy was problematic, particularly as signatories to European Union (EU) free trade agreements were being pressured to ratify ILO core and other labour standards, regardless of their readiness to do so or the existence of legislation inspired by those standards.
- 251.** Third, it was disappointing that the four collaborative programmes to research new frontier issues, referred to in Part III of the proposed strategy, did not address the key elements of the ILO Centenary Declaration for the Future of Work. He asked the Office to refer back to the Declaration and redraft the frontier issues, reiterating the need to set up a tripartite consultative mechanism to help in defining the frontier research topics. It would increase the impact of the ILO’s research by better informing labour and social policies, increasing relevance and research uptake by the social partners and other users, better meeting the needs and expectations of the constituents, and taking into account all available evidence and points of view.
- 252.** He requested the Office to reserve two frontier issues for topics of utmost importance for his group. First, promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, primarily through policies that promoted decent work and enhanced productivity. Second, supporting the role of the private sector as a principal source of economic growth and job creation by promoting an enabling environment for entrepreneurship and sustainable enterprises, in particular micro, small and medium-sized enterprises, in order to generate decent work, productive employment and improved living standards for all. Two other topics were also high on the Employers’ agenda: skills and tackling the informal economy. The aforementioned topics were derived from the Centenary Declaration and as such had already been approved by the tripartite constituents. He also emphasized the need for balance within the proposed research strategy, to ensure that the ILO was competitive in the area of research.
- 253.** He proposed amending the draft decision by adding the phrase “, asked the Director-General to set up a tripartite regular mechanism to decide on the topics, approaches and formats and to accompany ILO research outcomes” after the phrase “for the period 2020–21”.
- 254.** *The Worker spokesperson* expressed her group’s support for the five goals of the proposed ILO research strategy. However, while allowing the tripartite constituents’ knowledge to guide research priorities, the Office must guard against any such consultations compromising the independence and integrity of ILO research and analysis. Research priorities should be based on the Centenary Declaration, work related to the promotion and implementation of standards, and resolutions arising from the recurrent discussion on social dialogue. The social partners, ACTRAV and ACT/EMP could have a say on research priorities, but not on research results or policy conclusions. One had to avoid any kind of editorial veto arising from these consultations.
- 255.** Her group welcomed proposals to improve interactions between research teams and work with other UN agencies, where the ILO should preserve its lead role in research on industrial relations. She agreed with the proposed mechanisms to improve the quality of research, and looked forward to their implementation. The fifth goal (on improving messaging, formats and dissemination tools) was crucial, as evidence-based policy advice was key to engaging

in national and international social dialogue debates and collective bargaining processes. She encouraged the Office to collaborate with the International Training Centre of the ILO, Turin, to that end. She noted that the proposed research strategy was coherent with other ILO strategies and programmes.

- 256.** Concerning the guiding principles for ILO research contained in paragraphs 22 and 23 of the proposed ILO research strategy, she asked the Office to clarify whether they were principles that should apply at all times, or guidelines that would only apply “where appropriate”, and to amend the relevant paragraphs of the proposed strategy accordingly. The principle of independence was also missing from the list in paragraph 23, which would ensure the quality and credibility of ILO research.
- 257.** She recalled that, in March 2019, the Governing Body had approved a revised plan of action on social dialogue and tripartism for the period 2019–23¹ to give effect to the conclusions adopted by the International Labour Conference in June 2018, the second component of which was on research and training. The revised plan of action contained guidance on areas of thematic research that were relevant to technological progress with decent work, which was one of the four frontier issues resulting from the Centenary Declaration suggested in the proposed research strategy. On the topic “Technological progress with decent work” the quoted plan of action, included sufficient guidance, particularly on extension of collective bargaining to vulnerable workers, and access to freedom of association and collective bargaining for digital platform and gig economy workers.
- 258.** Moreover, a sectoral approach to automation impacts could provide evidence-based inputs to the relevant sectors, in line with past and planned technical meetings. She asked whether those previously agreed actions would be considered when defining research into that frontier issue.
- 259.** Evidence-based research should also be provided on the issue of decent work with sustainable development, which would contribute to public policies and regulations on the just transition towards environmentally sustainable economies and societies for all. In that regard, the ILO should share its expertise on the impact of trade and investment agreements in the creation of green jobs. Research on effective institutions to reduce inequalities and reduce poverty should be developed in line with the flagship report on the role of collective bargaining to reduce inequalities. She encouraged the Office to include lifelong learning opportunities for workers in research under the fourth frontier issue on dynamic skill formation systems, recognizing the fundamental role of public education. In that connection, she drew attention to the discussions promoted by the UN Economic Commission for Latin America and the Caribbean (ECLAC) on the culture of privilege that strengthened inequalities.
- 260.** All ILO research should highlight the role of the international labour standards as a key Centenary achievement and as a public common good to the multilateral system in the achievement of social justice.
- 261.** Responding to the statement made by the Employer spokesperson, she said that there was no need to set up a new tripartite mechanism for consultations on research priorities and topics, as it would set a precedent for research that did not exist in other areas of work. Furthermore, any such consultations should not have a decision-making role; all decisions should be made within the existing tripartite governance structure. She expressed surprise at the proposal to reserve two frontier research issues for areas of importance for the Employers’ group, including placing emphasis on supporting the role of the private sector.

¹ [GB.335/INS/3\(Rev.\)](#).

The frontier issues should be designed to support the Organization's work under the programme and budget, which would include the outcome on sustainable enterprises.

- 262.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran agreed that the proposed Research Strategy for 2020–21 should address the challenges and opportunities arising from the new forces that were transforming the world of work, and efforts should be made to ensure that all could benefit from those opportunities. The five goals set out in the proposed research strategy – relevance, innovation, international policy engagement, quality and dissemination – were crucial and should be pursued effectively.
- 263.** It was important to have an efficient mechanism to capture constituents' research interests, as they varied by region. Emphasizing the guiding principle to ensure consideration of a developmental focus and the incorporation of regional perspectives in research design, his group called on the Office to strengthen its relationships with the research institutes of member States to enhance the relevance and responsiveness of ILO research. Collaborative research with UN agencies should be bolstered to promote the ILO's role in shaping policy on the future of work. Investment in research on the 2030 Agenda that fell within the ILO's mandate could produce evidence for use at the national level to achieve the Goals and targets. Research should be intensified in high-priority areas for developing countries, such as the transition to the formal economy, employment generation, the promotion of business environments, the extension of social protection and the impact of emerging technologies, such as artificial intelligence, robotics and big data. Since his region was prone to natural disasters and was particularly affected by climate change, further research in that area would also be helpful. The strategy should be supported through adequate funding and sophisticated analytical instruments, including state-of-the-art statistical methods. His group supported the draft decision.
- 264.** *Speaking on behalf of GRULAC*, a Government representative of Uruguay said that it was important to ensure that the proposed research strategy substantially improved the collection of information on the effects of technological progress on decent work, good practices to strengthen decent work for sustainable development, poverty indicators, measures to reduce inequalities and the gender gap, and advances in the transition to the formal economy. It should also strengthen the quality control mechanisms for research and publications. Ongoing consultations with constituents at all levels would strengthen the ILO's position as the lead agency for research on labour issues, and understanding of the transformational changes in the world of work would contribute to the achievement of the SDGs. The Office should ensure that information in flagship reports was as up-to-date as possible, making effective use of information and communications technologies. GRULAC supported the draft decision, but asked for more details about the Employers' proposal, in particular on the composition and frequency of their proposed tripartite mechanism and the extent to which its priorities could be taken into account.
- 265.** *Speaking on behalf of the Africa group*, a Government representative of Nigeria commended the five goals of the proposed research strategy and the recognition of the need for increased consultative research in the areas of digital technologies and robotic skills. The highest levels of statistical research and knowledge management capacities were needed to strengthen the ILO's evidence-based policy advice. In view of the policy priorities for Africa, the proposed research strategy should address: skills acquisition and certification, focusing on new skills for emerging occupations and fields of knowledge; the realization of gender equality in opportunities and treatment; effective social protection systems tailored to member States' needs; the provision of technical assistance on the legal framework for labour administration, social dialogue and tripartism; occupational safety and health to keep pace with technological change; and the adoption of standards to address the challenges arising from disguised or precarious employment relationships. Research should therefore be targeted at

reviving the proposed Convention and Recommendation concerning contract labour that had been prepared on the basis of a first discussion at the 85th Session (1997) of the International Labour Conference.

- 266.** Since the proposed research strategy should be consistent with the Knowledge Strategy 2018–21, he agreed that the Programme and Budget for 2020–21 should be revised to accommodate its goals. The research relationship between the ILO and other UN agencies and other international agencies should be strengthened, but the specialized and unique nature of ILO work must be maintained, in order not to compromise the diverse but common objectives and aspirations of the tripartite constituents. He supported continuous improvement in the work of the Publishing Committee in order to boost the dissemination and impact of ILO research. The Africa group supported the amendment to the draft decision proposed by the Employers' group.
- 267.** *Speaking on behalf of IMEC*, a Government representative of Ireland welcomed the five goals of the proposed research strategy. With respect to the first goal (relevance), understanding of the needs of all constituents should be restricted to requesting guidance on research issues; once research had commenced, its independence should be respected. Consultation processes, including with ACT/EMP and ACTRAV and relevant departments, must not compromise the independence and integrity of ILO research design and analysis. Her group looked forward to engaging in the annual structured consultations planned as part of the first track of the twin-track approach, but did not support additional layers of consultation, taking into consideration the additional cost. She supported the approach outlined to achieve the second goal (innovation), and asked whether the annual meeting to discuss frontier issues was the same meeting referred to in the context of the first goal. As custodian of several SDG indicators, the ILO should strengthen its research relationships with other UN agencies and international organizations, and step up its research efforts to inform policy under the third goal (international policy engagement). Processes to invest in the highest standards of quality in research were already in place under the Knowledge Strategy 2018–21, and the role of the Research Review Group in ensuring quality and value was welcome. Improving the dissemination of ILO research would greatly facilitate the ILO's communication with the outside world.
- 268.** The frontier issues presented by the Office were representative of the challenges ahead. In the area of technological progress with decent work, research should not duplicate that undertaken by other organizations and should focus on how digital technologies enable transitions into decent work. Research on decent work for sustainable development should explore the technological opportunities to shape decent work with environmental integrity. Research on effective institutions to reduce inequalities was of interest, and full use should be made of potential synergies of expertise across the Office and other organizations. With regard to dynamic skill formation systems, her group would welcome research into the characteristics of labour market transitions and of different workforce groups at specific life stages. She asked how many of those or other frontier issues the Office planned to address in the 2020–21 biennium.
- 269.** Consideration should also be given to research into how technological advancement could enable better career progression, particularly with respect to the relationship between worker, government and employer, and responsibility for funding and delivering training. She asked whether the measurement of skills gaps to inform education and skills policy was intended to be included in the fourth frontier issue, and whether the ILO intended to conduct research into the possible upsides to job destruction for different demographic groups and how governments should manage the transitional process for displaced workers to capitalize on the opportunities of technological progress.

- 270.** Implementation of the Research Strategy 2020–21 should strengthen the independence, integrity and quality of research design and analysis. Her group supported the proposal by the Workers’ group to include independence as a guiding principle, and considered that the guiding principles should apply in all instances. She supported original draft decision.
- 271.** *A Government representative of China* expressed support for the five goals of the proposed research strategy. ILO research must be relevant and take into account constituents’ needs and expectations. His Government would continue to participate in consultation meetings and supported the development of innovative research synergies on frontier issues. Cooperation between the ILO and other international entities should be enhanced to boost the impact and visibility of the ILO.
- 272.** The Office should pay more attention to quality of research and formulate criteria and indicators to measure it. It should take measures to disseminate the results of research more broadly and boost their visibility. The ILO should continue to cooperate with member States on research strategy and produce more high-quality research. Research that was under way should be concluded and research approaches and methods should be improved to implement the proposed strategy. He supported the draft decision.
- 273.** *Speaking on behalf of the EU and its Member States*, a Government representative of Finland said that Montenegro, Serbia, Albania and Norway aligned themselves with her statement. She supported the statement made by IMEC. It was vital for the Office to have robust and relevant research to support evidence-based policymaking. The integrity and independence of research was crucial, and there was a risk that constituents inadvertently micromanaging the research process could compromise such independence. There was value in structured annual consultations, but a second track of consultations would be of limited value. She recalled the commitments made concerning the independence of research when the ILO’s Research Department was established in 2014.
- 274.** She welcomed the focus on reinvigorating existing relationships with other UN agencies and institutions with a stronger focus on research. That should lead to an improvement in the quality of evidence, which was key to the development of policies across the multilateral system with a human-centred approach to the future of work. She welcomed the proposal for the Organization to step up its research efforts in order to make evidence-based contributions to the achievement of the 2030 Agenda. Given the cross-cutting nature of the Decent Work Agenda, the Organization’s knowledge and expertise could assist in the delivery of more than just Goal 8.
- 275.** The frontier issues encompassed the key issues addressed in the Centenary Declaration. She would welcome targeted research on the impact of technological progress on decent work. There was also strong potential for added-value research on the issue of decent work and sustainable development and on the Green Jobs Programme, analysing all potential aspects, including the role of social dialogue in ensuring decent work in a just transition towards climate-neutral development. She would also welcome research to develop an evidence base on the degree to which decent work could counteract inequalities. Research on skill formation for decent work transitions would also be welcome, particularly the idea to focus on different workforce groups at specific life stages. She supported the original draft decision.
- 276.** *A Government representative of India* welcomed the proposal to build a network of national research institutes from interested member States to facilitate the exchange of best practices and undertake research with a national perspective. Concerning collaboration on frontier issues, India supported research on technological progress with decent work and on dynamic skill formation systems for decent work transitions. Technological changes were having a

major effect on India's informal economy in terms of skilling workers and addressing youth and women's employment. It was important to research technological alienation, potential deskilling and decline in worker satisfaction, to assist member States in making informed decisions and policy interventions. In the face of the many changes affecting labour markets, workers' transition to new jobs should be sustainable and avoid generating greater inequalities in income and gender. Such transition could be facilitated by programmes that augmented workers' existing skillsets to meet the requirements of the changing labour market. More research was essential to identifying the skills of future.

- 277.** *A representative of the Director-General (Deputy Director-General for Policy)* took note of the comments on issues of concern to the constituents. They were extremely important as part of the governance framework introduced at the 320th Session of the Governing Body (March 2014), namely that the Governing Body would “exercise its governance functions in respect of the research agenda through the programme and budget process for each biennium”, and that “the proposals presented by the Director-General [would] contain a specific section concerning research”. The current programme and budget proposals contained a separate section on the research strategy so as to present in full the strategy for the next biennium and beyond. The governance framework had also included the establishment of the Research Review Group comprised of renowned academics from the field of labour research to assist in assuring the quality, academic rigour and independence of ILO research. Its role had been strengthened, as it met twice each year to provide more timely and useful input into the research agenda. The Publishing Committee also played a vital part in strengthening the uniformity and brand identity of ILO research, as well as enhancing peer review. ACT/EMP and ACTRAV participated in both the Research Review Group and the Publishing Committee, and alerted the secretariat to studies that constituents might want to bring to its attention. As a result, the proposed programme and budget provided many examples of outcome-related research that the secretariat was aware it needed to do in order to respond to constituent needs.
- 278.** Discussion on research also took place in the context of the Centenary Declaration, which called on the ILO to maintain the highest levels of statistical research and knowledge management capacities and expertise in order to further strengthen the quality of its evidence-based policy advice. That in turn was intrinsically connected to the Declaration's call for the ILO to “take an important role in the multilateral system” in order to, among other things, “promote policy coherence”. The objectivity, integrity and the independence of the ILO's research was of paramount importance to strengthening its role in the multilateral system – it must be able to stand by the evidence-based policies that it promoted.
- 279.** Turning to the proposed frontier issues, she emphasized the importance of anticipating trends and developments so as to forecast their impact on the world of work. The frontier issues were intended to be a forward-looking approach to accompany the ILO's other research that was more directly connected to outcomes. The ILO had to take that approach to become an innovative and creative leader in research, while ensuring the highest levels of independence, integrity and quality and making best use of its researchers' expertise.
- 280.** *A representative of the Director-General (Director, Research Department)*, responding to points raised, observed that the discussion and feedback showed that tripartism at the ILO was alive and well, and that many exciting ideas for frontier issues had been put forward. Tripartism was the unique asset that allowed the ILO to feed a greater diversity of views into its research as compared with other international organizations. The Organization could make better use of that diversity, which would make its research more relevant and involve greater recognition of the differing views of employers, workers and governments across different regions. Tripartism also meant that the ILO was less likely than other international organizations to fall into the trap of a “one size fits all” approach to the design of policy options. The Organization supported universalism and not uniformity, always striving to

gear its activities to constituents' different needs. The document before the meeting was intended to help the ILO take the further step of formalizing consultations and making sure they were acted upon.

- 281.** Most speakers had rightly focused on the fundamental issues of consultation and social dialogue in relation to the first of the five goals outlined in the proposed research strategy. Achieving that first goal was essential to achieving the other four, so that the whole process facilitated a more agile research strategy, helped to define innovative frontier issues and thus made collaboration with other UN agencies easier. The ILO already played a major role in the system-wide movement to develop a UN narrative on some of the major, disruptive changes taking place in the world of work, but needed to do more. He welcomed the ideas expressed by constituents about doing more to link up with other research institutes to benefit quality. The format and dissemination of research required more inputs as the secretariat became more aware of the diverse audiences that its research products needed to reach.
- 282.** Amidst the general agreement expressed on the importance of not compromising on the independence and integrity of research, he endorsed the comments relating to the need for research to be disruptive and perhaps bring uncomfortable results, adding that research outcomes were by no means always consensual. With its statistical and data resources, the ILO was well placed to engage in the war of ideas that led to state-of-the-art research and to attain the intellectual independence which was so necessary for developing the international reputation that the Organization deserved. The ILO had not always achieved the level of transparency required, but formalizing consultations and sharing information with constituents would help in that regard. The integrity and independence of ILO research also depended on its relevance to the Organization's mandate.
- 283.** He looked forward to the proposed annual meetings with tripartite constituents, which should be wide-ranging, ambitious, informative and consider substantive issues, such as ideas about possible frontier issues. The annual meetings could also focus on how to improve research impact and feed into different formats and means of dissemination. He pointed out that the research principles, described in the document before the Governing Body, were crucial to shaping research because they helped to establish a creative, imaginative and innovative research culture that attracted the best employment researchers. The research needed to feed into policy outcomes was already embedded in the programme and budget, but it was crucial to build synergies between them in order to develop new, collaborative research on frontier issues. Examples might include how the measure of productivity growth applies in a care economy or a rural economy, or how it looked when taken together with the goal of gender equality. Such interlinkages would take the ILO to the research frontier, where it needs to be, rather than maintaining a focus on its usual silos of relatively narrow research questions.
- 284.** *The Employer spokesperson* paid tribute to the outgoing Director of the Research Department and expressed the hope that his successor would maintain the approach that he had fostered during his tenure. The ILO's continued relevance rested on its capacity to listen to the views of its tripartite constituents, with the aim of achieving an outcome that was satisfactory to all, and to champion its research as vociferously as it promoted the implementation of its standards. Although the independence of the Office's research should be preserved, it was important to consult constituents on ILO studies and bear any reasonable costs arising from those consultations; failure to do so would create an imbalance in that research. The Office had not consistently apprised the Employers' group of studies conducted, and consequently their views had not been taken into account on those occasions.
- 285.** *The Worker spokesperson* said that she agreed that the discussion had been important and enlightening, but would disagree with any judgement that prior to the document, constituents

had never been consulted on the Office's research. Such research should first be conducted independently by the Office, with the findings subsequently submitted for discussion by the tripartite constituents, who would then be responsible for deciding how to proceed on the basis of the information provided. The very nature of research meant that findings would not always necessarily align with constituents' views.

286. *Speaking on behalf of the Africa group*, a Government representative of Nigeria requested the Office to take into account the points raised on the need for regular consultation on the implementation of the research strategy.
287. The Chairperson said that in the absence of support expressed for the amendment proposed by the Employers, he took it that there was support for the original text of the decision.

