



Governing Body

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

GB.337/PV

Minutes of the 337th Session of the Governing Body of the International Labour Office

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Introduction

1. The 337th Session of the Governing Body of the International Labour Office was held in Geneva, from Thursday 24 October to Thursday 7 November 2019.

Officers of the Governing Body

<i>Chairperson:</i>	Mr Refiloe Litjobo (Government, Lesotho)
<i>Employer Vice-Chairperson:</i>	Mr Mthunzi Mdwaba (South Africa)
<i>Worker Vice-Chairperson:</i>	Ms Catelene Passchier (Netherlands)

Chairing and speaking responsibilities by Section

Institutional Section

Chairperson:	Mr Refiloe Litjobo (Lesotho)	
Item	Employer spokesperson	Worker spokesperson
	Mr Mthunzi Mdwaba (South Africa)	Ms Catelene Passchier (Netherlands)
3/1	Ms Anne Vauchez (France)	Ms Marie Clarke Walker (Canada)
3/3, 9	Mr Scott Barklamb (Australia)	
10	Mr Alberto Echavarría (Colombia)	Ms Amanda Brown (United Kingdom)
11	Mr Harry Kyriazis (Greece)	Ms Silvana Cappuccio (Italy)
12/1	Mr Henrik Munthe (Norway)	Ms Amal El Amri (Morocco)
12/2	Ms Renate Hornung-Draus (Germany)	
12/5, 12/6	Mr Alberto Echavarría (Colombia)	
12/7	Mr Hiroyuki Matsui (Japan)	Mr Felix Anthony (Fiji)
14	Ms Hansong Liu (China)	

Policy Development Section (POL)

Employment and Social Protection Segment and Social Dialogue Segment

Chairperson:	Ms Salima Admi (Morocco)	
Item	Employer spokesperson	Worker spokesperson
1	Mr Olusegun Oshinowo (Nigeria)	Mr Bheki Ntshalintshali (South Africa)
2	Mr John Beckett (Canada)	Mr Bernard Thibault (France)

Multinational Enterprises Segment

Chairperson:	Ms Anousheh Karvar (France)	
Item	Employer spokesperson	Worker spokesperson
3	Ms Renate Hornung-Draus (Germany)	Mr Bheki Ntshalintshali (South Africa)

Development Cooperation Segment

Chairperson: Mr Refiloe Litjubo (Lesotho)

Item	Employer spokesperson	Worker spokesperson
4	Ms Jacqueline Mugo (Kenya)	Ms Amal El Amri (Morocco)
5		Ms Catelene Passchier (Netherlands)

Legal Issues and International Labour Standards Section (LILS)*International Labour Standards and Human Rights Segment*

Chairperson: Ms Valérie Berset-Bircher (Switzerland)

Item	Employer spokesperson	Worker spokesperson
1	Mr Mthunzi Mdwaba (South Africa)	Ms Catelene Passchier (Netherlands)
2	Mr Fernando Yllanes (Mexico)	Ms Amanda Brown (United Kingdom)

Programme, Financial and Administrative Section (PFA)

Chairperson: Mr Refiloe Litjubo (Lesotho)

Item	Employer spokesperson	Worker spokesperson
<i>Programme, Financial and Administrative Segment</i>		
1/1, 1/2	Mr Mthunzi Mdwaba (South Africa)	Ms Claudia Menne (Germany) Ms Catelene Passchier (Netherlands)
2, 4, 5	Mr José Maria Lacasa Aso (Spain)	Ms Claudia Menne (Germany)
3	Mr Guido Ricci (Guatemala)	Ms Eulogia Familia (Dominican Republic)
<i>Audit and Oversight Segment</i>		
6	Mr Khelil Ghariani (Tunisia)	Ms Claudia Menne (Germany)
7, 8	Mr José Maria Lacasa Aso (Spain)	
<i>Personnel Segment</i>		
11	Mr Mthunzi Mdwaba (South Africa)	Ms Claudia Menne (Germany)
12, 13/1, 14/1	Mr Blaise Matthey (Switzerland)	
13/2	Mr Hamidou Diop (Senegal)	Ms Catelene Passchier (Netherlands)

Institutional Section

Opening remarks

- The Director-General* made an introductory statement to the Governing Body. The statement is reproduced in its entirety in Appendix I.
- 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.

4. 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.
5. 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.
6. *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.
7. *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.

8. 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.
9. 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.
10. 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

11. *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\(Add.1\)](#))

12. *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.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.
21. *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.
22. 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.

23. 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.
24. 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.
25. 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.
26. 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).
27. *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.
28. 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.

29. 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.
30. 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.
31. *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.
32. 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.
33. *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.
34. *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.

35. 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.
36. 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.
37. 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.
38. *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.
39. 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.
40. *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.

41. *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.
42. *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.
43. *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.
44. *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.

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45. *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.
46. *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.
47. 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.
48. 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.
49. *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.

50. *The Chairperson* said that he understood that the amendment proposed by IMEC reflected the general view of the Governing Body.
51. *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

52. *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)

53. *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.
54. 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.
55. 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.
56. 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.
57. 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.