Decision

288. *The Governing Body endorsed the proposed Research Strategy for the period 2020–21 and requested the Director-General to take into account its guidance in implementing the strategy.*

(GB.337/INS/7, paragraph 31)

Eighth item on the agenda

Report of the Commission of Inquiry appointed to consider the complaint alleging the non-observance by the Bolivarian Republic of Venezuela of the Minimum Wage Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), made under article 26 of the ILO Constitution by several delegates to the 104th Session (2015) of the International Labour Conference (GB.337/INS/8)

289. *The Employer spokesperson*, observing that it was too early to engage in substantial discussion before the Venezuelan Government had had three months to respond to the report, noted the significant achievement of the Commission of Inquiry and commended the clear and straightforward recommendations contained in paragraphs 495 to 497 of its report. In fact, the report was just as relevant to Venezuelan workers as it was to employers. His group looked forward to a positive and constructive response by the Venezuelan Government in accepting the recommendations. In the past, governments that had embraced the recommendations of past commissions of inquiry and opened themselves to technical assistance from the Office had achieved successful and lasting outcomes. In the event that the Government decided not to take up the recommendations of the Commission of Inquiry, the Governing Body could avail itself of other means under the ILO Constitution and supervisory system of ensuring that the provisions of ratified Conventions were applied in law and in practice.

- 290.** He called on the new Regional Director to visit the country. Furthermore, a permanent ILO presence was needed there. He called for technical assistance to the Venezuelan Government and the most representative employers' and workers' organizations to ensure that the recommendations of the Commission of Inquiry were implemented without delay, and before the deadline of 1 September 2020.
- 291.** *The Worker spokesperson* said that her group intended to address the substance of the report during the next session of the Governing Body in March 2020, once the Venezuelan Government had responded to the recommendations of the Commission of Inquiry.
- 292.** *Speaking on behalf of a group of countries, consisting of Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Guyana, Paraguay and Peru*, a Government representative of Peru said that although the illegitimate regime in Venezuela had not fully cooperated with the Commission of Inquiry, the report's findings were categorical as to how the country had violated the rights and guarantees of the ILO Conventions. There had been serious and ongoing harassment against FEDECAMARAS and its members, as well as workers' organizations not linked to the Maduro regime, made worse by the situation of impunity with regard to harassment, intimidation and acts of violence against leaders and members of those organizations. The regime promoted discrimination and interference with the activities of workers' and employers' organizations not affiliated with the Maduro regime. The regime's actions contravened the obligations for tripartite consultation on minimum wage fixing and matters relating to the implementation of international labour standards, and the absence of social dialogue violated ILO standards.
- 293.** Her group strongly denounced the labour violations and abuses committed by the Maduro regime, and she reiterated their belief that only a complete restoration of democracy would enable the Venezuelan people to overcome the humanitarian and human rights crisis in the country. Investigating the violations committed by the Maduro regime and holding it accountable was a crucial, decisive step in that direction. That same belief had led to the adoption of the UN Human Rights Council resolution on the situation of human rights in the Bolivarian Republic of Venezuela in September 2019, which had established an independent international fact-finding mission to investigate extrajudicial executions, enforced disappearances, arbitrary detentions and torture and other cruel, inhumane or degrading treatment since 2014 with a view to ensuring full accountability for perpetrators and justice for victims. She would provide further comments once the Venezuelan Government had responded to the report.
- 294.** *A Government representative of the United States* commended the work of the commissioners and said that the comprehensive report, which was strong and fair, offered helpful recommendations on a way forward. The Commission had noted in its conclusions the existence in the country of a set of institutions and practices that were in violation of the guarantees and rights set out in the Conventions covered by the complaint. They were prejudicial in particular to the existence and action of free and independent employers' and workers' organizations and the development of social dialogue in good faith in a climate of trust and mutual respect. It was concerning that the Commission had not been able to meet with key entities in the national security apparatus. It was essential to ensure that the recommendations in the report were implemented immediately, as they were appropriate and consistent with the incidents and conclusions documented, and she urged the Venezuelan Government to fully accept the report.
- 295.** *A Government representative of Iraq* called on the Organization to take into consideration the extremely difficult circumstances in the country, which made it difficult to apply all labour standards to all countries. He urged the Office to provide technical assistance and not to politicize the debate.

296. A *Government representative of Cuba* noted the progress that had been made in implementing Conventions Nos 26, 87 and 144 by President Maduro's legitimate Government. He opposed any political or substantive discussion on the issue at that point in time, and rejected the attempt to undermine the ILO's credibility by using its supervisory mechanism for political means.
297. A *Government representative of the Russian Federation* said that the Governing Body should respect the right of the Venezuelan Government to study and respond to the report of the Commission of Inquiry; it was not the right time to discuss the substance of the issue. He thanked the Workers' group for their restraint in that regard, and lamented the ongoing attempts to politicize the work of the Governing Body.
298. A *Government representative of the Bolivarian Republic of Venezuela* was authorized to speak in accordance with paragraph 1.8.3 of the Standing Orders in response to comments directed at his Government. Concerning the report of the Commission of Inquiry, he said that his Government had received it on 27 September. The Governing Body should therefore simply take note of the report of the Commission as stated in the draft outcome, since, in accordance with article 29 of the ILO Constitution, the Government had three months to either accept the recommendations contained in the report or not, and if it did not, it could refer the complaint to the International Court of Justice. The complexity of the report, which addressed various aspects relating to governance in the Bolivarian Republic of Venezuela, highlighted the ongoing consultations with the other national public authorities involved. For those reasons, the Government would inform the Director-General of its decision on that and any other matter relating to compliance with the relevant Conventions, as it had already been doing.
299. Other statements made by Governments in the room had shown bad faith, were out of order and necessitated a defence. It was truly shameful and undiplomatic to once again bring up political issues that added nothing positive to the debate. In addition, statements had been made by some governments with no moral authority in matters of good government practice. The Government of Venezuela could hold its head up high, unlike the governments that were rebuking it. It was worth asking whether a government that allowed the largest forest on the planet to burn without doing anything had any morals. How could a government act so negligently and inhumanely in view of the destruction of that vast area known as "the green lungs of the Earth"? How could it allow the human rights of the indigenous peoples to be violated in such a vast habitat? What morals did a government have that, at the end of October, had sent the army into the streets to deal with peaceful movements, harkening back to images of the shameful Southern Cone dictatorships of the last century? How could they dare put their name to a declaration against the Bolivarian Republic of Venezuela when at that very moment their military was killing, repressing and arresting people simply for peacefully protesting against great social shortcomings? Did a government have any moral authority when it maintained one of the few remaining colonies on the American continent, whose party was defeated in recent elections and whose Prime Minister was only holding onto power through circumstantial alliances with other parties, without paying any attention to the real issues affecting the people?
300. The Government whose country had been named by UN organizations as the largest cocaine producer and exporter in the world warranted a special mention. Its party had recently suffered a crushing defeat in regional elections, precisely because the national government was not addressing the fundamental problems affecting the population. A special case was the imperialist country whose president was in the process of being impeached for his shady dealings and whose government imposed unilateral sanctions in contravention of the Charter of the United Nations, which had serious consequences for the countries and peoples who suffered as a result. That same government had not ratified the eight fundamental ILO Conventions, in an attitude of contempt, even for freedom of association, and issued

supremacist and discriminatory policies against migrants. What moral authority did it have to come and distort the debate of the Governing Body? The aggression of the countries whose independence Venezuelans had fought for 200 years ago was saddening. What gave a government the right to criticize the Bolivarian Republic of Venezuela for anything, when it suffered such social inequality and did not know who was in charge, with the president having been dismissed by Congress and parliament suspended by that president, leading to the resignation of the vice-president? Even worse was the lack of shame demonstrated by a government well known to the Governing Body, which had been accused of the murder of 90 trade union leaders, referred to as a criminal phenomenon against trade unionists. How could a government criticize the Bolivarian Republic of Venezuela when its country had seen large protests led by the farming federation in the past week, demanding the right to the lands, an end to division of land into large estates, and a stop to the brutal repressions and forced labour, which had even been followed up by ILO supervisory bodies?

- 301.** Out of respect for the Workers' group and the sovereign and honest governments in the room, as well as for the Office, he would not respond to each government that claimed to give lessons in good governance with the tone that they deserved, since their interests were clearly political. Their policies to defeat and block Venezuelan democracy were destined to fail, as demonstrated by his country's recent election to a seat on the UN Human Rights Council; he took the opportunity to thank the governments that had supported that endeavour. Their peoples had shown them that the policies of aggression against the legitimate government of Nicolás Maduro Moros had failed and would continue to do so. In that regard, he welcomed the electoral victory of Alberto Fernández and Cristina Fernández. All governments should look carefully at themselves before criticizing the actions of others. They should not support attempted coups or ridiculous, illegal and harmful self-proclamations. He refuted everything that the Employers' group had said about the content of the report of the Commission of Inquiry. He would not respond to the comments, however, since the substance of the report was not the topic of the discussion, for the reasons outlined earlier. The Bolivarian Government would continue to provide information to the Governing Body on compliance with the Conventions it had signed and ratified.
- 302.** *The Employer spokesperson* reiterated that he would indeed wait until the deadline for the response of the Government before commenting on the substance of the report. He expressed disappointment and shock at the tone of the representative of the Bolivarian Republic of Venezuela, which had shown absolute contempt. The issue at hand was the fundamental rights of the workers' and employers' organizations in the country.
- 303.** *A Government representative of Brazil*, responding to the allegation that his Government was unwilling or unable to protect and preserve the Amazon rainforest, said that the number of fires was naturally higher in the dry season in the Amazon region, but the 2019 total was around the 20-year average. There was no reason for any outcry, as the Brazilian authorities had protected and preserved 83 per cent of the vegetation in the rainforest, while also working to bring sustainable development to the more than 20 million people living in the region, who had a right to adequate living conditions.

Outcome

- 304.** *The Governing Body took note of the report of the Commission.*

(GB.337/INS/8, paragraph 5)

Ninth item on the agenda

Progress report on the follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013) ([GB.337/INS/9](#))

- 305.** *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that during his visit to Myanmar prior to the current Governing Body session he had met with the Minister for Labour and taken part in the National Tripartite Dialogue Forum, which had developed its capacity and was benefiting from increased engagement from representatives of the social partners and the Government.
- 306.** The Office still had reservations about the progress of labour law reform and some of the legislative acts that had been tabled as part of the reform. However, the Government had agreed to engage in further consultations with the social partners and accept technical input from the Office. The Office had also appointed a new labour law specialist for its project in Myanmar to support the development of legislation and the negotiations with the relevant parliamentary committees. He hoped that progress could be reported to the 338th Session of the Governing Body.
- 307.** During his visit, he had held in-depth discussions on forced labour and the national complaints mechanism with the Minister for Labour and with the social partners, separately and through the National Tripartite Dialogue Forum. As a result, it had been agreed that a number of the ILO's concerns about aspects of the draft action plan would be addressed. First, the ILO had agreed to provide ongoing technical assistance to support the development of a national complaints mechanism which, importantly, should include protection for complainants, provided that the Government showed sufficient commitment to taking the advice on board. Second, the Government had agreed that the ILO should continue to receive complaints from victims of forced labour, including through the social partners, as complainants currently had insufficient confidence in government mechanisms. Third, the case against union officials who had been involved in protest activity had been adjourned and was due to restart on 15 November 2019. The officials concerned had been released on bail and had returned to work. It is understood that the Government was considering reviewing the regulations under which charges had been laid against the union officials.
- 308.** The discussions during his visit had been constructive and he hoped that further positive developments could be reported to the 338th Session of the Governing Body.
- 309.** *A Government representative of Myanmar* welcomed the recognition of his Government's efforts to promote and protect labour rights in Myanmar. The Government of Myanmar was strongly committed to the elimination of forced labour and had taken bold steps in that direction. The number of forced labour complaints had continued to decrease since 2016, indicating that progress had been made. Following the expiration of the Supplementary Understanding, a national complaints mechanism for the elimination of forced labour had been established, and the corresponding action plan was being implemented. An interim process was in place until the mechanism was fully operational, under the auspices of the High-Level Working Group. The public had been informed of the process and how to engage with it through various channels. Since the interim process had been in force, 26 cases had been received; ten had been resolved or referred to other departments, one was under investigation and the other 15 required further information. The Government had requested the ILO to provide training on identifying forced labour, setting up a mobile application and

website for complainants, and establishing a national database to systematically record forced labour complaints.

- 310.** Work to amend the undemocratic provisions of the 2008 Constitution had begun, which included labour law reform, as set out in the report. He highlighted that the new Child Rights Law stated that the recruitment of children under the age of 18 years to the armed forces and non-state armed groups and using them to participate in hostilities would be punishable by two to ten years' imprisonment.
- 311.** His Government was pleased with the developing culture of tripartism, which had become institutionalized and reflected the goals and commitments of the Decent Work Country Programme (DWCP). He recalled the process of setting up the National Tripartite Dialogue Forum and said that constructive cooperation between the Government and the ILO was being enhanced. The most recent meeting of the forum had been attended by the Deputy Director-General and had discussed the implementation of the DWCP and the Government's efforts to address forced labour.
- 312.** The Government of Myanmar categorically rejected the establishment of the Independent International Fact-Finding Mission on Myanmar and its report, on the basis of the absence of impartiality. In that regard, the Confederation of Trade Unions in Myanmar had issued a statement saying that the report of the fact-finding mission would drive workers towards the black economy, trafficking and migrant work, wreaking havoc on the lives of workers in one of the lowest-income countries in the region. Myanmar's manufacturing sector received significant foreign direct investment, and enhancing that sector would create many decent jobs. Such investment would benefit trade and the workers in that sector, and he therefore invited investor countries to make responsible investments in his country.
- 313.** There were many ongoing challenges, despite tangible progress, but the Government remained determined to overcome them. He called on the Office to convert the ILO Liaison Office in Yangon into an ILO country office, and to remove the item from the agenda of the Governing Body, recognizing, in the ILO's Centenary year, his Government's longstanding cooperation with the ILO. He urged the Governing Body to ensure that any recommendations would not directly or indirectly delay progress towards a democratic federal union.
- 314.** *The Worker spokesperson* expressed her group's disappointment at the lack of progress made and the insufficient cooperation of the Government of Myanmar with the ILO. She recalled the concerns expressed by the Committee on the Application of Standards regarding the persistent use of forced labour in Myanmar, and noted that the Independent International Fact-Finding Mission on Myanmar had found evidence of international human rights and humanitarian law violations, including forced labour and sexual violence. It was therefore regrettable that the Supplementary Understanding had expired on 31 December 2018 without the establishment of a credible national complaints mechanism. Despite the call from the Governing Body to increase cooperation with the ILO, the Government had not developed a time-bound action plan for the establishment of that mechanism.
- 315.** She noted the significant obstacles to accessing conflict areas, where workers were at risk of forced labour; the difficulties experienced by the Liaison Officer in processing the cases received prior to the expiry of the Supplementary Understanding, owing to limited resources; and the absence of an action plan to develop a national complaints mechanism. Her group was deeply concerned at the lack of effective access to justice for victims of forced labour. The Government must immediately intensify its efforts to establish a national complaints mechanism and cooperate with the ILO to develop its legal and practical capacities.

- 316.** Turning to the major shortcomings in the process of reforming the Settlement of Labour Disputes Law and the Labour Organization Law, she expressed her group's view that the Government's approach to tripartite dialogue, which involved general discussion of its proposals rather than seeking tripartite consensus on draft amendments, was neither effective nor genuine. Trade unions would continue to reject that process, which had produced problematic legislative proposals that would hinder compliance with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and constituted regression, rather than reform. The narrowed definition of "worker" in the Settlement of Labour Disputes Law risked excluding vulnerable groups, while the draft Labour Organization Law sanctioned protests in a range of locations, such as schools and airports.
- 317.** Despite the Government's assurances that the law would not restrict the freedom of assembly, the Peaceful Assembly and Peaceful Procession Law had been used to bring criminal charges against trade union leaders following a peaceful protest. The Committee of Experts had requested that the Government allow workers and employers to go about their activities freely, and her group strongly urged the Government to drop the charges, immediately and unconditionally, and to declare unlawful the administrative decision to prohibit the protest. Her group welcomed the Office's support for EU and OECD projects to promote responsible supply chains and highlighted the need to focus on the involvement of enterprises in conflict areas that had contributed to international crime.
- 318.** Her group proposed a number of amendments to the draft decision: in subparagraph (b), the phrase "expressed regret at the absence of progress on the development of a national complaints mechanism" should be inserted; in subparagraph (c), the phrase "expressed serious concern over the persistence of forced labour, noting the Committee of Experts' observations and the 2019 conclusions of the Committee pertaining to the application of standards on the Forced Labour Convention, 1930 (No. 29)" should be inserted, and "and effectively assess" should be inserted after "receive" and before "complaints", and "urgently" should be inserted before "intensify"; in subparagraph (e), the phrase "expressed concern over the discrepancies between national labour legislation and Conventions Nos 87 and 98 should be inserted; and, in subparagraph (f), "serious" should be inserted before "concern". Her group would also consider positively some of the proposed amendments submitted for discussion by the United States.
- 319.** *Speaking on behalf of the EU and its Member States*, a Government representative of Finland said that North Macedonia, Montenegro, Albania and Norway aligned themselves with his statement. His group noted the recent progress made in Myanmar on the Decent Work Agenda, including tripartite dialogue and the Child Rights Law. The EU had engaged in constructive dialogue with the Government on labour rights, for example during its high-level mission to the country, when it had also met with trade unions and civil society. However, it was deeply concerned at several issues, including the continued forced labour perpetrated by the armed forces and the failure to establish a national complaints mechanism, which must be accessible in practice, particularly in conflict areas, and allow for independent investigation and the protection of victims. It was regrettable that the ILO was not a full partner in the proposed national complaints mechanism; its active participation would be crucial to the mechanism's credibility and effectiveness. In the absence of a national complaints mechanism, the ILO-led mechanism must continue, and his group expressed regret over the complaints of forced labour submitted to it.
- 320.** He urged the Government to proceed with its adoption of the Labour Organization Law and noted the failure to implement all recommendations arising from the Direct Contacts Mission, particularly the review of the Peaceful Assembly and Peaceful Procession Law. Genuine tripartite social dialogue should address the outstanding labour law reform. He

expressed concern at the reported dismissal and discrimination of trade unionists and at the bureaucratic hurdles in the trade union registration process.

- 321.** More than 600,000 children in Myanmar were engaged in hazardous work, and he urged the Government to adopt the draft list of hazardous work prohibited for minors and to strengthen the capacity and reach of labour inspectors to detect hazardous child labour, particularly in the informal economy. He noted with regret that many UN agencies and mandate holders, development partners, and the Independent Investigative Mechanism faced travel restrictions in the country, or were even denied access, rendering impossible the independent assessment of events and verification of information submitted by complainants, particularly in rural areas. Lastly, he urged the Government to address effectively the use of forced labour by the armed forces. The EU and its Member States supported the original draft decision.
- 322.** *Speaking on behalf of ASEAN, Australia and Japan*, a Government representative of Thailand said that the democratic reform process in Myanmar was gaining momentum and producing results in the promotion and protection of labour rights. Her group welcomed the progress achieved in 2019, particularly the amendments to the Settlement of Labour Disputes Law and the proposed framework for a national complaints mechanism for forced labour. Her group encouraged Myanmar to properly implement interim complaints procedures until the mechanism was in place and to engage in deeper cooperation with the ILO to benefit from greater technical assistance. It also urged the ILO and the international community to assist Myanmar in its ongoing efforts to promote labour rights. Her group supported the original draft decision.
- 323.** *A Government representative of the United States* said that the document raised significant concerns over the Government of Myanmar's handling of workers' rights, with only limited progress having been made. The Government must establish a complaints mechanism, given that the Liaison Office's mandate under the Supplementary Understanding had expired. It must also work with the ILO and others to address victims' rights, undertake labour law reform and implement the recommendations of ILO supervisory bodies. She called on the Government to provide information and documentation at the next session of the Governing Body on changes to the travel restrictions that prevented ILO staff from following up existing complaints, and on the procedure and timeline for their filing and follow-up. Accountability remained a cause for concern. No government perpetrator of forced labour had yet been prosecuted under the Criminal Code, and military sanctions were not commensurate with the crime. Furthermore, the Government's handling of cases lacked transparency. She regretted the onerous provisions of the draft Labour Organization Law. The Government's failure to share information with the Office or act on its advice raised serious concerns. However, positive action had been taken on child labour.
- 324.** She proposed several subamendments to the amendments to the draft decision proposed by the Workers' group, which was substantively similar to the proposed amendments submitted for discussion by her group. In subparagraph (b), she proposed deleting "to consult with the social partners through the National Tripartite Dialogue Forum", inserting ", transparent" after "credible", and inserting "including through the National Tripartite Dialogue Forum" at the end of the sentence. In subparagraph (c), she proposed inserting "policies and" before "procedures". Lastly, she proposed the insertion of a new subparagraph, after subparagraph (c), to read "urged the Government to pass labour legislation consistent with international labour standards, especially Conventions Nos 87 and 98".
- 325.** *A Government representative of the Russian Federation* welcomed the progress of the DWCP, particularly the plan of action to establish a national complaints mechanism. Her delegation supported the Government's measures to combat child labour, particularly the adoption of the Child Rights Law, and noted with satisfaction the strengthening of a culture

of tripartism in Myanmar. She hoped that the close cooperation between the Government and the ILO would continue, and supported the proposal to remove the item from the Governing Body's agenda.

- 326.** *A Government representative of Cuba*, noting the progress made, urged the Government of Myanmar to continue strengthening tripartite social dialogue and negotiation, and cooperation with the ILO. He welcomed the measures implemented by the Government thus far and expressed support for technical assistance measures that allowed governments to resolve issues in a climate of cooperation.
- 327.** *A Government representative of China* noted that the Government of Myanmar's relentless efforts had led to progress in workers' rights, for example the measures to eliminate forced labour, which included training for stakeholders and promotional campaigns. The decrease in the number of complaints received by the ILO in Myanmar was welcome. Citing a range of actions taken by the Government, including the establishment of a national committee on the elimination of child labour and constitutional amendments to improve protection for labour rights, he expressed his Government's support for Myanmar's proposal that the Liaison Office should be converted to a country office. The item should be removed from the Governing Body's agenda, and he urged the ILO and the international community to strengthen its cooperation with Myanmar and offer the necessary support. His delegation supported the original draft decision.
- 328.** *A Government representative of Canada* noted the progress made by Myanmar, including the passing of the Child Rights Law and proposals to ratify the Minimum Age Convention, 1973 (No. 138). She also noted the instruction on the prohibition of the recruitment and use of children under 18 years of age in military workplaces and urged the Government of Myanmar to provide a copy of that instruction to the ILO. The situation regarding labour issues remained a cause of concern, however, including the reduced access and efforts to cooperate with the ILO and the continued lack of a fully implemented national complaints mechanism to provide effective protection and remedies for victims and complainants of forced labour. Five elements were necessary to establish a credible and effective mechanism: impartiality in the assessment and investigation of complaints; guaranteed protection of victims; credible accountability; decentralization of responsibility to eliminate forced labour; and awareness-raising programmes, particularly in remote and conflict-affected areas. Clear procedures were needed to ensure the protection of complainants.
- 329.** She reiterated the ILO's calls for the Government of Myanmar to consult with social partners, through tripartite national dialogue, on the development and implementation of the national complaints mechanism. The Government should continue consulting with representative organizations of employers and workers to ensure that their views and concerns were incorporated in the new Labour Organization Law and the Settlement of Labour Disputes Law. All labour law reforms should be consistent with international labour standards and based on genuine tripartite dialogue, and the right of freedom of assembly should be upheld.
- 330.** Canada called for the release of the eight imprisoned trade union leaders. Smoother processes and increased access were needed to enable the ILO and the UN to conduct their work in Myanmar unhindered and allow the independent assessment of information submitted by complainants. The Government should foster a closer partnership with the ILO and keep the ILO informed of its work. Canada supported the draft decision as amended by the Workers' group and the United States.
- 331.** *A Government representative of India* welcomed the progress made by the Government of Myanmar through the DWCP and noted its efforts to take full ownership of the forced labour complaints mechanism and ensure its credibility and effectiveness with support from the

ILO, as well as the continuing decrease in complaints received since 2016. Steps to strengthen tripartite social dialogue and bring in labour reforms in accordance with the national context and priorities were also appreciated. He expressed awareness of the context for the ambitious political, economic and social agenda of the democratically elected civilian Government of Myanmar, and understanding of the challenges involved in taking forward the peace process, building institutions and strengthening the rule of law, including for the protection and promotion of labour. The Government's sustained commitment to creating decent jobs, promoting responsible investment and strengthening the culture of tripartism and social dialogue were commendable. The incidence of forced labour was declining due to the measures taken by the Government. India supported the original version of the draft decision.

332. *A Government representative of Switzerland* took note, in particular, of the progress achieved under the DWCP and the adoption of the Child Rights Law, and encouraged the Government to continue efforts to ratify Convention No. 138. Social dialogue should be systematically respected when reforming the law, in accordance with international labour standards. He recognized that the number of complaints of forced labour had fallen since 2016 and welcomed the Government's proposals to establish a national complaints mechanism.

333. However, restrictions on internal movement within the country had a significant impact on the work of the ILO and other organizations. It was a cause for concern that the 2018 Independent International Fact-Finding Mission on Myanmar had reported that forced labour continued to be used by the Tatmadaw in ethnic areas; the Government of Myanmar should carry out an independent assessment in rural and ethnic areas. The charges against eight trade union leaders brought in February 2018 gave further cause for concern. The Government should promote freedom of association and implement the recommendations of the ILO supervisory system to ensure that workers and employers were not restricted or intimidated in the exercise of their fundamental labour rights. Switzerland supported the original version of the draft decision.

334. *The Employer spokesperson* said that in view of the most recent update from the Office those who had recently returned from the field, his group cautiously welcomed apparent progress. He acknowledged apparent progress on the elimination of underage recruitment and on forced labour, noting both the report by the General Administration Department that it was assisting with age verification of victims of forced labour and that the Department had been moved to the civilian Office of the Minister for Union Government. The Employers also welcomed the Government's intention to ratify Convention No. 138; any barriers to ratification should be carefully considered and addressed. In addition, efforts would be needed from the Government and social partners to change community attitudes towards the acceptable age of entry to work. Political will would be needed to prevent the re-emergence of complaints and concerns.

335. With regard to the backlog of complaints, an understanding of their root causes was essential to effective prevention. With reference to paragraph 8 of the document, which stated that a lack of complaints of forced labour in the private sector should not be taken to mean that forced labour was not occurring, he observed that assessments from the Office should be fair, merited and constructive. Should evidence of concerns in the private sector come to light, the Union of Myanmar Federation of Chambers of Commerce and Industry, which was a member of the International Organisation of Employers (IOE), would work with the ILO to address them. The Federation had highlighted the positive impact of ILO campaigns to raise awareness, provide training and promote responsible business conduct, including various events held in 2019 supported by a range of entities. In addition, it had restructured its department for employers' organizations and launched services for employers that

included awareness-raising on child and forced labour and occupational safety and health. Since July 2019, it had conducted a programme of visits and training in industrial zones. Those efforts showed that the Bureau for Employers' Activities contributed not just to the development of the private sector, but to the Organization's wider aims. His group encouraged the Government to continue working constructively with social partners in the country and the ILO Liaison Office for Myanmar, and to implement the DWCP.

- 336.** The balanced update provided by the Office on the situation in Myanmar, while engaging with the concerns that gave rise to the inclusion of the item on the agenda, had included much positive language and encouraging comments, including the phrase "sufficient commitment from Government". The role of the ILO and social partners had been agreed and the protection of complainants was being discussed. With respect to the charges against trade union leaders, the Office had stated that the persons concerned had been released on bail and returned to work; it was not clear whether the charges would be followed up. The document before the Governing Body also contained a number of positive phrases with respect to a range of issues; in paragraph 23, the Government was encouraged to continue its efforts to cooperate with the ILO Liaison Officer and social partners to fully implement the DWCP. The Governing Body's decision should therefore reflect that information and seek constructive engagement with Myanmar. His group recognized the genuine and serious concerns expressed by most speakers alongside words of encouragement about the progress achieved. The original draft decision reflected that position by providing both recognition of progress and encouragement to address specific areas and continue to work with the ILO, and had been supported by the majority of speakers. Myanmar would be able to heed the concerns expressed by Governing Body members without any amendment to the draft decision.
- 337.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran supported the original version of the draft decision.
- 338.** *The Worker spokesperson* said that she wished to acknowledge the work accomplished in Myanmar. It was clear from the report that it was not easy to ensure progress. The position adopted by the Governing Body just six months previously, at its 335th Session in March 2019, was reflected in paragraph 1 of the document. Given the comments made in that paragraph, the encouraging remarks about discussions – which were welcome since at a certain stage in early 2019 there had not been any discussions – were surprising when only six months previously the Governing Body was expressing serious concern. Her group still had serious concerns.
- 339.** *Speaking on behalf of the European Union and its Member States*, a Government representative of Finland said that, with the addition of one further amendment, the EU could support the draft decision as amended by the Workers' group and the United States. He proposed that new subparagraph (d) should be amended to read: "called upon the Government to bring its legislation into conformity with fundamental principles and rights at work and other international labour standards, especially Conventions Nos 87 and 98".
- 340.** *A Government representative of the United States* said that he accepted the amendment proposed by the EU. While the progressive steps taken in Myanmar were appreciated by all, few of those steps represented actions taken, institutions built or functioning mechanisms. With regard to the complaints mechanism, for example, the supplementary understanding had expired and had not yet been replaced by a new mechanism. That should be emphasized as a requirement. While positive action should be encouraged, the Governing Body had an obligation to address outstanding concerns. The language of the amended draft decision was not punitive or negative but called on the Government of Myanmar to take the required action, as had been the case for some time.

- 341.** *A Government representative of Canada* clarified that she supported the amended draft decision and the additional amendment proposed by the EU.
- 342.** *The Employer spokesperson* said that in his view, the phrase in amended subparagraph (b) of the draft decision “the absence of progress on the development of a national complaints mechanism” did not accurately reflect the contents of the document or the information provided by the Office. While progress had perhaps not been realized in its final form, the direction of travel was clear, and his group was interested in recognizing progress and working with member States that were attempting to make changes. The placement of the phrase “including through the National Tripartite Dialogue Forum” at the end of subparagraph (b) could be understood to indicate that the Government of Myanmar should take non-tripartite measures to deliver that mechanism, thereby bypassing tripartism. In addition, subparagraph (b) was unduly specific about an issue addressed clearly and adequately in original subparagraph (e).
- 343.** With reference to subparagraph (c), “serious concern over the persistence of forced labour” was already reflected in the document. The word “policies”, which usually referred to Governments’ intentions, rather than their actions, was superfluous as the Governing Body was interested in compliance. Inclusion of the word “urgently” did not send the right signal in a context of action across a range of channels and government efforts, even though more work remained to be done.
- 344.** The reference in subparagraph (d) to conformity with fundamental principles and rights at work and other international labour standards was unnecessary, since all member States were already taking such action under the ILO Declaration on Fundamental Principles and Rights at Work and it was unclear which specific international labour standards were concerned.
- 345.** The reference in new subparagraph (e) to “discrepancies between national labour legislation and ILO Conventions Nos 87 and 98” was, at best, superfluous, since the country was aware of the situation and its labour legislation was under review. Overall, the original draft decision was sufficient. It was robust, based on the evidence and experience presented and had been supported by the majority of speakers.
- 346.** *A Government representative of the Russian Federation* expressed support for the original draft decision, as the proposed amendments were significant and sent out an undesirably negative signal. Adoption of the decision as amended would require tripartite consensus, which appeared difficult to achieve at that point in time.
- 347.** *The Worker spokesperson* welcomed delegations’ attempts to find tripartite agreement and emphasized that the discussion concerned the protection of workers’ fundamental rights. Her group did not feel that the Government of Myanmar had made sufficient progress in that regard, despite the assistance of the ILO Office in Yangon. She therefore supported the subamendment proposed by the United States because it sought to properly address the interests of workers of all ages who continued to suffer from the Government’s shortcomings.
- 348.** *A Government representative of the United States* proposed that the best way to achieve consensus would be to postpone the item for further discussion, although he could accept a judgement by the Chairperson that there was a majority in favour of the original draft decision.
- 349.** *Speaking on behalf of the European Union*, a Government representative of Finland said that he agreed with the representative of the United States.

350. *The Chairperson* said that approval of the amendment called for a consensus among delegations, rather than a counting of heads.
351. *The Worker spokesperson* said that if the item were not postponed for further discussion, since there was a small majority for the original draft decision, the Governing Body should accept that.
352. *The Employer spokesperson* said that all viewpoints had already been heard. His group preferred to adopt the original decision without delay as it fully reflected the prevailing situation on the ground in Myanmar. His group would defer to the decision of the Chairperson.
353. *A Government representative of Myanmar* expressed a preference for the original draft decision, which took account of the myriad problems faced by his country as an emerging democracy.
354. *A Government representative of the United States* proposed a new amendment to the draft decision, which consisted of removing all previous amendments and subamendments and adding an additional subparagraph (g), to read as follows: ... expressed the expectation that the Government can report in March 2020 concrete results in addressing key concerns raised in the Governing Body discussion, particularly with respect to freedom of association and the elimination of forced labour, and the putting in place of an effective national complaints mechanism.
355. The aim of that amendment was to balance the call for effective action with an acknowledgment that there had been progress, and to encourage the Government to continue its efforts.
356. *The Worker and Employer spokespersons* said that they supported the amendment proposed by the Government representative of the United States.
357. *Speaking on behalf of the European Union and its Member States*, a Government representative of Finland said that Norway aligned itself with her statement. She also supported the amendment proposed by the representative of the Government of the United States.

Decision

358. *Having considered the Report submitted by the Director-General in document GB.337/INS/9, the Governing Body:*
- (a) *acknowledged the progress made by the Government, in particular, the new action plan on forced labour, the passing of the Child Rights Law, and proposals to ratify the Minimum Age Convention, 1973 (No. 138), and encouraged the Government to continue its efforts to cooperate with the ILO and social partners to fully implement the Decent Work Country Programme (DWCP);*
- (b) *urged the Government to consult with social partners through the National Tripartite Dialogue Forum to put in place a credible and effective national complaints mechanism (NCM) that includes victim protection measures, to address and eliminate forced labour;*

- (c) *urged the Government to continue to apply procedures that enable the ILO to receive complaints and to intensify its cooperation with the ILO to implement an effective forced labour complaints process until such time as a suitable NCM is in place;*
- (d) *requested the Director-General to include in his future Reports to the Governing Body progress made in the establishment of a complaints mechanism as agreed under the DWCP;*
- (e) *noted the ongoing work to reform labour legislation and called for further efforts to ensure that genuine tripartite social dialogue takes place during the labour law reform process and that the views of representative organizations of employers and workers are fully taken into account;*
- (f) *expressed concern at the charges laid against eight trade unionists under the Peaceful Assembly and Peaceful Procession Law and the use of this Law by the authorities as a means of denying trade unions the right to peacefully exercise their right to freedom of association; and*
- (g) *expressed the expectation that the Government can report in March 2020 concrete results in addressing key concerns raised in the Governing Body discussion, particularly with respect to freedom of association and the elimination of forced labour, and the putting in place of an effective national complaints mechanism.*

(GB.337/INS/9, paragraph 27, as amended by the Governing Body)

- 359.** *A Government representative of Myanmar noted the appreciation expressed by many delegations, and by the Employers' group, for the Government's efforts to promote and protect labour rights in Myanmar. His Government was grateful for their support. It was likewise grateful to the Government representative of the United States and to the Workers' group for their flexibility in reaching an equitable decision, which reflected the reality on the ground.*
- 360.** *The Government was fully committed to eradicating forced labour and to promoting tripartite dialogue. The national complaints mechanism would soon be operational and effective, with the assistance of the ILO. As a priority, the Government would continue to review all labour law and, taking national circumstances into account, bring it into line with international labour standards. Myanmar was at a critical juncture in its transition to democracy. Despite numerous challenges, the Government was striving to deliver its commitment to foster peace and national reconciliation, ensure the rule of law, promote socio-economic development and bring its Constitution into line with democratic norms and principles. He called on the ILO and the international community to maintain their constructive cooperation with Myanmar and to support the process of democratization in the country.*

Tenth item on the agenda

Reports of the Committee on Freedom of Association

391st Report of the Committee on Freedom of Association ([GB.337/INS/10](#))

- 361.** *The Chairperson of the Committee on Freedom of Association* said that the Committee had had before it 157 cases, 24 of which had been examined on their merits. Two cases had been withdrawn. Two cases (Afghanistan and Maldives) had been examined without the benefit of Government replies; however, he had set up meetings with representatives of those countries and was optimistic that the information would be provided before the Committee next met. He encouraged the Government of Liberia to submit detailed observations on the complaint against it so that they could be taken into account at the Committee's next meeting in March 2020. The deadline for Governments to transmit replies and any additional observations was 2 February 2020.
- 362.** The Committee had welcomed the withdrawal of Case No. 3113 (Somalia), concerning which the Federation of Somali Trade Unions had reported significant progress in the area of social dialogue and labour relations and the establishment of the Somali National Tripartite Consultative Committee. It also welcomed the withdrawal of Case No. 3307 (Paraguay) following the resolution of concerns within national tripartite social dialogue procedures. An article 24 representation against the Government of Argentina had also been withdrawn. The Committee continued to encourage the use of national tripartite mechanisms where possible to resolve disputes and give rapid and full effect to freedom of association.
- 363.** The Committee had examined the follow-up given to its recommendations in respect of six cases. It had concluded its examination in respect of four, concerning Denmark, the Philippines, Thailand and Turkey.
- 364.** The Committee had given priority attention to three cases, owing to the seriousness and urgency of the matters dealt with therein. In Case No. 2318 (Cambodia), concerning the murder of three trade union leaders and other acts of violence, a road map for the implementation of ILO recommendations concerning freedom of association had been endorsed, but the Committee had expressed its deep concern regarding the lack of progress made in investigations. The Committee had urged the Government to expedite the investigations and bring the perpetrators to justice without further delay.
- 365.** In Case No. 2609 (Guatemala), the Committee had repeated its deep concern at the seriousness of the case, which concerned many instances of murder, attempted murder, assaults and death threats in a climate of impunity. It had urged the Government to take all necessary measures to prevent the commission of any further acts of anti-union violence and to intensify the implementation of the road map to ensure the efficient investigation of all acts of violence against trade union leaders and members. It had urged the Government to strengthen the role of the subcommittee on implementation of the road map and meet its commitments thereunder to significantly increase the human and financial resources of the Government's Special Investigation Unit and ensure the prompt adoption of personal security measures to protect at-risk trade union members.
- 366.** In Case No. 3185 (Philippines), which concerned allegations of extrajudicial killings of three trade union leaders in 2013 and the failure of the Government to adequately investigate and

bring the perpetrators to justice, the Committee had repeated its firm expectation that the perpetrators would be brought to trial without further delay.

- 367.** *The Employer Vice-Chairperson of the Committee* welcomed the dialogue established by the Chairperson with Governments, which had improved understanding of national contexts and helped encourage a quicker response to complaints. Fruitful discussions had also taken place regarding the Committee's working methods, notably the clarity of reports, the admissibility of cases, its workload, the larger number of cases from certain regions, and the system for substituting absent Committee members. Certain changes to improve transparency and legal certainty had already been introduced in the report, such as specific references indicating which cases in follow-up had been closed. The Committee had also begun the joint examination of cases presenting similar allegations.
- 368.** In relation to cases examined at the Committee meeting in October 2019, it was regrettable that no responses had been received from the Governments regarding Cases Nos 3076 (Maldives) and 3269 (Afghanistan); the Committee urged them to provide updated information and consider the recommendations as soon as possible. The Committee also wished to see Cases Nos 2318 (Cambodia), 2609 (Guatemala) and 3185 (Philippines) resolved as rapidly as possible. Drawing attention to Case No. 3271 (Cuba) and the associated recommendations, he said that the Committee did not understand how the presence of a trade union leader at the International Labour Conference could be interpreted as an act against the Government, given that the Conference was the very space in which the voices of the tripartite constituents should be heard. Cases Nos 3259 (Brazil), 3298 (Chile), 3135 (Honduras) and 3261 (Luxembourg) had been examined, but the Committee had concluded that they could be dealt with adequately at the national level.
- 369.** The new cases continued to reflect the ongoing regional imbalance, with the majority relating to member States in Latin America and the Caribbean. Given that there were currently 157 active cases and 200 cases in follow-up, careful consideration was needed of how to examine those cases efficiently at forthcoming meetings. He recommended that the Governments concerned by Cases Nos 3081 (Liberia), 3018 (Pakistan), 3074 (Colombia), 3183 (Burundi), 3249 (Haiti), 3258 and 3350 (El Salvador), 3275 (Madagascar), 3351 (Paraguay), and 3352 and 3354 (Costa Rica) should provide the additional information requested as soon as possible; the Committee would not be able to take communications received after 2 February 2020 into account at its next meeting.
- 370.** *A Worker member of the Committee* stressed the importance of positive government engagement, notably through efforts to respond to requests for information and to implement the recommended actions. She therefore welcomed the initiatives undertaken by the Chairperson of the Committee to engage in dialogue with Governments, which had helped clarify the Committee's expectations.
- 371.** Turning to the serious and urgent cases contained in the report, she emphasized that the Committee wished to see effective investigations leading to the rapid, but proper, identification and punishment of perpetrators. Governments were responsible for ensuring such investigations were conducted – regardless of whether the victims themselves sought to take action – in order to prevent impunity and the resulting damage to the social climate. She expressed concern in that respect regarding Case No. 2318 (Cambodia); the Government's brief response to the Committee indicated a lack of progress, which it attributed to a failure to cooperate by the families of the victims, which the Workers could not accept. Recalling that it was the Government's responsibility to conduct independent inquiries to ensure that detainees were not subjected to ill treatment, the Committee urged the Government to act swiftly to secure an outcome to the investigations. The Committee was also deeply concerned about Case No. 2609 (Guatemala). Despite the Committee's

recommendation to provide personal protection to individuals, it was of concern that this had occurred in only a few cases. In addition, the Special Investigation Unit had suspended operation. She therefore urged the Government to take action in the context of the road map and to intensify measures to prevent further violence. Progress had also been limited in Case No. 3185 (Philippines) relating to the extrajudicial killings of three trade unionists and threats against a fourth, despite the issuing of arrest warrants in two cases. However, more positive progress had been made in that country in Case No. 3119 (Philippines); the Committee recommended continuing capacity-building and training for members of the armed forces and police.

- 372.** Other cases considered included Case No. 3184 (China), regarding which the Committee wished to stress that criminal law should not be used to penalize workers in violation of their right to peaceful demonstration. In Case No. 3271 (Cuba), the Government had only provided a general response; the Committee would always press for further details on the application of criminal law and public freedoms in such instances. She expressed the Committee's disappointment that it had been obliged to examine Cases Nos 3269 (Afghanistan) and 3076 (Maldives) in the absence of a government reply. In Case No. 3067 (Democratic Republic of the Congo), a reply had been received, but it had regrettably failed to provide a substantive response to the allegation; the Committee had also invited the Government to accept a mission to clarify outstanding issues. A number of other cases concerned alleged violations of collective bargaining rights and restrictions on the right to demonstrate, as in Case No. 3314 (Zimbabwe), which the Workers feared was indicative of a wider developing trend. The Committee therefore wished to recall that no one should be subject to penal sanctions merely for organizing or participating in a peaceful demonstration.
- 373.** She noted that the Committee had issued a definitive report and closed nine active cases at its meeting in October 2019, often due to the cases being resolved through national procedures. The Committee would continue to develop its working methods to ensure that its work was efficient, transparent and clearly understood by all constituents, including national social partners, in order to achieve the objectives of the complaints procedure.
- 374.** *Speaking on behalf of the Government group of the Committee*, which consisted of members appointed by the Governments of Japan, Lesotho, Nigeria, Panama and Switzerland, a Government member from Switzerland drew the Governing Body's attention to the fruitful discussions of the Committee, which had been held in an atmosphere of understanding and consensus. The subcommittee was continuing to refine its working methods, while the Committee as a whole was seeking to listen more closely to constituents; the exchanges established by the current Chairperson with representatives of Governments and regional groups represented a guarantee of transparency. At the Committee's sitting concerning its working methods, there had been in-depth discussions on the receivability of complaints and measures to ensure that Committee members had access to complete complaint files. More specifically, the Committee was developing criteria to improve the filtering of complaints received; the aim was to establish a set of guidelines by March 2020 that Governments could then share with all constituents. Highlighting the Committee's conclusions and recommendations on the cases it had examined, she encouraged the Governing Body to adopt the report.
- 375.** *Speaking on behalf of GRULAC*, a Government representative of Uruguay welcomed the publication of the report further in advance of the Governing Body session in order to allow sufficient time for constituents to formulate opinions. It was concerning that the vast majority of the work of the Committee still related to cases from Latin America and the Caribbean, and that the number of such cases continued to increase. Focusing all the Committee's attention on a single region could be detrimental to the observance of freedom of association at the global level. In order to issue balanced decisions, the Committee should also make statements recognizing the progress made by countries in response to its

recommendations, and acknowledge that the legislation of each country might limit the effect given to those recommendations.

- 376.** In the light of the ongoing review and strengthening of the supervisory system, the subcommittee of the Committee on Freedom of Association should continue its preliminary review and identify priority cases based on their seriousness, age and urgency and on the need for equitable geographical distribution. Sharing the Chairperson's view that the Committee was first and foremost a supervisory body and not a court, she expressed appreciation for the efforts to update its working methods and its procedure for the examination of cases. At the same time, she emphasized the need for clear, objective and reasoned receivability criteria for both parties, which would in no way infringe the labour rights of workers.
- 377.** Regarding cases in follow-up that had not been resolved for lack of information, she welcomed the move to close those that had received no impetus from either the government or the complainant, and to place a notice on the ILO website with a view to expediting the process, as that would reveal the true number of cases pending before the Committee. Furthermore, in the light of paragraph 22 of the *Compilation of decisions of the Committee on Freedom of Association*, she urged the Committee to close the oldest cases in which no violation of trade union rights had been demonstrated.
- 378.** Her group shared the Committee's view that disputes within the trade union movement were exclusively a matter for the parties concerned and that the courts or other national bodies could play a significant part in settling them. She urged the Committee to take into account the judicial status of cases, particularly where they were considered *res judicata*.
- 379.** She reiterated her group's call for the Committee to take into consideration good practices at the national level, particularly dispute settlement by national bodies, and continue to encourage the Office to take into account steps taken to settle disputes at the national level, as tripartism and social dialogue mechanisms had proven effective and successful in resolving disputes. GRULAC wished to know whether the suspension of cases with a view to mediation or other domestic remedies – a measure currently applicable to article 24 representations – could be applied in the future by the Committee on Freedom of Association. She expressed the hope that the group's comments would be reflected in the Committee's subsequent reports.
- 380.** A Government representative of El Salvador, authorized to speak in accordance with paragraph 1.8.2 of the Standing Orders, pledged her Government's firm commitment to implementing strong actions to fill the gaps in labour policy that persisted in El Salvador. Among the actions implemented was the reactivation of the Higher Labour Council as a legitimate forum for tripartite discussions and the revitalization of other forums for tripartite dialogue, such as the National Minimum Wage Council, which had been established with the support of the ILO. The purpose of her statement before the Governing Body was to communicate the good progress made in implementing the commitments made by the Minister of Labour and Social Welfare at the last session of the International Labour Conference.
- 381.** The current administration, through the Minister of Labour and Social Welfare, had managed to re-establish constructive dialogue between employers and workers, in strict adherence to tripartism, with a view to ensuring full compliance with the Conventions ratified by El Salvador. Since its first meeting on 16 September 2019, the Higher Labour Council had taken important decisions, including approving unanimously the diagnostic tool to design a decent work policy in strict adherence with labour legislation. The support of the ILO and partner governments had been crucial in creating decision-making instruments. She

reaffirmed her Government's willingness to receive the direct contacts mission called for by the Committee on the Application of Standards as soon as possible. Her Government remained committed to complying with international labour standards, and it was hoped that the Higher Labour Council would help to solve outstanding issues concerning freedom of association and collective bargaining. She reiterated her Government's concern at the 2010 murder of trade union leader Abel Vega; it had issued formal requests to the Public Prosecutor of the Republic to expedite the investigations and punish the perpetrators. Lastly, she confirmed that the Government would continue strengthening its labour policy through inclusive tripartite dialogue in which all parties could participate on an equal footing.

- 382.** *A Government representative of China* emphasized that the Chinese Government, through the Constitution and relevant laws and regulations, assured the rights of Chinese citizens with respect to freedom of association; however, Chinese workers and workers' organizations must abide by relevant laws and regulations in the exercise of their rights. The individuals involved in Case No. 3184 were not being investigated or punished for establishing trade unions or participating in related activities, but rather for using violent measures in the settlement of disputes. The Chinese courts and public security authorities had complied with the law in their handling of the cases.
- 383.** *A Government representative of Cuba* said that, in relation to Case No. 3271, the Committee had failed to take the arguments submitted by the Government of Cuba into consideration, even though the Government had complied with the Committee's requests to provide information and had amply demonstrated the falsity of the allegations. The Government rejected the Committee's reiterated recommendation with respect to the Independent Trade Union Association of Cuba, which constituted a distorted interpretation of Article 2 of Convention No. 87, according to which freedom of association applied only to workers and employers. Those who were accusing the Government of Cuba were neither workers, as they had no employment relationship with entities or employers in Cuba, nor trade union representatives within the meaning of Article 3 of Convention No. 135. He recalled that, under Article 10 of Convention No. 87, workers' organizations must have the aim of furthering and defending the interests of workers – a fact that should have been taken into account by the Committee. He emphasized the need for the Committee to continue the process of revising its working methods, and especially to take into account the veracity of the information it received, while not politicizing cases. It was striking that the Committee demanded that governments provide concrete evidence such as judicial rulings, but did not require the same level of evidence from complainants to substantiate their allegations, giving the impression that governments were guilty unless proven innocent.
- 384.** His Government would continue to analyse the Committee's recommendations and provide the information and responses requested. The right to organize and form trade union organizations was established in Cuban labour legislation, and the State recognized trade union organizations of workers from different sectors of the economy. Cuba had an extensive legal framework for the promotion, protection and exercise of workers' rights, and trade union leaders and representatives could discharge their duties without impediment while benefiting from all due legal and practical guarantees.
- 385.** He denied that trade union leaders were persecuted, harassed, repressed or impeded from carrying out their work in Cuba. As the Government had shown in the information it had provided, the proponents of such allegations received copious external funding for their activities and aimed only to subvert the legitimately established internal order in Cuba. Such foreign interference violated the legislation in force as well as the principles of the Charter of the United Nations and international law, particularly the principles of sovereignty, self-determination and non-interference in internal affairs. His Government rejected the recommendations and conclusions published in the Committee's draft report on Case

No. 3271, but would respond to all requests for information in a timely fashion in the hope that the Committee would pay due and objective consideration to the information that it received.

- 386.** *A Government representative of Panama* emphasized his country's commitment to freedom of association through its Constitution, Labour Code, due process, the tripartite committee for the rapid handling of complaints and the standards compliance committee. In the two cases before the Committee on Freedom of Association, internal procedures had been exhausted and due process had been fully respected. The Ministry of Labour promoted social dialogue, peace and compliance with all the international Conventions ratified by the State. Moreover, the Supreme Court of Justice was a bastion of freedom of association and monitored the Ministry of Labour to ensure that it governed labour relations in the manner envisaged by the ILO. He reaffirmed his Government's commitment to continuing its efforts to resolve the labour disputes in the country, including through dialogue within the national tripartite committee.
- 387.** *A Government representative of the Philippines*, authorized to speak in accordance with paragraph 1.8.2 of the Standing Orders, objected to the Committee's findings that the Government of the Philippines had not adequately investigated the cases of extrajudicial killings in Case No. 3185 and that it had reinforced a climate of impunity. Freedom of association was a right enshrined in the Constitution of the Philippines. The Department of Labour had never failed to promote the rights of workers and employees to form, join or assist union organizations or associations for the purposes of collective bargaining and negotiation, and for mutual aid and protection. It had also actively involved labour unions and organizations in policy- and decision-making processes affecting their rights and benefits, within the framework of tripartism. The Government had continuously given human rights training to its security forces, investigators and prosecutors. Gains on the labour front had been achieved in large part due to a vibrant trade union movement.
- 388.** While substantive progress had been made in terms of capacitating duty-bearers and rights-holders to promote freedom of association, there remained a need to secure ILO technical assistance to further enhance the vibrancy of social partnerships in promoting government efforts for social justice. In full compliance with international law and its commitments, the Government of the Philippines was dealing with all the cases in the Committee's report in line with regular processes of criminal prosecution and litigation. The Government would consider the Committee's recommendations seriously and report regularly on the progress of the cases.

Decision

- 389.** *The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–73, and adopted the recommendations made in paragraphs: 83 (Case No. 3269: Afghanistan); 95 (Case No. 3259: Brazil); 114 (Case No. 2318: Cambodia); 132 (Case No. 3298: Chile); 153 (Case No. 3184: China); 170 (Case No. 3091: Colombia); 190 (Case No. 3243: Costa Rica); 224 (Case No. 3271: Cuba); 252 (Case No. 3148: Ecuador); 269 (Case No. 3279: Ecuador); 302 (Case No. 2609: Guatemala); 317 (Case No. 3266: Guatemala); 328 (Case No. 3135: Honduras); 348 (Case No. 3261: Luxembourg); 384 (Case No. 3334: Malaysia); 412 (Case No. 3076: Republic of Maldives); 450 (Case Nos 3328 et 3340: Panama); 485 (Case No. 3346: Netherlands); 506 (Case No. 3197: Peru); 522 (Case No. 3119: Philippines); 532 (Case No. 3185: Philippines); 544 (Case No. 3067: Democratic Republic of the Congo); 577 (Case No. 3314: Zimbabwe), and adopted the 391st Report of its Committee on Freedom of Association as a whole.*

(GB.337/INS/10)

Eleventh item on the agenda

Report of the 82nd Session of the Board of the International Training Centre of the ILO, Turin (Geneva, 25 October 2019) (GB.337/INS/11)

390. *The Employer spokesperson*, noting that the results and impact of the International Training Centre of the ILO (Turin Centre) for 2018 had been quite promising, expressed the view that the key performance indicators would continue to improve over the next decade. He hoped that such improvements would attract potential new donors and stakeholders, especially in the area of training and capacity-building. The Turin Centre required the energetic and constructive involvement of the ILO tripartite constituents to ensure its sustainability and competitiveness. He called on all Governing Body participants to raise awareness of the Turin Centre as broadly as possible. The Employers' group welcomed the consultation process that had been put in place for the Turin Centre's Programme and Budget proposals for 2020–21. The group had been given ample time to review the draft and to make substantive comments prior to the session of the Board. That process should continue in future. He reiterated two points made by the Employers at the session of the Board, namely that the services offered by the Turin Centre must proactively implement the decisions taken in Geneva, and that the Turin Centre must work internally in a tripartite manner. Although the Turin Centre was performing well, there was no room for complacency, and the Employers' Training Committee had discussed ways to improve output further. The group expected to continue working with the Bureau for Employers' Activities (ACT/EMP) to that end, and wanted to highlight the excellent work done by ACT/EMP at the Turin Centre thus far.
391. *The Worker spokesperson* thanked the Government of Italy for its long-standing support, as well as all other donors and contributors who had supported the Turin Centre in 2018. More than 18,000 people had participated in the training activities of the Turin Centre in that year, marking a significant increase over previous years. Some 90 per cent of all group training activities were linked to the higher-level ILO strategy framework from the ILO's Programme and Budget for 2018–19. The Board had held a full discussion on the Interim Implementation Report for 2018, and had approved the Turin Centre's Programme and Budget for 2020–21. The Workers had again called on management to put forward proposals to guarantee the funding of the constituents' programmes. As the approval of the Turin Centre's programme and budget had taken place before the Governing Body's approval of the ILO's Programme and Budget for 2020–21, she trusted that the Director of the Turin Centre would ensure that the Centre's programme and budget was aligned with, and reinforced, that of the ILO. In respect of labour migration – the subject of an independent evaluation that had been discussed by the Board – she encouraged the Turin Centre to align its work with that of the ILO, guided by a rights-based approach. She highlighted the crucial role of the Turin Centre in building the capacity of the social partners in social dialogue and tripartism. Placing international labour standards at the heart of the Turin Centre's curriculum was of particular relevance in the context of UN reform, as the Turin Centre could play a key role in the training of UN resident coordinators.
392. *A Government representative of Italy* reaffirmed his Government's continued support for the Turin Centre, consisting of an annual contribution of €7.85 million and a voluntary contribution of €1.6 million, as well as the €3 million for the renovation of the two pavilions and their transformation into an Innovation Learning Lab. He expected the renovation work to be carried out within its allocated budget and on a timely basis. The Government supported the Turin Centre's Programme and Budget for 2020–21, and looked forward to more synergies between the ILO and the Turin Centre. The Turin Centre should be seen as

a key asset in the development and delivery of training for UN resident coordinators. The Government also wished to congratulate the Turin School of Development for its solid performance, raising the profile of the Turin Centre in the academic world and among UN agencies. The School should continue to strengthen its international outreach. He supported the efforts of the Director of the Turin Centre and his team to consolidate the financial sustainability of the Centre.

- 393.** *Speaking on behalf of the Government group*, a Government representative of Paraguay recognized the progress made by the Turin Centre in terms of numbers of constituents trained, increased participation by women, and the growing use of technology to deliver distance learning. The Turin Centre should redouble its efforts to attain balanced geographical diversity among its participants. Synergy between the Turin Centre and the ILO was beneficial for the constituents and should be reinforced. Cooperation with other relevant organizations of the UN system should also be stepped up. His group approved the development of training activities related to the UN reform, with the training of UN resident coordinators, as well as the efforts to promote environmental sustainability and gender equality. It welcomed the target of 150 days to complete the recruitment selection process, and encouraged efforts to shorten the process even further. Future programmes and budgets should include the results of indicators from previous years, in order to show progress made, as well as the baselines used to establish future targets. In addition, differentiation across different levels and categories of staff should be included in the section on gender equality within the Turin Centre.
- 394.** The Government group supported the Turin Centre Director's efforts to ensure the financial sustainability of the Turin Centre and to continue to provide new, high-quality services. It therefore welcomed the financial agreement signed with the City of Turin for 2019–21 and other support from the Government of Italy. The group joined the External Auditor in encouraging the Director to seek ways to improve the Turin Centre's recruitment process and guidelines and address the causes of delays encountered. It applauded the application of International Public Sector Accounting Standards (IPSAS) in preparing the audit, which brought the Turin Centre into line with the ILO and the other organizations in the UN system.
- 395.** *A representative of the Director-General* (Director, Turin Centre) said that the prominence given to the Turin Centre's role in implementing the Centenary Declaration was a source of great inspiration. The Turin Centre's mandate to provide training to ILO constituents was essential, and efforts to address the challenges it faced would continue, including designing, improving and delivering its training activities in partnership with other training institutions, achieving a balance of face-to-face and distance-learning activities, and ensuring the geographical and demographic diversity of participants. To increase its contribution to the institutional capacity-building of ILO constituents, the Turin Centre would focus on providing support within the framework of the Organization's core agenda, with international labour standards and tripartism at its centre. It would also prioritize increasing its partnerships with national and regional training institutions and recognizing the role of training in the institutional learning process. The Turin Centre would strengthen its collaboration with the wider ILO family to achieve more coherent and synergetic outputs.
- 396.** He noted the guidance on promoting ILO normative mandates, the fundamental role of tripartism, the social justice agenda and the UN reform. The Turin Centre would continue to consult Board members to seek more concrete guidance and further benefit from effective communication in the implementation process. Noting the concerns and comments about the independent external evaluation of its training and learning activities in the area of labour migration, he pledged the Turin Centre's commitment to cooperating with the ILO technical departments and the other organizations in the UN system working on migration to implement the Board's guidance.

Outcome

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

(GB.337/INS/11)

Twelfth item on the agenda

Report of the Director-General

Obituaries

([GB.337/INS/12](#))

Mr Paulino Lyelmoi Otong Ongaba

398. *A Worker member from Kenya* paid tribute to Mr Paulino Lyelmoi Otong Ongaba, a former Worker member and trade union leader who had played a significant role in building strong regional and subregional labour movements. He had fought hard to establish a charter for the East African Community and for the free movement of persons in the region, including allowing for the portability of social security benefits. Moreover, through his support for the International Trade Union Confederation (ITUC) and work to strengthen the organization of the African Trade Union, Mr Ongaba had contributed not only to the East African subregion, but also to the entire African continent.
399. *The Employer spokesperson*, expressing his group's condolences to the family of Mr Ongaba, highlighted that he had made significant contributions to the Governing Body since 2015 and to the board of the International Training Centre of the ILO in Turin.
400. *Speaking on behalf of the Government group*, a Government representative of Nigeria joined in paying tribute to Mr Ongaba, expressing his gratitude for Mr Ongaba's deep sense of commitment to workers' rights, social justice and social dialogue throughout the region and worldwide.
401. *Speaking on behalf of the Africa group*, a Government representative of Uganda paid homage to Mr Ongaba, who had spent most of his productive adult life promoting peaceful industrial relations and social justice, core values pursued by the ILO over the past 100 years. As a peace-lover and peacemaker, during his tenure as Secretary General of the National Organisation of Trade Unions, Mr Ongaba had solved disputes within the unions, which were rooted in cold-war international politics, and promoted a number of income-generating activities for trade unions.

Ms Esther Busser

402. *The Chairperson* announced the death of Ms Esther Busser, who had been Deputy Secretary of the Workers' group for many years, and a dear friend and colleague of many in the Governing Body.
403. *The Worker spokesperson* paid her respects to Ms Esther Busser who had been a strong trade union activist, standing up against unfairness and for social justice, with a special dedication to the Global South. An economist with experience as a researcher for the ILO and the United Nations Conference on Trade and Development (UNCTAD), Ms Busser had joined the

Geneva office of the International Confederation of Free Trade Unions (ICFTU) in 2003 as a trade policy officer, rising to Assistant Director of the by then ITUC Geneva office. She had helped to raise the profile of the ITUC on trade issues and to solve difficult negotiations in Governing Body, International Labour Conference and sectoral meetings. Her struggle with a rare form of cancer had not prevented her from staying as committed and involved as ever. The Workers' group had lost a dear friend too soon, at the age of 48, and the wider trade union movement had lost an expert and dedicated advocate for a fairer and more sustainable world.

- 404.** *The Employer spokesperson* paid tribute to the late Ms Busser as a gifted, inspiring and brave person who had left an enduring legacy thanks to her many ideas and ambitions for the ILO and the ITUC. He highlighted her professionalism, passion and profound knowledge on issues such as attaining a just globalization, applying the fundamental principles and rights at work and preparing for the future of work. Moreover, she had shared the Employers' focus on protecting the planet, transforming people's lives for the better and creating a prosperous future for all children.
- 405.** *Speaking on behalf of the Government group*, a Government representative of Poland praised Ms Busser's deep sense of humanity, noting that she had been a true negotiator who listened attentively to others' views and worked tirelessly towards outcomes that served the common good.
- 406.** *A Government representative of the Netherlands*, authorized to speak in accordance with article 1.8.3 of the Standing Orders, said that Ms Busser, a Dutch national and graduate of the University of Nijmegen, had devoted her working life to achieving social justice and improving workers' rights. She had embodied the human-centred approach in everything she did and would be remembered for her inspiring openness, courage, warmth and optimism.
- 407.** *The Director-General* said that it had been an easy decision to recruit the knowledgeable and determined Ms Busser in 2003, as her reputation had preceded her. Likewise, her memory would long outlive her. She had been a discreet and self-effacing person and yet an activist and formidable negotiator, and her absence at the current session was keenly felt. He would convey the Governing Body's heartfelt condolences to her family.

Progress in international labour legislation

- 408.** *The Employer spokesperson* noted the average progress made in the "One for All" Centenary Ratification Campaign. Given that ratification meant very little without effective implementation, the Employers suggested that the name of the campaign be changed to the "Centenary Ratification and Effective Implementation Campaign". Turning to the section on internal administration, he expressed satisfaction that two of the eight appointments recorded in paragraph 14 had experience in the private sector.
- 409.** *The Worker spokesperson* congratulated the governments that had made an extra effort to ratify at least one more instrument in response to the Centenary call. The results achieved proved that, with the right commitment and willingness, the Organization could make more progress on ratification.

Outcome

410. *The Governing Body:*

- (a) *paid tribute to the memory of Mr Paulino Lyelmoi Otong Ongaba and invited the Director-General to convey its condolences to the family of Mr Ongaba and to the International Trade Union Confederation; and*
- (b) *took note of the information contained in document GB.337/INS/12 concerning the membership of the Organization, progress in international labour legislation and internal administration.*

(GB.337/INS/12, paragraph 15)

First Supplementary Report: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO and follow-up to paragraph 3 of the resolution on the ILO Centenary Declaration for the Future of Work (GB.337/INS/12/1(Rev.1))

- 411. *The Employer spokesperson* welcomed the ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (the 1986 Amendment) by the Lao People's Democratic Republic since the previous follow-up in March 2019, but expressed regret at the lack of progress and replies to the Director-General's letter of 7 December 2017. His group had endorsed ratification and supported the democratization of ILO governance in the light of its growing constituency and the future of work agenda.
- 412. Implementation of the 1986 Amendment would strengthen the functioning of the Governing Body. The total number of elected Governing Body members would increase from 112 to 132: 56 would be Government members without any distinction between regular and deputy members, and the Employers' and Workers' groups would have 28 regular members and 10 deputy members. He noted the Office's proposal to establish a tripartite working group and requested more detailed information on its composition, functioning and financial implications.
- 413. *The Worker spokesperson* reiterated her group's continued support for the ratification of the 1986 Amendment to improve the representativeness of the Governing Body in accordance with members' geographical, economic and social interests, and welcomed its ratification by the Lao People's Democratic Republic. The 1995 Amendment to the Standing Orders of the International Labour Conference to increase the number of deputy members had clearly had no impact on the power of the Members of chief industrial importance. She expressed her hope that the Governments of Georgia and the Islamic Republic of Iran, which had recently indicated their intent to ratify the 1986 Amendment, would do so soon. It was regrettable that the Office had received no further replies to its December 2017 letter despite its efforts to promote ratification, which should be intensified; she therefore invited Governments to supply the Office with the information requested to enable it to identify obstacles to ratification.

- 414.** The Governing Body had already acknowledged the need to take into account the ILO's growing constituency in its governance and programmes. The agreed text of the Declaration and its accompanying resolution had unequivocally confirmed the desire among constituents to democratize ILO governance; it was therefore important to follow up on the commitment to abolish the non-elective seats of the Governing Body. Her group supported the proposed establishment of a tripartite working group; in the meantime, she invited Governments that had not ratified the 1986 Amendment, starting with those in the Africa group, to fulfil the commitment made under the Declaration, and requested the Office to send a follow-up letter to those Governments. Members of chief industrial importance should take the opportunity to ratify the 1986 Amendment in the ILO's Centenary year.
- 415.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia (Minister of Labour and Social Affairs) commended the Lao People's Democratic Republic on its ratification of the 1986 Amendment, but expressed regret that the Office had received no further replies to its December 2017 letter; however, her group had been encouraged by the positive approach demonstrated by all delegates at the Centenary Session of the International Labour Conference towards the democratization of the Governing Body. Although the Centenary Declaration had given impetus to the promotion of the ratification of the 1986 Amendment, the Office should intensify its efforts in that regard, including by sending another letter to Governments yet to ratify the 1986 Amendment to request them to respond to the Conference's call. She expressed her hope that member States, particularly those of chief industrial importance, would seize the opportunity to implement equitable representation in the Governing Body during the ILO's Centenary year. She welcomed the proposed establishment of a tripartite working group, but noted that its mandate, composition and duration had not been covered in the document and expressed her group's readiness to work with the Office to develop its terms of reference.
- 416.** She proposed an amendment to the draft decision: subparagraph (a) would read "to request the Director-General to continue the promotional efforts for the ratification of the 1986 constitutional amendment and to write to member States which have not yet ratified the 1986 instrument inviting them to respond to the call of the Centenary Conference to ratify the instrument, and report at the future sessions of the Governing Body".
- 417.** *Speaking on behalf of GRULAC*, a Government representative of Uruguay expressed her group's support for the amendment proposed by the Africa group. She requested further details on the tripartite working group, in particular on its composition, functioning and mandate; the type of proposals it would make; its legal status in regard to the 1986 Amendment; and the decision to be put to the Governing Body in November 2020 following the publication of the group's first report.
- 418.** *Speaking on behalf of the EU and its Member States*, a Government representative of Finland said that Turkey, North Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina and Norway aligned themselves with her statement. Recalling that the democratization of governance was not limited to the composition of the Governing Body, she noted that some provisions of the 1986 Amendment, namely those related to the socialist States of Eastern Europe, no longer corresponded to the geographical situation within the region. The publication of the first report of the tripartite working group to the Governing Body should be postponed until November 2021 to allow sufficient time for tripartite consultations on its composition, functioning and mandate.
- 419.** She therefore proposed an amendment to the draft decision: a new subparagraph (b) would be added, reading "to present at the GB session in March 2020, following tripartite consultations, proposals regarding the composition and the mandate of a tripartite working group to serve as a platform for focused dialogue and for developing proposals on the full,

equal and democratic participation in the ILO's tripartite governance in the spirit of the Centenary Declaration". The original subparagraph (b) would become subparagraph (c) and be amended to read "to establish a tripartite working group on the basis of the proposals made under point (b), which would present its first report back to the Governing Body in November 2021".

- 420.** *A Government representative of Switzerland* said that Switzerland had ratified the 1986 Amendment in 1987 and was in favour of making the membership of the Governing Body more geographically balanced. Increasing the representativeness of the Governing Body members would not only be in the interest of small countries; it would also help to improve the functioning of the Governing Body in general. He therefore encouraged all member States that had not yet ratified the instrument to consider doing so. He welcomed the establishment of a tripartite working group and would be willing to take part in its discussions. He supported the draft decision, as amended by the Africa group.
- 421.** *A Government representative of Eswatini* said that the status of ratification of the 1986 Amendment was one of the standing items on the agenda of the Annual Meeting of Ministers of Labour and Employment and Social Partners in the SADC region and also featured on the agenda of a forthcoming meeting of employment and labour sector joint tripartite subcommittee meeting at the regional level. The subject remained one of the top priorities for Africa. He recalled that, at the 108th Session (2019) of the International Labour Conference, the King of Eswatini had appealed to member States that had not ratified the 1986 Amendment to do so. He expressed the firm conviction that the Amendment remained as valid now as when it had been adopted.
- 422.** *A Government representative of Nigeria (Minister of Labour and Employment)* said that the document was a minor improvement on the previous report to the Governing Body in March 2019, as in paragraph 12 it provided a new opportunity for engagement. After a promotional campaign spanning almost 33 years, a further 15 ratifications, including at least three from Members of chief industrial importance, were still required for the 1986 Amendment to enter into force. The inclusion of an update on the status of ratification as a standing item on the Governing Body's agenda was a reminder to its members of the unfinished business regarding the full democratization of the Governing Body. That unfinished business had also been reflected in the resolution on the ILO Centenary Declaration, which called for the timely completion of the process of ratification. Referring to the draft decision, he said that he welcomed the amended subparagraph (b) proposed by the European Union and its Member States. However, he sought clarification regarding the legal status and terms of reference of the tripartite working group and further information about its duration, independence, the criteria to join and the role of the social partners.
- 423.** *A representative of the Director-General (Deputy Director-General, Management and Reform)* informed the Governing Body that according to information, the Parliament of Portugal had approved the ratification of the constitutional amendment. The Office had not provided details in the document of the tripartite working group's composition and mandate, which were aspects for consideration by the Governing Body. The mandate should in effect be as set out in Part I, section E of the Centenary Declaration and in the accompanying resolution. He suggested that the tripartite working group should consider those texts and report back to the Governing Body in November 2020.
- 424.** He clarified that the tripartite working group would be formally established in accordance with the Standing Orders of the Governing Body and, like other subsidiary bodies, would have a tripartite composition. In that regard, noting that the issue was primarily, but not exclusively, of concern to governments, he suggested that the group could comprise Government representatives through open invitation, with each government determining their own representation, and representatives of the Employers' and Workers' groups'

secretariats. The Governing Body could decide whether the composition should be reflected in the decision, which might prevent unnecessary delays. With regard to the Africa group's proposed amendment to subparagraph (a), the Office suggested that the original subparagraph (b) could be amended, after the word "governance", to include the words "... as called for in the Centenary Declaration for the Future of Work and the resolution on the Centenary Declaration, adopted by the Conference at its 108th Session".

- 425.** Regarding the working group's independence and the time frame for its work, he said that the group would fall under the authority of the Governing Body and would operate over the following year before reporting back to the Governing Body. The frequency of its meetings could be determined at its first meeting, in the second half of January or early February 2020.
- 426.** *Speaking on behalf of the EU and its Member States*, a Government representative of Finland said that she would prefer to defer the issue to the 338th Session (March 2020) of the Governing Body in order to give adequate consideration to the question of the composition, functioning and the mandate of the tripartite working group. She agreed, however, that the group's first report should be presented to the Governing Body at its 340th Session, in October–November 2020. She asked whether ACTRAV or ACT/EMP would serve as the secretariat of the working group.
- 427.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that his group would be willing to consider the amendment proposed by the EU and its Member States. However, it would be difficult to accept an open working group composition. In line with article 4.2.1 of the Standing Orders, the Governing Body should determine the working group's composition, mandate and duration. He requested further clarification regarding the duration of the working group.
- 428.** *The representative of the Director-General* (Deputy Director-General, Management and Reform) clarified that the Employers' and Workers' group secretariats were the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC), respectively. Those organizations would represent the social partners in the working group, and the Office would supply the secretariat of the working group. The ILO often held meetings that were open to all governments and, in the case in question, all governments might have an interest in being represented. However, if the Government group wished to limit the composition, it could certainly do so. Regarding the duration, the suggestion was that the first meeting should take place early in 2020, and would present its first report to the 340th Session (October–November 2020) of the Governing Body. It would continue its work for as long as needed, though finishing at the end of 2020 would be an excellent result.
- 429.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that his group would prefer a fixed composition for the working group, which would help it to remain focused. He proposed a composition of eight governments from each region.
- 430.** *Speaking on behalf of the EU and its Member States*, a Government representative of Finland said that she would like time for consultations with regard to the working group's composition and mandate.
- 431.** *Speaking on behalf of GRULAC*, a Government representative of Uruguay said that she favoured an open-ended composition for the working group.
- 432.** *The Director-General* said that there were two options before the Governing Body: either the decision on the item could be postponed until the 338th Session of the Governing Body (March 2020), which would result in a loss of time, or participants could take more time at

the current session for consultations, in order to resolve the questions concerning the terms of reference and composition of the tripartite working group.

- 433.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that he would appreciate time to hold consultations at the current session.
- 434.** *Speaking on behalf of the EU and its Member States*, a Government representative of Finland said that Norway aligned itself with her statement. She welcomed the proposed establishment of a tripartite working group, which should be given a clear mandate, and supported the amendment proposed by the Africa group to subparagraph (a). Her group's amendment had sought to ensure that constituents would have the elements and time needed to properly agree on the working group's composition, which should be decided through a transparent process involving tripartite consultations and based on clear proposals; however, she would accept the suggested date of November 2020 for the publication of the tripartite group's first report.
- 435.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia said that his group would prefer the tripartite working group to be established as soon as possible to allow dialogue to begin without delay. In the interest of meaningful dialogue, it would be important to agree on the working group's terms of reference, which should clearly delineate its composition, duration and working methods before its establishment. He supported the amendment proposed by the EU, provided that the working group would submit its first report in November 2020. The composition of the working group should not be open-ended as that would hinder focused and effective dialogue.
- 436.** *The Employer spokesperson* welcomed the news about Portugal's forthcoming ratification of the 1986 Amendment. The tripartite working group should include the Employers' and Workers' secretariats and Governments could decide who would represent their group. His group would accept the suggestion to postpone the establishment of the working group until March 2020 if necessary.
- 437.** *The Worker spokesperson* said that although the working group's mandate had been adequately defined in the Conference resolution on the Centenary Declaration, her group would accept the amendments proposed by the EU and the Africa group. Given the urgent need to democratize ILO governance, the first report of the tripartite working group should be published promptly.
- 438.** *The Employer spokesperson* expressed his group's support for the draft decision as amended.
- 439.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that constituents needed time to properly discuss the composition and terms of reference of the tripartite working group. He suggested amending the wording of subparagraph (b) to insert the words "all the pillars of" before the words "the ILO's tripartite governance".
- 440.** *A Government representative of Nigeria* supported the Africa group's amendment. He requested the Office to report back to constituents before March 2020, preferably in December 2019 if feasible, to give constituents time for internal consultations before the 338th Session of the Governing Body.
- 441.** *Speaking on behalf of GRULAC*, a Government representative of Uruguay supported the draft decision as amended. Constituents should be given as many opportunities for tripartite consultation as needed, and as soon as possible, to ensure that all groups could engage in detailed dialogue before the Governing Body met again in March 2020.

442. *A Government representative of the United States* asked for clarification from ASPAG on the significance of the phrase “all the pillars”.
443. *The Employer spokesperson* said that his group could not support ASPAG’s amendment as it would be inappropriate to change wording that had been taken directly from the Centenary Declaration.
444. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that the aim of his amendment was to emphasize the need for democracy among all three groups.
445. *The Worker spokesperson* said that her group was not ready to support ASPAG’s amendment. To avoid complicating matters, the wording contained in the Centenary Declaration should be preserved.
446. *A Government representative of Nigeria* asked ASPAG to withdraw its amendment as the term “governance” necessarily implied the inclusion of all its pillars.
447. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran withdrew his group’s amendment.

Decision

448. *In the light of the call of the International Labour Conference to “definitively democratize” the functioning and composition of the governing bodies of the ILO, the Governing Body decided:*
- (a) to request the Director-General to continue promotional efforts for the ratification of the 1986 constitutional amendment and to write to member States that have not yet ratified the 1986 instrument inviting them to respond to the call of the Centenary Conference to ratify the instrument, and report at future Governing Body sessions on the results obtained;*
 - (b) to request the Director-General to present at the Governing Body at its 338th Session (March 2020), following tripartite consultations, proposals regarding the composition and mandate of a tripartite working group to serve as a platform for focused dialogue and for developing proposals on the full, equal and democratic participation in the ILO’s tripartite governance in the spirit of the Centenary Declaration; and*
 - (c) to establish a tripartite working group on the basis of the proposals made in clause (b), which would present its first report to the Governing Body in November 2020.*

(GB.337/INS/12/1(Rev.1), paragraph 13, as amended by the Governing Body)

Second Supplementary Report: Report of the Meeting of Experts on Cross-border Social Dialogue (Geneva, 12–15 February 2019) (GB.337/INS/12/2)

449. *The Employer spokesperson* said that the many different forms and levels of cross-border social dialogue must be fully respected when implementing the conclusions of the Meeting of Experts on Cross-border Social Dialogue. The guiding principle must be a bottom-up approach of robust social dialogue with strong, autonomous and legitimate social partners at the national and local levels, as that was critical for successful cross-border dialogue and effective implementation of its outcomes. The conclusions included several requests for Governments to promote an enabling environment for social dialogue in general and cross-border social dialogue in particular, and a call to enhance the role of the social partners in the formulation and effective implementation of national laws and regulations, which was insufficient in too many countries.
450. The Meeting had recognized that many enterprises had corporate social responsibility (CSR) and responsible business conduct policies to fulfil their responsibility to respect human rights, which had evolved in conjunction with international instruments. That finding would provide important input for the February 2020 meeting on global supply chains, the evaluation of the implementation of the *UN Guiding Principles on Business and Human Rights*, and national policymaking.
451. The Employers' group also fully supported the request for the Office to conduct research on challenges and opportunities in emerging regional or subregional social dialogue processes and institutions and to provide technical assistance upon request. The ILO needed to develop a deeper understanding of emerging regional dialogue processes in order to support integration in regional economic communities and cross-border dialogue between employers. It was, however, important to ensure that social dialogue was not diluted into societal dialogue, which included non-governmental organizations and was a separate exercise.
452. The establishment of a single, user-friendly ILO repository of knowledge on cross-border social dialogue would be a real benefit for all constituents, enabling them to stay informed about developments and trends, and would position the ILO as a leader in the field. The Meeting had also requested the Office to promote cross-border social dialogue across UN bodies, including in the context of UN reform and the Sustainable Development Goals (SDGs). Social partner organizations had a key role to play as the legitimate and representative voice of the world of work and as such must be fully involved in the negotiations, implementation and follow-up of the 2030 Agenda for Sustainable Development, both at the UN and at the national level. In that context, the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC) were seeking observer status at the UN General Assembly; she urged governments to support that endeavour. She supported the draft decision.
453. *The Worker spokesperson* said that she strongly supported the conclusions of the Meeting of Experts, which contained a set of important recommendations, both for the constituents and for the Office, and would provide useful input for the forthcoming meeting on decent work in global supply chains. She welcomed the recognition that cross-border social dialogue was an essential aspect of the ILO's mandate, and that the MNE Declaration emphasized that all enterprises should carry out human rights due diligence with the meaningful consultation of workers' organizations. She also welcomed the recognition that international framework agreements were an important form of cross-border social dialogue that could create conditions conducive to respect for fundamental principles and rights at work in the

operation of multinational enterprises and could contribute to the performance of human rights due diligence.

- 454.** However, it was regrettable that the section on CSR did not acknowledge the many flaws in such initiatives, which had had little positive impact on decent work. CSR was effectively a unilateral, self-defined process, where business responsibilities often did not correspond to obligations under international standards. There was also no process to recognize trade unions or engagement as social partners. CSR policies were often not implemented transparently and did not include any collaboration with or scrutiny by trade unions. They were instead subject to third-party audits of dubious quality, as auditors did not have the time, experience or incentive to prepare adequate audits.
- 455.** She supported the call for governments to promote an enabling environment for cross-border social dialogue by ensuring that the fundamental principles and rights at work, in particular freedom of association and the effective recognition of the right to collective bargaining, were effectively embedded in national law and practice. Ensuring effective access to justice, including judicial and non-judicial remedies, was very important. She also welcomed the call to promote all aspects of the MNE Declaration and appoint national focal points on a tripartite basis, where relevant.
- 456.** Concerning workers' and employers' organizations, she particularly welcomed the consideration given to developing dispute resolution mechanisms under transnational company agreements and other agreements in order to enhance compliance, raising awareness about the voluntary company–union dialogue facilities under the MNE Declaration for the discussion of issues of mutual concern, and exploring the conclusion of cross-border sectoral agreements. The Workers' group also fully supported the section on ILO action, and requested the Office to allocate the necessary resources for the swift implementation of its recommendations. She supported the draft decision.
- 457.** *Speaking on behalf of the Africa group*, a Government representative of Morocco welcomed the conclusions adopted by the Meeting of Experts. He supported the recommendations for Office action, in particular the calls for: knowledge generation and dissemination on the content, scope and impact of various cross-border social dialogue initiatives; the development of a compendium based on good practices of different forms of cross-border social dialogue; building the capacity of national social dialogue institutions in relation to the various forms of cross-border social dialogue; enhancing the capacity of national labour administrations and labour inspectorates of member States in the area of cross-border social dialogue; the organization of promotional campaigns and advocacy aimed at strengthening efforts to promote the MNE Declaration, prioritizing identifying and maintaining, with tripartite involvement, a list of facilitators for the company–union dialogue; and the forthcoming meeting of experts to consider what guidance, programmes, measures, initiatives or standards were needed to promote decent work in global supply chains, as agreed by the Governing Body and in line with the 2016 conclusions concerning decent work in global supply chains. He supported the draft decision.
- 458.** *Speaking on behalf of ASPAG*, a Government representative of Bangladesh said that the ILO Centenary Declaration for the Future of Work considered social dialogue an essential foundation of all ILO action, contributing to successful policy and decision-making in its member States. Cross-border social dialogue was important in the light of increasing globalization and regional integration, and should complement national efforts to promote international labour standards and fundamental principles and rights at work and to address decent work deficits. However, labour standards should never be used for trade protectionism purposes.

- 459.** As strengthening social dialogue at the national level was a prerequisite to promoting cross-border social dialogue, he called on the Office to further enhance its technical cooperation activities in Asia and the Pacific. It would be useful to have a comprehensive study of the factors behind the uneven development of cross-border social dialogue in terms of sectors, economies and geographical distribution, and also research on the content, scope and impact of various cross-border social dialogue initiatives, including the key underlying challenges and opportunities at the regional and subregional levels. Cross-border social dialogue must take account of the diverse circumstances, needs, priorities and levels of development of the various countries and constituents, as recognized in the conclusions concerning the second recurrent discussion on social dialogue and tripartism, adopted at the 107th Session (2018) of the International Labour Conference.
- 460.** Cross-border social dialogue could play a significant role in ensuring decent work for migrant workers, among whom social dumping, forced labour and poor working conditions were common. It could also be key to the elaboration and implementation of credible, viable and sustainable labour migration policies and practices. Multinational enterprises must continue to uphold responsible business conduct and show respect for human rights, including through CSR initiatives. Cross-border social dialogue, including among actors in supply chains, could be a useful tool to encourage MNEs to create conditions respecting the fundamental principles and rights at work, thereby improving industrial relations.
- 461.** Concerning the draft decision, ASPAG proposed amending “approved” to “took note of” the conclusions, and deleting the phrase “and authorized the Director-General to publish and disseminate them widely”.
- 462.** *Speaking on behalf of the EU and its Member States*, a Government representative of Finland said that Turkey, Montenegro, Albania, Norway, Armenia and Georgia aligned themselves with her statement. Stressing that cross-border social dialogue was embedded in the values and governance of the EU, its social partners and its companies, she welcomed the conclusions reached by the experts, notably regarding the contribution of cross-border social dialogue to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), and its role at regional level, in trade relations, through transnational company agreements and in responsible business conduct initiatives. Those conclusions would also contribute to the implementation of the 2016 conclusions concerning decent work in global supply chains. She therefore called upon governments, workers’ and employers’ organizations, and companies to implement the recommendations in the document, and asked the Office to continue promoting cross-border dialogue, including through the additional actions set out in the recommendations. The development of a compendium containing good practices on cross-border social dialogue, including regarding how they could contribute to due diligence processes, would be particularly welcome. She supported the draft decision.
- 463.** *A Government representative of Mexico* acknowledged the growing role of cross-border social dialogue in harmonizing the increasingly complex labour relations resulting from global economic integration. Indeed, social dialogue was key to managing economic, technological and labour-related changes, and formulating and implementing policies. It was also an effective tool for promoting fundamental principles and rights at work. In that context, Employer and Worker representatives played an essential role in promoting decent work in the economic integration communities involved in bilateral trade and investment agreements, and in the global operations of multinational enterprises. Her Government therefore agreed with the Employers’ group on the need to involve social partner organizations in multilateral development discussions, notably regarding implementation of the SDGs and the UN reform process, and had supported the application by the IOE and ITUC for observer status at the UN General Assembly.

464. Highlighting the emphasis placed on worker protection in a new regional trade agreement recently signed by her Government, she expressed commitment to strengthening consultative mechanisms for national workers' and employers' organizations in the labour provisions of bilateral and multilateral trade and investment agreements. Cross-border social dialogue should be promoted by modernizing the mechanisms for preventing and resolving social and labour disputes; the MNE Declaration was a valuable tool to that end. Her Government welcomed the recommendations and conclusions of the report, and supported the draft decision.
465. *A representative of the Director-General* (Deputy Director-General for Policy) acknowledged the growing importance of regional social dialogue mechanisms, as stressed by the Employers' group, and said that the Office was increasingly called upon to build the capacity of social partners operating at that level. It had also started preliminary work on the recommended repository of knowledge on cross-border social dialogue, namely by investigating similar databases with a view to producing a proposal, work plan and budget for the next biennium. Once the repository was in progress, it would be possible to identify the information needed for development of the compendium on good practices. In response to the comments regarding the importance of cross-border social dialogue across UN bodies, including in the context of the SDGs, she drew attention to the ILO's report *Time to Act for SDG 8: Integrating Decent Work, Sustained Growth and Environmental Integrity*, which had stressed that same point. She also provided assurance that the Office would continue its research on dispute resolution mechanisms.
466. Regarding the amendment to the draft decision proposed by ASPAG, the Office had asked the Legal Adviser to examine the text, in which "approved" had been replaced with "took note of", and "and authorized the Director-General to publish and disseminate them widely" had been deleted. It should be noted that the original draft decision had been prepared in line with the recently revised Standing Orders for technical meetings and the Standing Orders for meetings of experts, which stated that the Governing Body could approve or reject the outcome document of such meetings. The Standing Orders also made provision for the Office to publish and disseminate the results of proceedings; that was necessary to inform, inter alia, other organizations, including UN agencies, of the recommendations made by the ILO's tripartite partners during technical meetings.
467. *The Employer and Worker spokespersons* reiterated their support for the original draft decision.
468. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran clarified that the amendment had been proposed on the basis that "taking note" was also standard language in response to such reports, and that the specific reference to publication and dissemination was redundant given subparagraph (b) of the draft decision.

Decision

469. *The Governing Body:*

- (a) *approved the conclusions of the Meeting of Experts on Cross-border Social Dialogue contained in the appendix to document GB.337/INS/12/2 and authorized the Director-General to publish and disseminate them widely; and*
- (b) *requested the Director-General to take into consideration the action recommended in the conclusions in the design and implementation of future programmes and budgets of the ILO.*

(GB.337/INS/12/2, paragraph 16)

Third Supplementary Report: Follow-up to Governing Body decisions ([GB.337/INS/12/3](#))

470. *The Worker spokesperson* welcomed and took note of the report.
471. *The Employer spokesperson* expressed support for the draft decision.
472. *Speaking on behalf of the Africa group*, a Government representative of Morocco welcomed efforts to ensure implementation of Governing Body decisions through the preparation of follow-up reports, and commended the approach taken by the Office, which provided both a clear general overview and cross-references to more detailed reports. She noted the various actions undertaken to pursue the ILO's mandate, promote tripartism in the context of the UN reform and advance the ILO's role in sustainable development. In that respect, her group recommended highlighting any challenges encountered in the implementation of decisions, together with potential solutions; it would be useful to have further details regarding why targets were missed or activities delayed. More generally, the follow-up table should contain more precise information, notably in relation to the decision implementation status; it was insufficient to simply note that actions were "in progress". Urging the Office to continue its work to fully implement the decisions of the Governing Body, she expressed support for the draft decision.

Decision

473. *The Governing Body requested the Office to prepare, for its 340th Session (October–November 2020), a supplementary report on the follow-up to the decisions adopted since November 2018.*

(GB.337/INS/12/3, paragraph 5)

Fourth Supplementary Report: Documents submitted for information only ([GB.337/INS/12/4](#))

474. *The Employer spokesperson*, referring to the report on the status of pending representations submitted under article 24 of the ILO Constitution,² suggested to include in the table a new column highlighting the names of the members of the established tripartite committees.
475. *The Worker spokesperson* said that her group would consider that proposal.

Outcome

476. *The Governing Body took note of the information contained in the documents listed in its agenda.*

(GB.337/INS/12/4, paragraph 3)

² [GB.337/INS/INF/2](#).

Fifth Supplementary Report: Appointment of an Assistant Director-General
([GB.337/INS/12/5](#))

(See the discussion and results below concerning the Eight Supplementary Report.)

Sixth Supplementary Report: Withdrawal of the representation alleging non-observance by Uruguay of the Dock Work Convention, 1973 (No. 137), made under article 24 of the ILO Constitution by the Single Union of Port and Allied Workers
([GB.337/INS/12/6](#))

Decision

477. *The Governing Body took note of the request submitted by the Single Union of Port and Allied Workers (SUPRA) and declared that the representation had been withdrawn and that the case was closed.*

(GB.337/INS/12/6, paragraph 3)

Seventh Supplementary Report: Mid-term review of the implementation of the Bali Declaration adopted by the 16th Asia and the Pacific Regional Meeting
(Bali 6–9 December 2016)
([GB.337/INS/12/7](#))

478. *The Worker spokesperson noted the mid-term review prepared by the Office, but said that there had been no consultations with the social partners at the national or regional levels on the preparation of an implementation plan to give effect to the Bali Declaration. The mid-term review provided no analysis of the impact of action in the 13 priority areas for the region that had been agreed on by the tripartite partners in the Bali Declaration. Nothing in the mid-term review reflected the viewpoint of the social partners. The review included references to economic development and high GDP growth rates, but ignored the reality on the ground of increasingly precarious work and a decline in workers' rights. According to the International Trade Union Confederation (ITUC) Global Rights Index 2019, the Asia and the Pacific region was one of the worst regions in the world for workers' rights, second only to the Middle East and North Africa region. In total, 22 countries in the region were given a rating of 4 (systematic violations of rights) or 5 (no guarantee of rights). In 20 of those countries, the right to freedom of association was denied, in 21 the right to strike was denied and in all 22 the right to collective bargaining had been violated. The mid-term review appeared to be positive, however, and did not reflect the challenges being faced. In that context, the Bali Declaration needed the full commitment of all tripartite constituents.*

479. *The ITUC in the Asia–Pacific (ITUC-AP) had carried out a survey among trade unions on the implementation of the Bali Declaration. An important element of the Declaration was the development of a strategy on the ratification and implementation of the core ILO*

Conventions, but no such strategy was mentioned in the mid-term review and his group was not aware of any developments in that regard. Countries in the region that had not ratified 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), had made no efforts to do so and no special programmes had been introduced by the Office to promote ratification. While the ratification of the Minimum Age Convention, 1973 (No. 138), by India was appreciated, effective implementation was needed in the light of the high incidence of child labour in that country. A strategy should be developed together with the international and national trade unions on the ratification of core Conventions, in line with the Centenary Declaration and the ILO tripartite commitment for the universal ratification of the fundamental Conventions.

- 480.** Although the Programme and Budget for 2018–19 contained special provisions for the ILO Regional Office for Asia and the Pacific to set aside resources and develop programmes to implement the Bali Declaration, including by strengthening unions’ organizing and collective bargaining capacities, no strategy in that area was mentioned in the mid-term review. Some ILO assistance through the formalization of Decent Work Country Programme (DWCP) agreements had been reported, although the unions had not been fully involved in formulating DWCP priorities and tripartite structures had not been fully developed to deliver DWCP outcomes.
- 481.** Although strengthening structures to improve labour governance and social dialogue in the region was one of the Bali Declaration’s priority areas, the ITUC-AP survey had shown a decline in social dialogue, with tripartite social dialogue lacking in many areas. The region was experiencing a weakening of labour laws. In India, for example, the largest trade union confederation was excluded from tripartite dialogue and a labour law review and increased working hours had been announced without any consultation with the unions, leading to calls for a national strike. Similar situations existed in many other countries in the region. The ILO country offices in particular could assist in that area and greater efforts should be made to organize national tripartite events.
- 482.** While the ILO was investing heavily in the implementation of the Sustainable Development Goals (SDGs), and the Office had referred to the implementation of the Bali Declaration in that context, the ITUC-AP survey had indicated that few governments in the region were willing to involve unions in the planning, implementation or reporting on progress of the SDGs. The latest report of the UN Economic and Social Commission for Asia and the Pacific had indicated that, on the current trajectory, no country in the region would achieve any of the SDGs by 2030 and there were negative trends with regard to three SDGs, including SDG 8. Reports from unions indicated that most employment was insecure. Bigger economies had experienced an increase in informal work, which represented a fundamental weakening in employment conditions and relations, contrary to the comments made in the mid-term review.
- 483.** He urged the Office to do more to ensure the effective implementation of the 13 priority areas of the Bali Declaration. To that end, greater awareness of the Declaration and its priority areas should be pursued by the Office and constituents, and cooperation between the ILO and the ITUC-AP should be strengthened. To improve tripartism and social dialogue, a stable political climate should be created whereby the autonomy and independence of trade unions and employers’ organizations were fully respected in compliance with Conventions Nos 87 and 98. The ILO must focus on the promotion of tripartism in all its programmes and projects and ensure effective consultation with national constituents. Specific strategies must be developed for selected priority areas, including a campaign for the ratification of the fundamental Conventions, including Conventions Nos 87 and 98, and the review of labour law to give effect to them. The ILO must continue to strengthen its capacity-building programmes for unions. Greater collaboration between the Bureau for Workers’ Activities

(ACTRAV) and national trade unions would be needed in that regard. ILO activities and programmes to help trade unions address national needs and priorities must be enhanced through effective cooperation and consultation with national trade unions and the ITUC-AP. He called on the Office to develop plans, with the social partners, on key strategies to achieve the desired outcomes. He recalled that the Bali Declaration requested the ILO to report to the 17th Asia and the Pacific Regional Meeting on the actions taken and the support provided to implement it and said that his group looked forward to that report.

- 484.** *The Employer spokesperson* said that, against a backdrop of diversity and dynamism in the region, the priority areas of the Bali Declaration had anticipated a number of issues faced by constituents in 2019. While his group appreciated the concise and informative nature of the mid-term review, it did not adequately depict implementation in the priority areas. The information provided was superficial, and it would have been useful to get a sense of the progress made towards achieving the commitments contained in the Declaration. The Office needed to make clearer efforts to address priorities that were important to employers, in particular developing policies for an enabling environment for sustainable enterprises and entrepreneurship, and developing institutions for skills development, certification and evaluation. The ILO's response to the impact of technological innovation on employers and workers mostly involved training and capacity-building, rather than developing policy or guidance. The Declaration, rather than the DWCPs, should take the strategic lead and drive policy priorities in the region.
- 485.** It was important to ensure that all ILO projects had an impact – it was preferable to have fewer projects that met the needs of constituents on the ground, and to determine their impact by following up with project beneficiaries, than to stretch the limited capacity of constituents by having a wide variety of projects that lacked coherence. Little information had been provided under the heading on “Programmatic assistance to promote an enabling environment for the development and creation of sustainable enterprises”, which suggested that more work was needed to meet the needs of private sector and employers’ organizations. The objectives under that heading would not be achieved through the activities outlined for the remaining implementation period.
- 486.** Further efforts would be required to tackle the issue of informality in small Pacific island States, which affected the majority of workers in those States. His group took note of a project funded by the Regular Budget Supplementary Account to support the participation of the social partners in the labour and social policy process, and looked forward to concrete results in that regard.
- 487.** In the Arab States region, crisis response – to the Syrian refugee crisis in particular – had enlarged the ILO's project portfolio. Nonetheless, many of the ILO activities referred to in the report were classical technical interventions that would have happened independent of the Bali Declaration. With regard to ratification, it was important to ensure that barriers to ratification were reviewed and removed to ensure effective implementation and avoid an increase in the workload for the ILO supervisory system. The number of ratifications of Conventions was a limited indicator of progress if not supported by effective implementation.
- 488.** His group welcomed the linking of national outcomes of DWCPs to the 2030 Agenda for Sustainable Development, and the streamlining of ILO work with the work of other UN agencies. The collection of relevant data to inform policymaking was a real challenge, especially in rural areas. He appreciated the recognition that social partner organizations had a vital role to play in giving effect to the Bali Declaration.

- 489.** The ILO Regional Office should provide more clarity on how the Declaration would be applied for the rest of its implementation period. It was clear to the social partners that there was a lack of awareness of the Declaration, which should be remedied through ILO programmes, particularly on social dialogue and strengthening the capacity of employers' and workers' organizations, by supporting the development of strong and representative social partners' organizations, and by ensuring the involvement of social partners in the development of social and employment policy in the region. Since the reform of the UN system was also testing the strength and value of social dialogue and the social partners, the ILO should prioritize support for its core values, principles and assets, and provide adequate resourcing and support at all levels. The Centenary Declaration should be taken into account, including at the regional and national levels, as it placed the ILO mandate in the context of current realities and provided policy guidance to constituents and the Office.
- 490.** The ILO Regional Office should focus on the successful implementation of two or three priority areas in the region prior to the next regional meeting. For his group, the focus should be on skills and creating an enabling environment for sustainable enterprises. The mid-term review overlooked the critical role of the private sector and the need for countries to be supported in order to enhance productivity and generate economic growth and fully productive and freely chosen employment. His group considered the mid-term review an essential part of continuous improvement to achieve higher productivity.
- 491.** *Speaking on behalf of ASPAG*, a Government representative of Indonesia said that the mid-term review provided an excellent snapshot of the current situation in the region. The ASPAG member States and their respective social partners had worked closely, with the support of the Office, to fulfil the objectives of the Bali Declaration, which were very much in line with those of the 2030 Agenda. A major tangible result of those efforts was the number of DWCPs finalized or nearing the signature stage by the end of 2018 in the Asia and the Pacific and in the Arab States regions. DWCPs provided an important link between the Bali Declaration and the 2030 Agenda, particularly in the attainment of a sustained, inclusive and sustainable economic growth, and were also highly relevant to the realization of the Centenary Declaration. The Office should map the numerous overlapping strategic visions in the Bali Declaration, the Centenary Declaration and the 2030 Agenda, and ensure synergies between them in DWCPs.
- 492.** The 15 ratifications of ILO Conventions achieved by ASPAG member States in the period 2017–18, with ten additional ratifications in 2019, highlighted the need for continuous capacity-building and assistance from the Office. The ASPAG member States highly valued the support received from the Office to develop their national policies and actions to promote job-rich economic growth, strengthen labour market institutions, ensure equitable and transparent labour market governance and social dialogue, and improve knowledge management.
- 493.** He noted the steadily increasing volume of development cooperation registered in the region since 2016, and asked the Office to continue mobilizing adequate resources to support decent work outcomes and the attainment of the SDGs, with emphasis on inclusiveness. In particular, the Office should enhance its development cooperation in order to build the capacity of the national departments concerned with labour statistics and further collaborate with ASPAG member States on the measurement of SDG indicators linked to decent work. Emphasizing his group's commitment to the full implementation of the Bali Declaration, he said that ASPAG firmly believed that all 13 priority areas in the Bali Declaration should be given equal attention in a balanced and comprehensive manner.
- 494.** *Speaking on behalf of ASEAN*, a Government representative of Thailand said that the importance that the ASEAN countries placed on the implementation of the Bali Declaration reflected their common interest in promoting decent work in the region. The many

challenges still facing the governments of ASEAN countries in the framework of the Bali Declaration called for continuing engagement with the Office as well as with the social partners. One particular challenge was how to harmonize the key deliverables captured in the Bali Declaration and in the Centenary Declaration, so as to avoid redundancy and ensure effective implementation. In that regard, she agreed with ASPAG that there was a need for the Office to map the overlapping strategic visions in the two declarations.

- 495.** Concerning the number of ILO Conventions ratified in the region, she agreed that support and assistance from the Office would be required in order to bring the situation in ASEAN countries into line with the applicable international labour standards, taking into account respective national contexts, priorities and policies. In the next phase of implementation of the Bali Declaration, the Office should continue and further enhance its collaboration with the ASEAN Secretariat, to ensure that no ASEAN country, nor any of the 13 priority areas identified, was neglected.
- 496.** *A Government representative of Nepal* welcomed the encouraging progress made in reducing the regional unemployment rate, noting that DWCPs served as vehicles to deliver results at the country level. In that respect, he said that Nepal had enjoyed Office support in the form of DWCPs since 2008 and he commended the ILO's continued support in that regard. Since the adoption of the Bali Declaration, Nepal had made great progress in all 13 priority areas, carrying out legal and institutional reforms and launching numerous programmes, all aimed at creating decent work and enhancing social security and sound industrial relations. For example, it had introduced a system that allowed enterprises to self-assess their compliance with labour laws and had launched the Prime Minister's Employment Programme as a flagship attempt to create jobs, guarantee employment, provide an unemployment allowance, promote innovation and entrepreneurship and support skilling, reskilling and upskilling. In 2018, the Government had launched a comprehensive contribution-based social security scheme; had introduced legislation to prevent discrimination on grounds of gender; had raised the minimum wage; and had made it compulsory for salaries to be paid by bank transfer.
- 497.** As an Alliance 8.7 pathfinder country, Nepal was committed to ending all forms of child labour, forced labour, human trafficking and modern forms of slavery and had taken action in that regard. To improve its labour market information and evidence-based analysis, his Government had completed the Nepal Labour Force Survey 2017–18 in accordance with the revised standards recommended by the 19th International Conference of Labour Statisticians.
- 498.** *A Government representative of India*, after aligning her comments with the ASPAG statement, said that her Government had recently introduced the Child Labour (Prohibition and Regulation) Amendment Act, prohibiting the employment of children aged under 14 in any occupation or domestic work and the employment of adolescents aged from 14 to 18 years in hazardous occupations and processes. The Act even banned children from helping their families or parents. India had reaffirmed its commitment by ratifying Convention No. 138 and the Worst Forms of Child Labour Convention, 1999 (No. 182). In addition, the National Child Labour Project was a rehabilitative scheme, offering education and other facilities such as midday meals, health benefits and stipends for children withdrawn from work, before mainstreaming them into formal education. A monitoring structure for the project was in place and, to ensure effective enforcement of the provisions of both instruments, an online portal had been developed, which referred complaints relating to child labour to the relevant district officer for action.
- 499.** In the context of the ongoing reforms to labour legislation and governance in India, the Labour Code on Occupational Safety, Health and Working Conditions was still at the draft

stage, and it was thus too early to draw any conclusions with respect to violations of the provisions of the ILO Conventions. Tripartism had been the hallmark of the reform process, which included consultation with the central trade unions, employers' associations and state governments.

- 500.** *A representative of the Director-General* (Regional Director for Asia and the Pacific) said that, as the mid-term review was the only report required by the 2016 Regional Meeting and there was no established format, the Office had consulted widely with the tripartite partners and had shared a draft annotated outline with Governing Body members from the Asia and the Pacific States and the Arab States well in advance, in order to incorporate all possible comments.
- 501.** Concerning a comment that the Bali Declaration had no specific implementation plan, she emphasized that the member States had opted instead to make best use of the existing delivery mechanism, namely the DWCPs, as they reflected priorities agreed among the tripartite partners. Those priorities had all been aligned with the situation of each member State and the priorities of tripartite partners on the ground. She noted with appreciation that the priorities of the Bali Declaration were discussed actively every time new DWCPs were prepared or subjected to mid-term review, and were taken into consideration as one of the guiding frames of reference for implementation of the Declaration. The DWCPs also offered an entry point for constituents to engage in UN cooperation frameworks at the country level, and thus advance the progress of the SDGs. At the regional level, outcomes were set within the biennium in line with the ILO programme and budget outcomes. Since the adoption of the Bali Declaration, ILO programme operations in the Asia and the Pacific region had been aligned to its priorities. The full report on the achievements under the 13 thematic priorities identified in the Bali Declaration was available on its website.
- 502.** Concerning the comments that the report lacked analysis of the impact on the ground, she noted that the methodologies used in its preparation, and level of analysis attained, were very similar to those that the Office employed in preparing its organizational level implementation reports for any biennium. The current report was not intended as an in-depth review or impact evaluation, although the Office recognized the usefulness of deeper analysis to all parties and would prepare a full implementation report before the 17th Asia and the Pacific Regional Meeting. Concerning the comment that the Bali Declaration should drive policy priorities in the region, she noted that the fuller version of the current report already covered some of the policy work undertaken in 2017 and 2018. The Office intended to improve that part of the analysis in the full implementation report for the period 2017–20.
- 503.** As to comments concerning a lack of contributions by the social partners to the report, she noted that the country offices had been fully consulted and the information they had submitted included material contributed by their tripartite partners on the ground, including the trade unions. In that regard, she acknowledged with appreciation the comments on the draft submitted by ITUC-AP based on its own report derived from surveys conducted among its members.
- 504.** The Office shared the Workers' concern that more should be done to improve the performance of the Asia and the Pacific region in ratifying and implementing the core Conventions. Concerning how the Regional Office could ensure the visibility of the Bali Declaration and maintain its priorities in the future, she noted that, while 2020 was the last year of work within the framework of the Declaration, it would be the first year under the Centenary Declaration and under the new programme and budget, and that the tripartite partners in the region were already discussing compatibilities between the two declarations to determine future priorities. The Office would also take into consideration a number of DWCPs currently under preparation, to make sure that the Bali Declaration priorities remained visible in conjunction with the new priorities arising at the global and regional

levels and on the ground. The Office was fully committed to providing high-quality technical assistance to advance the implementation of the priorities of the Bali Declaration and Centenary Declaration in close collaboration with the tripartite constituents and stakeholders.

- 505.** *A representative of the Director-General* (Regional Director for the Arab States), in response to a question from the Workers' group, said that labour governance and social dialogue were at the heart of DWCPs and projects in Iraq, Jordan, Kuwait, Lebanon, Oman, Palestine and Saudi Arabia, which were often facilitated by ongoing labour law reform. The Office's efforts to address labour rights and international labour standards, were hindered by armed conflicts directly or indirectly affecting several countries in the region. However, it was making every effort to continue that work within the framework of development cooperation, including by stepping up efforts to set out measures needed for the ratification of ILO Conventions in all new and extended DWCPs. Trade unions in the Arab States had made valuable contributions to the formulation of decent work priorities in the region.
- 506.** Turning to comments made by the Employers' group, she said that the promotion of entrepreneurship and skills development was at the heart of the regional agenda in the Arab States. National strategies aimed at fostering entrepreneurship and skills were key to the development of the private sector, which itself was essential for the creation of future jobs and the fight against youth unemployment. Enterprise and skills development were also priorities of DWCPs in Iraq, Jordan, Kuwait, Lebanon and Oman.
- 507.** The Programme and Budget for 2018–19 had been fully consistent with the Bali Declaration because it had been drawn up with the Declaration in mind, as had regional strategies and decent work programmes. For the remainder of the implementation period, the Declaration would primarily be implemented through DWCPs, updated in line with the Centenary Declaration and programme and budget outcomes.
- 508.** Responding to the social partners' demand for increased ratification of core Conventions and awareness-raising of the Bali Declaration, she said that the Office intended to step up training and advocacy to increase ratifications, especially of Conventions Nos 87 and 98, given the gaps remaining in her region in that regard. The Office would intensify its efforts to promote key elements of the Bali Declaration and the Centenary Declaration in consultations with the constituents on policy and the future of work.
- 509.** *A Worker member from Fiji* said that there was still time to develop an implementation plan for the Bali Declaration, especially given that work towards the achievement of its objectives would need to continue beyond its validity period. It was important to develop the plan in consultation with and ensuring the active involvement of all stakeholders.
- 510.** The Office's strategy had been to use DWCPs as a means to achieve the objectives of the Declaration. However, the DWCP was not an end in itself, but laid the foundation for further work. It would be interesting to evaluate the success rate of the DWCPs; some countries had signed DWCPs to much initial fanfare, only for little to be accomplished thereafter. Tripartite dialogue was essential to ensuring delivery of the objectives of the DWCPs. Likewise, the ratification of Conventions was not an end in itself, but involved labour law reform in countries to give effect to the ratifications of Conventions. However, the reverse had been seen in the region, with labour law reform often weakening the role of trade unions and workers' rights.
- 511.** He highlighted the relative lack of progress on the ratification of Conventions Nos 87 and 98 and on the implementation of the ILO Declaration on Fundamental Principles and Rights at Work. He urged action to be taken in that regard; otherwise, in the ILO's second century

future generations would still be talking about the need to ratify and implement those core Conventions. He noted that the document had referred to several reports, seminars, workshops and studies, but not to their outcomes. The ILO must rethink its strategy to ensure it was effective and achieved tangible outcomes.

512. *An Employer member from Japan* acknowledged the difficulty of preparing the mid-term review without a clear format. To ensure a more impactful report, there should be more consultations with the tripartite constituents, which should all be actively engaged in the preparation of the report to be submitted to the 109th Session (2020) of the International Labour Conference.

Outcome

513. *The Governing Body noted the mid-term review of the implementation of the Bali Declaration adopted by the 16th Asia and the Pacific Regional Meeting and requested the Office to continue to implement the Declaration taking into consideration the guidance provided during the discussion.*

(GB.337/INS/12/7, paragraph 39)

Eighth Supplementary Report: Appointment of the Treasurer and Financial Comptroller (GB.337/INS/12/8)

514. *The Director-General* welcomed Mr Carvalho Pinheiro and Mr Chughtai to their leadership positions in the Organization. He recalled that thanks had been expressed to Mr Salazar, the outgoing Regional Director for Latin America and the Caribbean, during the 19th American Regional Meeting. It was now time to say goodbye to Mr Johnson, who was retiring as Treasurer and Financial Comptroller at the end of 2019. Having joined the Organization in 1994, Mr Johnson had played a central role in the management of the ILO for many years, and under his expert leadership the ILO had maintained the highest standards of financial management and had repeatedly received unqualified audit opinions. Mr Johnson had displayed the highest standards of technical expertise, professionalism and dedication, and was an exemplary international public servant. He thanked Mr Johnson for his support and service to the Organization.
515. *The Worker spokesperson* congratulated the incoming staff members on their appointments, noting that they had high expectations to meet. Addressing Mr Johnson, she said that her group had always appreciated his friendly outlook from the podium and his professionalism, and she thanked him for his service.
516. *The Employer spokesperson* thanked Mr Johnson for his cordial respect, even when there had been disagreements, which had often encouraged his group to review its position. He wished Mr Johnson all the best for the future. He welcomed Mr Carvalho Pinheiro, and said that he looked forward to working with him in his new role. He wished Mr Chughtai the best as he took up his appointment and said that he looked forward to working together.
517. *Speaking on behalf of GRULAC*, a Government representative of Uruguay welcomed the appointment of Mr Carvalho Pinheiro as Regional Director for Latin America and the Caribbean, recognizing his wide-ranging experience across the Organization since 2005, particularly in the area of social security. Prior to joining the ILO, he had held the position of Social Security Secretary of Brazil, and latterly he had worked as the ILO's Special Representative to the United Nations in New York. There, he had supported member States'

efforts to integrate the Decent Work Agenda and the ILO's fundamental principles into the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. GRULAC remained committed to cooperation with the ILO, particularly in the light of the Centenary Declaration, in order to strengthen social dialogue and tripartism. The role of the Regional Director was fundamental in that regard.

- 518.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom congratulated Mr Carvalho Pinheiro on his appointment and wished him every success in his new role. IMEC acknowledged the help and support it had received from Mr Johnson, recognizing his understanding, his ability to guide members towards compromise, his transparency and his openness, and wished him all the best in his retirement. IMEC congratulated his successor, Mr Chughtai, and looked forward to working with him.
- 519.** *A Government representative of the United States* welcomed the two appointments, and wished the staff members concerned every success. He expressed appreciation for Mr Johnson's long years of service, his candour and flexibility, and his ability to solve unsolvable problems.
- 520.** *The outgoing Treasurer and Financial Comptroller* thanked members for their humbling words and said that, after 78 sessions of the Governing Body, 26 sessions of the Conference, 13 programmes and budgets and 17 external audit reports, it was time for a change. With many highs and lows, his role had been a fulfilling experience, and he wished the Governing Body all the best as it continued its work over the next 100 years.

Outcomes

- 521.** *The Governing Body took note that the Director-General, after having duly consulted the Officers of the Governing Body, had appointed Mr Vinicius Carvalho Pinheiro as Regional Director for Latin America and the Caribbean, at the Assistant Director-General level, with effect from 15 January 2020. Mr Carvalho Pinheiro made and signed the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.*

(GB.337/INS/12/5, paragraph 4)

- 522.** *The Governing Body took note that the Director-General, after having duly consulted the Officers of the Governing Body, had appointed Mr Adnan Chughtai as Treasurer and Financial Comptroller with effect from 1 January 2020. Mr Chughtai made and signed the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.*

(GB.337/INS/12/8, paragraph 4)

Thirteenth item on the agenda

Reports of the Officers of the Governing Body

First report: Complaint concerning non-observance by Bangladesh of the Labour Inspection Convention, 1947 (No. 81), 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), made under article 26 of the ILO Constitution by several delegates to the 108th Session (2019) of the International Labour Conference
([GB.337/INS/13/1](#))

523. *The Worker and Employer spokespersons* considered that, based on the defined criteria, the complaint was receivable.

Decision

524. *The Governing Body considered that the complaint was receivable and decided to request the Director-General to forward the complaint to the Government of Bangladesh, inviting it to communicate its observations on the complaint by 30 January 2020, and to include this item on the agenda of the 338th Session of the Governing Body (March 2020).*

(GB.337/INS/13/1, paragraph 10)

Second report: Complaint concerning non-observance by Chile of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Maternity Protection Convention (Revised), 1952 (No. 103), the Workers' Representatives Convention, 1971 (No. 135), and the Labour Relations (Public Service) Convention, 1978 (No. 151), made under article 26 of the ILO Constitution by a delegate to the 108th Session (2019) of the International Labour Conference
([GB.337/INS/13/2](#))

525. *The Worker and Employer spokespersons* considered that, based on the defined criteria, the complaint was receivable.

526. *A Government representative of Chile* took note of the decision of the Officers that the complaint was receivable, while emphasizing that complaints were considered receivable on

the basis of their form, rather than their content. He drew attention to paragraph 6 of the document, which referred to the Governing Body's decision not to refer to a commission of inquiry a separate complaint against his Government concerning the same Conventions, which had been submitted to the 105th Session of the International Labour Conference, and the subsequent closure of that article 26 procedure. Although his Government disagreed as to the receivability of the complaint, as the details had already been reviewed under the ILO supervisory system, it would cooperate with the Office and communicate its observations within the required time frame.

Decision

527. *The Governing Body considered that the complaint was receivable and decided to request the Director-General to forward the complaint to the Government of Chile, inviting it to communicate its observations on the complaint by 30 January 2020, and to include this item on the agenda of the 338th Session of the Governing Body (March 2020).*

(GB.337/INS/13/2, paragraph 10)

**Third report: Representation alleging non-observance by Chile of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the National Association of Public Servants of Chile (ANEF) and by the Association of Officials of the Public Prosecutor's Office of the Centre/North Metropolitan Region (AFFREMCEN)
(GB.337/INS/13/3)**

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

Decision

528. *In the light of the information contained in document GB.337/INS/13/3, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was not receivable.*

(GB.337/INS/13/3, paragraph 5)

Fourth report: Representation alleging non-observance by Indonesia of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the Indonesian Union of Plantation Workers (SERBUNDO)
(GB.337/INS/13/4)

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

Decision

529. *In the light of the information contained in document GB.337/INS/13/4, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.*

(GB.337/INS/13/4, paragraph 5)

Fifth report: Representation alleging non-observance by Brazil of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Union of Rural Workers of Alcântara (STTR) and the Union of Family Agriculture Workers of Alcântara (SINTRAF)
(GB.337/INS/13/5)

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

Decision

530. *In the light of the information contained in document GB.337/INS/13/5, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.*

(GB.337/INS/13/5, paragraph 5)

Sixth report: Representation alleging non-observance by Colombia of the Protection of Wages Convention, 1949 (No. 95), made under article 24 of the ILO Constitution by the General Confederation of Labour (CGT), the Confederation of Workers of Colombia (CTC), the Single Confederation of Workers of Colombia (CUT) and the National Association of Ecopetrol Retirees (ANPE2010) (GB.337/INS/13/6)

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

Decision

531. *The Governing Body, noting that the Committee of Experts on the Application of Conventions and Recommendations had not concluded that the allegations made by the complainant organizations implied a violation of the Convention, and on the recommendation of its Officers, decided not to establish a tripartite committee to examine the representation and closed the procedure.*

(GB.337/INS/13/6, paragraph 6)

Seventh report: Arrangements for the 17th Asia and the Pacific Regional Meeting (GB.337/INS/13/7)

532. *The Employer spokesperson noted the challenges faced by the Government of Singapore and the Office in organizing the 17th Asia and the Pacific Regional Meeting before the second quarter of 2021, and asked whether it would be practical and feasible in terms of budget and human resources to organize both that meeting and the 11th European Regional Meeting in the same year. His group supported all other aspects of the proposed Regional Meeting, and endorsed the draft decision.*

533. *The Worker spokesperson noted with regret the need to delay the organization of the 17th Asia and the Pacific Regional Meeting. Given the vagueness of the proposed agenda, she advocated for the inclusion of items focusing on the follow-up to the Bali Declaration, particularly ratification and application of international labour standards, in the light of the challenges faced by several countries in the region in that regard.*

534. *A representative of the Director-General (Deputy Director-General, Management and Reform) reassured the Employers' group that both the 17th Asia and the Pacific Regional Meeting and the 11th European Regional Meeting had been allocated financial resources in the Programme and Budget for 2020–21. Holding both meetings in 2021 would indeed be a challenge for the Office; it would therefore be preferable to hold them in different quarters to ensure that there would be sufficient staff capacity. The Office would take the Workers' group's concerns into account in the development of the agenda.*

Decision

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

- (a) *approved the proposed place, agenda, composition and languages for the 17th Asia and the Pacific Regional Meeting; and*
- (b) *decided that the 17th Asia and the Pacific Regional Meeting be held in principle in the second quarter of 2021, the exact dates to be determined at its 338th Session (March 2020).*

(GB.337/INS/13/7, paragraph 11)

Eighth report: Application for regional consultative status for the Alternativa Democrática Sindical de las Américas ([GB.337/INS/13/8](#))

536. *The Worker spokesperson* explained that the application of the Alternativa Democrática Sindical de las Américas (ADS) for regional consultative status had been submitted to the Officers of the Governing Body, who had been unable to reach agreement and therefore the question had been brought before the Governing Body. Having examined the applicable criteria, it was her group's view that the ADS did not meet the basic criteria of being "broadly representative of interests concerned with a wide range of ILO activities in the region and active there", required of any other non-governmental organization holding consultative status at the ILO. It was therefore very concerning that the Employers' group was questioning the Workers' group's position on an organization seeking regional consultative status on the Workers' side. It was crucial to avoid any interference in each other's affairs, as well as any interference by governments and public authorities. She urged the Governing Body to respect the Workers' informed and principled position not to grant the applicant regional consultative status.
537. *The Employer spokesperson* requested an explanation from the Office as to why the matter had been brought to the Officers and whether there was any doubt that the applicant complied with the admittance criteria.
538. *A representative of the Director-General (Legal Adviser)* explained that the Office of the Legal Adviser had been requested to advise on what should happen if the Officers were unable to agree and make a consensual recommendation to the Governing Body on the matter and had provided the following legal opinion. First, the Officers' meetings prior to the Governing Body were not covered by any procedural rules. In practice, their discussions were intended to facilitate plenary discussions, or to better organize the order of business. Second, Annex V to the *Compendium of rules applicable to the Governing Body*, which set out the rules applicable to non-governmental international organizations enjoying general consultative status, made reference to a recommendation of the Officers – which probably implied a favourable recommendation – but there was no implication that their recommendation must be unanimous. Third, it was understood that the Officers operated on the basis of consensus, not unanimity. Fourth, whether a lack of consensus or unanimity could effectively prevent the matter from being referred to the Governing Body was a sensitive matter: recognizing such a possibility would be tantamount to allowing each of the Officers a veto power, something that did not flow explicitly or implicitly from any applicable rule. Furthermore, under paragraph 2.3.2 of the Standing Orders, which concerned matters falling within the delegated authority of the Officers, "The decisions of

the Officers of the Governing Body shall be communicated to the Governing Body for information. If there is no agreement among the Officers, the question shall be referred to the Governing Body for decision". This further confirmed that the plenary of the Governing Body was the ultimate decision-making body. Based on those considerations, he advised that it was for the Officers to decide by consensus, as per established practice, whether to recommend the granting of consultative status, or the possible steps before they could make such a recommendation. In the event of a protracted inability to reach agreement, the Governing Body should be informed and given the opportunity to examine the matter, by exercising its constitutional authority.

- 539.** *The Employer spokesperson* clarified that his intended question was whether, after examining the application and before bringing it to the Officers, the Office had been satisfied that the applicant organization had met the criteria to be granted regional consultative status.
- 540.** *The representative of the Director-General (Legal Adviser)* said that he was unable to offer an opinion as to whether the organization met the criteria as the Office of the Legal Adviser had not been solicited for an opinion on that matter prior to it being referred to the Officers. He recalled that according to Annex V of the Compendium, "the applicant organization must be broadly representative of interests concerned with a wide range of ILO activities in the region concerned and active there".
- 541.** *The Employer spokesperson* noted that the procedure governing applications for regional consultative status had been decided in 1964. Even if there was disagreement, that procedure should still be followed, until such time as the rules were changed. The ADS had provided all the information required to substantiate its application and had been awaiting a response since 2017. Four meetings of the Officers had failed to secure agreement and the Workers had been granted the opportunity to talk with the applicant organization. The application had the full support of the Employers' group. Furthermore, the ADS had already been invited to ILO meetings pending a decision on its application. As the organization met the procedural and substantive requirements, it was only right that the application should be granted.
- 542.** *Government representatives of the United States, Uruguay, Cuba and Canada* noted that, as the question concerned an organization that would potentially sit on the Workers' benches, they deferred to the Workers' position.
- 543.** *A Government representative of Brazil* said that it was difficult for Governments to take a position, as they might be accused of infringing freedom of association whether they were in favour of denying or granting the application. However, according to the procedures, the matter was now before the Governing Body for decision. He sought clarification on the rights that the organization would be enjoying if granted regional consultative status, and on the degree of similarity between the ADS and other organizations that had been granted that status.
- 544.** *The Worker spokesperson* clarified that her group would never challenge freedom of association, the freedom of workers to join any union, or the freedom of a union to join a national or international umbrella organization. The Workers would vehemently defend that right and protect unions from interference, including those workers' organizations under the domination of employers or employers' organizations. The rules required that applicants must be broadly representative, not as a union, but as a regional grouping. The Workers' group saw no issue with granting regional consultative status when it was appropriate, but in the group's view, the ADS did not meet that requirement.
- 545.** *The Employer spokesperson* noted that the ILO needed to be consistent and to practise what it preached. It had failed to make a decision on an application dating from 2017, which was

inconsistent with the principles espoused by the Committee on Freedom of Association. However, if the Governing Body was unable to decide, perhaps the matter could be reconsidered in March 2020. It was also inconsistent for the Governing Body to say that the decision belonged to one group alone, which set a dangerous precedent. As the ADS had already been invited to ILO meetings, there was a legitimate expectation that its application would be granted.

- 546.** *The Government representative of the United States* clarified that he supported the Workers' position.
- 547.** *The Government representative of Uruguay* clarified that the Governments were not afraid of making a decision, but were afraid of violating freedom of association. The matter should be resolved within the group in which the issue had arisen.
- 548.** *The Government representative of Cuba* noted that all Governments that wished to express an opinion had already done so; it was time to make a decision. While the particular situation had never arisen before, he supported the Workers' group.
- 549.** *The Worker spokesperson* called the Governing Body to decide on the matter at the current session. It was not only the Workers' group deciding; she was asking the Governing Body to respect her group's position, as the Workers' group would do for the Employers' group if the situation was reversed. She noted that there was insufficient support to grant the application. Only the Employers were in favour of granting the application and Governments were aware that they should refrain from taking sides. She therefore proposed that the decision could be amended to read: "The Governing Body decided, taking into account views expressed on the autonomy of constituents, to defer to the position of the Workers' group to not grant ...".
- 550.** *The Employer spokesperson* noted that the question of how the current situation differed from other applications for regional consultative status had not been answered. No agreement had emerged among members of the Governing Body. His group did not oppose authorizing an organization to attend ILO meetings and to be involved in the work of the ILO. To say that the decision belonged to only one group would set a dangerous precedent.
- 551.** *The Government representative of Brazil* reiterated his question regarding the scope of the rights under discussion – which were different from those of full membership in ILO meetings – and hence whether freedom of association would be violated if a specific organization was or was not granted consultative status. One of the main trade unions in Brazil, which had been represented by a Workers' delegate at the Centenary Session of the International Labour Conference, was a member of the ADS, therefore he did not want the decision on granting consultative status to the ADS to be interpreted as an infringement by his Government of that trade union's freedom of association. The Governing Body as a whole, rather than a single group within it, had the responsibility and power to grant regional consultative status, as established at the 160th Session (November 1964) of the Governing Body, and the decision must be made on a tripartite basis.
- 552.** *The Worker spokesperson* said that she was unable to answer that question. However, there had never been an organization on either the Employers' or the Workers' side that had been granted consultative status against the will of the respective group. She reiterated that the principles of freedom of association would not be affected by the decision in any way. Certain ILO standards specified that employers' and workers' organizations had to be those "most representative", but that did not mean that other trade unions or employers' organizations were not recognized. Furthermore, it might be the case that an umbrella organization did not meet the requirement of representativeness within the region concerned, while a member union was indeed representative at the national level.

553. She proposed adjusting her proposed amendment to read: “The Governing Body decided to defer to the position of the Workers’ group to not grant ...” with a view to making the decision easier for the Governments to accept, given their concerns regarding infringements of freedom of association. She noted once more that there was no evidence that the majority of the Governing Body supported the granting of consultative status to the ADS.
554. *The Employer spokesperson* expressed his grave concern that the current process was granting groups the power of a veto. The Employers’ group therefore vehemently opposed the proposed amendments to the draft decision; the original draft text was preferable. However, the Employers would continue to support the application of the ADS for consultative status in the future, if the organization reapplied.
555. *The Worker spokesperson* stated that her group could also live with the initial draft decision.
556. *The Chairperson* noted that it was unclear what the Governing Body wanted to do, and urged the members to reach consensus.
557. *Speaking on behalf of the EU*, a Government representative of Finland said that Norway aligned itself with her statement. Having consulted, they had decided that it was not appropriate to take a position on the issue.
558. *Government representatives speaking on behalf of ASPAG, the Africa group, the Eastern European group and IMEC*, respectively, abstained from taking a position.
559. *Speaking on behalf of GRULAC*, the Government representative of Uruguay said that since Governments from his region had expressed positions on both sides, the group could not take a position.
560. *The Government representative of Brazil* recalled that he was asking for more information so that the decision could be made objectively. He had asked how similar cases had been dealt with in the past, and whether there were examples of the criteria being fulfilled or not. He was not yet entirely satisfied with the answers that had been provided, as the Governing Body did not have all the required information. However, if pushed to take a decision, he would be inclined to grant the organization consultative status, thereby preserving rather than detracting from freedom of association. If the Governing Body should decide not to grant the ADS regional consultative status, he would like to state for the record that Brazil was not party to that decision, that there was no consensus that the decision should be the sole preserve of one of the constituents, and that the decision would not preclude the organization from filing another request to be granted consultative status in the future.
561. *The Worker spokesperson* said that she understood why many Governments were unable to take a position. However, four Governments had supported her proposal not to grant the organization consultative status and none had supported granting the status. Those were the positions from which the Governing Body would have to proceed, as consensus could not be achieved.
562. *The Employer spokesperson* noted the position of Brazil, which differed from that of the other Governments, and observed that there seemed to be a quiet consensus among the Governments, although they refrained from speaking. It was therefore for the Chairperson to decide how to proceed.
563. *The Government representative of the United States* said that since only a limited number of participants had chosen to speak on the issue, those were the positions that needed to be

taken into account. The concerns on all sides had all been noted, and it was for the Chairperson to make a determination.

- 564.** *The Government representative of Cuba* noted that, according to the rules, it was for the Governing Body to decide whether or not to grant the organization regional consultative status. There were a series of requirements for the applicant organization, but it was ultimately for the Governing Body to decide. Having discussed the matter, and the constituents having reached different conclusions, the only way forward was to make a decision between the two options. The draft decision before the Governing Body was to decide not to grant the organization consultative status; anybody who opposed the decision or had a differing opinion could disassociate themselves from the decision.
- 565.** *The Chairperson* said that he was concerned that the Governing Body was not making a decision on the basis of the minimum threshold for eligibility under the rules governing regional consultative status.
- 566.** *The Worker spokesperson* said that the rules had been faithfully applied. The rules did not provide for specific thresholds that needed to be reached and were subject to interpretation. The application had been discussed, and the Employers' and Workers' groups interpreted the rules differently. Neither side had gone into detail as to why they had reached those conclusions, but it was the view of the Workers' group – based on vast experience, information and discussion – that the organization was not broadly representative of interests concerned with a wide range of ILO activities in the region concerned and active there. She asked the Governing Body to respect that view. She fully understood that the Governments did not want to be in the position of having to decide what was or was not a representative workers' organization. The record of the meeting would show which parties had objected or abstained.
- 567.** *The Employer spokesperson* reiterated that it was an uncomfortable decision but the Governing Body was abiding by the rules in force, even if it disagreed with them. The Governing Body had sought to understand what had been the previous practice in terms of which other organizations had been granted consultative status since 1964.
- 568.** It was concerning that the Office had indicated that the ADS comprised 24 national and regional trade union organizations from 14 countries, but that the Workers did not consider that to be broad representation; furthermore, no evidence had been provided to demonstrate that the organization was not representative. The Governing Body in fact had three options – to grant the status, not to grant the status, or to defer the discussion to the next session. That would give everybody more time to think, and potentially avoid making an overly hasty decision.
- 569.** *The Worker spokesperson* remarked that the issue had been brought before the Governing Body because the Employers had said that it was high time to decide. It was not true to say that the Office had indicated that the ADS met the conditions for consultative status; it had simply presented the application to the Officers of the Governing Body and asked for their views. In the past, the groups had then considered the application if it was within their remit. She did not agree that deferring the decision until the next session would be helpful, as the Governments had already made their positions clear: they had either abstained or supported the Workers' group.
- 570.** *A Government representative of Uruguay* said that an analysis of the situation showed that one social partner was in favour of granting the organization regional consultative status and the other social partner was against it. The third constituent group of the Governing Body, the Government members, had mostly decided to abstain, but four Governments had spoken

in favour of deferring to the Workers' position on the matter, giving that position the majority.

Decision

571. *The Governing Body decided not to grant the Alternativa Democrática Sindical de las Américas regional consultative status for the American region.*

(GB.337/INS/13/8, paragraph 6)

Ninth report: Composition of the Committee of Experts on the Application of Conventions and Recommendations (GB.337/INS/13/9)

572. *The Employer spokesperson* said that, while his group supported the reappointment of the members of the Committee of Experts on the Application of Conventions and Recommendations, it proposed discussing whether to adjust the reappointment procedure for the future. Specifically, his group proposed taking into account members' performance in the Committee when making reappointments, rather than simply applying the same criteria used for making initial appointments.

573. *The Worker spokesperson* said that Committee members were initially appointed because of their excellent qualities, which were then enhanced through their experience in the Committee. She stressed that under no circumstance would her group be ready to have a discussion on performance monitoring. During the recent discussions on the importance of the independence of the Administrative Tribunal of the ILO, both the Employers' and the Workers' groups had argued against performance reviews. It was also unclear how the criteria for such monitoring would be decided. The only circumstance in which her group would accept performance monitoring would be where there was clear reason to doubt a particular expert's performance. Her group supported the reappointment of the five Committee members.

574. *Speaking on behalf of GRULAC*, a Government representative of Uruguay expressed regret that the Governing Body had only received the document the day before discussion of the item, leaving insufficient time to give due attention to the reappointments. Moreover, the document contained sparse information on the Committee members whose terms of office were up for renewal or, more crucially, on the procedure followed by the Office in making its recommendations for reappointments. Her group expressed its concern at the Office's lack of transparency in that regard, referring to the call in the Centenary Declaration for enhanced transparency in the supervisory system. Given the importance of the role of members of the Committee of Experts and the stringent requirements that they must meet, she requested the Office to provide more information to assist Governing Body members in fulfilling their constitutional mandates and responsibilities. Her comments in no way called into question the ability, suitability or reputation of the Committee members concerned.

575. *The Employer spokesperson* said that he had made his proposal to discuss the possibility of introducing a performance review out of a sense of duty; the suggestion was not meant to be prescriptive. The Organization needed to continuously improve, especially as it entered its second century, and consider long-term processes. Independence in decision-making was paramount. In any case, performance management systems were commonly applied in every sector of life and business. If Governing Body members were uncomfortable about having a

conversation about possible performance monitoring, perhaps the renewal of the terms of office of experts should be shortened to six years. His group did not agree with the automatic reappointment of members of the Committee of Experts for a period of up to 15 years.

- 576.** *A Government representative of Brazil* asked the Office to provide the information on the procedure it followed for the appointment and reappointment of members of the Committee of Experts requested by GRULAC. The Governing Body must have sufficient time and information to make a sound decision. The integrity of the supervisory system was key and he encouraged the Governing Body to consider ways to make the system stronger and more transparent, including by drawing examples from other similar organizations.
- 577.** *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) clarified that members of the Committee of Experts were appointed for an initial three-year term, which was renewable for a maximum of 15 years. The procedure for mandate renewal entailed the Director-General informing the Officers that the experts' initial term of office was due to expire, confirming that they had been fulfilling their mandates to the satisfaction of the Committee of Experts, and proposing that the Officers recommend that the Governing Body renew the mandate of the experts concerned. The procedure for the initial appointment of experts involved the Director-General proposing candidates to the Officers, which then followed its own set of criteria to deliberate over the proposed candidates and prepare a proposal for submission to the Governing Body. As the criteria would already have been fulfilled by the experts at their initial appointment, the Governing Body would be invited to renew their mandates without further discussion.

Decision

- 578.** *The Governing Body, on the recommendation of its Officers reappointed Ms Azouri (Lebanon), Ms Dixon Caton (Panama), Mr Lacabarats (France), Ms Pinto (Argentina), Mr Ranjeva (Madagascar), for a period of three years, as members of the Committee of Experts on the Application of Conventions and Recommendations.*

(GB.337/INS/13/9, paragraph 2)

Fourteenth item on the agenda

Composition, agenda and programme of standing bodies and meetings

([GB.337/INS/14](#))

- 579.** *The Employer spokesperson* said that her group supported the title of the technical meeting to be held in February 2020 “Technical Meeting on Achieving Decent Work in Global Supply Chains” and the revised list of intergovernmental organizations and international non-governmental organizations to be invited as observers. It therefore supported the draft decision in paragraph 4 of the document. Her group recognized the importance of the engagement and participation of intergovernmental organizations and international non-governmental organizations in ILO work. However, additional consultation with the Office was required on the list of employer and business organizations to be invited to the technical meetings on the future of work in the automotive industry and on the future of decent and sustainable work in urban transport services. It would submit amendments to the list. With

that reservation, her group supported the draft decision in paragraph 9 and the draft outcome in paragraph 10.

580. *The Worker spokesperson* said that her group supported the draft decisions and the draft outcome.

581. *A Government representative of Brazil* commended the inclusion of Portuguese as one of the working languages for the African Regional Meeting. He expressed the hope that the same decision would be made for the following American Regional Meeting.

Decision

582. The Governing Body:

- (a) *approved the title “Technical Meeting on Achieving Decent Work in Global Supply Chains”;*
- (b) *invited France to be represented by a delegation of observers at the 14th African Regional Meeting;*
- (c) *endorsed the proposals made in relation to the invitation of international non-governmental organizations as observers to the meetings listed in the appendix of document GB.337/INS/14: the 14th African Regional Meeting, the Technical Meeting on Achieving Decent Work in Global Supply Chains, the Technical meeting on the future of work in the automotive industry and the Technical meeting on the future of decent and sustainable work in urban transport services;*
- (d) *took note of the programme of meetings, as approved by the Officers of the Governing Body.*

(GB.337/INS/14, paragraphs 4, 6, 9 and 10)

Other business

7 November 2019, afternoon sitting

583. *The Worker spokesperson* said that protests around the world had shown that the system was not working for working people. The past year, and especially the last few months, had seen popular protests in many countries and regions of the world. From the Americas to Africa, Europe, Asia and the Arab States, people – often led by young people – had taken to the streets to protest against low wages and pensions, reforms of labour laws, and austerity measures imposed by the international financial institutions that had led to more insecure and precarious jobs, thus exacerbating social and income inequalities. Those events were taking place in a continuous context of violence and harassment against women and girls.

584. *The Workers’ group* expressed its solidarity with trade unions, indigenous communities, students and others calling for real democracy, real social progress and economic improvements with decent and secure jobs. The group also expressed its sorrow about, and sympathy with, those who had been killed and injured for demanding their rights and a better life.

585. As UN Secretary-General António Guterres had said, “It is clear that there is a growing deficit in trust between people and political establishments, and rising threats to the social contract”. In response, the Workers’ group called on the authorities to respect their citizens’ rights to freedom of assembly, freedom of speech and freedom of association, including the right to strike. The Workers’ group repeated its call, echoed in the ILO Centenary Declaration, for a new social contract fit for the twenty-first century, and which met the test of promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. In that regard, ensuring that international labour standards were more broadly ratified and implemented in all continents was a matter of urgency. It was of equal urgency to restore trust in democracy through social justice, as a condition for universal and lasting peace.