58. 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.
59. 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.
60. 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.
61. *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.
62. 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.

63. 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.
64. 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.
65. *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.
66. *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.

67. 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.
68. *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.
69. *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.
70. 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.
71. *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.

72. 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.
73. *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.
74. *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.
75. *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.
76. *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.

77. 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

78. *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](#))

79. *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.

80. 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.

- 81.** 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.
- 82.** 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.
- 83.** 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 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.

84. *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.
85. 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.
86. 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.
87. 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.

88. *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.
89. *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.

90. *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.
91. *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.
92. *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.
93. *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.

94. *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.
95. *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.
96. *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.
97. *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.
98. *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.
99. 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.

- 100.** 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.
- 101.** *The Employer spokesperson* agreed that time was needed to discuss the amendments proposed.
- 102.** *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.
- 103.** *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".
- 104.** *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.
- 105.** *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.

- 106.** *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.

107. *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.
108. *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.
109. *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”.
110. *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.
111. *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.
112. *Speaking on behalf of the Africa group*, a Government representative of Senegal supported the subamendment proposed by IMEC.
113. *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.
114. *The Employer spokesperson* supported the subamendment proposed by IMEC.
115. *The Worker spokesperson* said that, in the interest of achieving tripartite agreement, her group would support the amendment proposed by IMEC.

Decision

- 116.** *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](#))

- 117.** *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.*
- 118.** 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.
- 119.** 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.
- 120.** 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.

- 121.** 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.
- 122.** 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.
- 123.** *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.
- 124.** 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.
- 125.** 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.
- 126.** 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.
- 127.** 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.

128. 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.
129. 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.
130. 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.
131. 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.
132. 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.
133. 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.
134. 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.
135. 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.
136. 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.

137. 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.
138. 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.
139. His group supported the draft decision.
140. *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.
141. 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.
142. 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.
143. 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.
144. 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.

145. 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.
146. 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.
147. 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.
148. *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.
149. 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.

- 150.** 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.
- 151.** *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.
- 152.** *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.

- 153.** 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.
- 154.** *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.
- 155.** 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.

- 156.** 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.
- 157.** *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.
- 158.** 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.
- 159.** 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.
- 160.** 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

- 161.** *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](#))

162. *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).
163. 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.
164. 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.
165. 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.
166. 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.
167. 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 ...”.

- 168.** *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.
- 169.** 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.
- 170.** 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.

171. 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.
172. 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).
173. 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.
174. 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.
175. 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.
176. 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.

177. 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.
178. 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.
179. *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.
180. 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.
181. 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.
182. *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.

- 183.** 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.
- 184.** *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.
- 185.** 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.
- 186.** 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.
- 187.** *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.

- 188.** *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.
- 189.** *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.
- 190.** *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.

- 191.** *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.
- 192.** *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.
- 193.** *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.

- 194.** *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.
- 195.** 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.
- 196.** 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.
- 197.** *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.
- 198.** *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.
- 199.** *Speaking on behalf of IMEC*, a Government representative of Germany proposed 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.

200. *The Employer spokesperson* agreed with the proposal by IMEC.
201. *The Worker spokesperson* supported the proposal by IMEC.
202. *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

203. ***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](#))

204. *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.
205. *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.

- 206.** 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.
- 207.** 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.
- 208.** 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.
- 209.** 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.
- 210.** *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.

211. *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.
212. *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.
213. 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.
214. 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.

- 215.** *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.
- 216.** 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.
- 217.** 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.
- 218.** 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.
- 219.** *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.
- 220.** 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.
- 221.** *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.

222. *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

223. *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\(Rev.1\)](#))

224. *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.

- 225.** 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.
- 226.** 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.
- 227.** 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.
- 228.** 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.
- 229.** 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.
- 230.** 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.

- 231.** *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.
- 232.** 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.
- 233.** *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.
- 234.** *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.
- 235.** 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.
- 236.** *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.

237. 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.

238. *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.

239. *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.

240. *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.
241. 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.
242. 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.
243. *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.

244. *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.
245. *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.
246. *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.
247. *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

248. *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(Rev. 1), paragraph 4)

Seventh item on the agenda

ILO Research Strategy

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

- 249. *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.
- 250. 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.
- 251. 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.
- 252. 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.
- 253. 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.

- 254.** 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”.
- 255.** *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.
- 256.** 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.
- 257.** 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.
- 258.** 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.

¹ GB.335/INS/3(Rev.).

259. 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.
260. 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.
261. 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.
262. 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. 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.
263. *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.
264. 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.

- 265.** *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.
- 266.** *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.
- 267.** 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.
- 268.** *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.

- 269.** 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.
- 270.** 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.
- 271.** 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.
- 272.** *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.
- 273.** 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.
- 274.** *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.

275. 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.
276. 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.
277. *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.
278. *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.

279. 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.
280. 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.
281. *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.
282. 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.
283. 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.
284. 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.

- 285.** *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.
- 286.** *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.
- 287.** *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.
- 288.** 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

- 289.** *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)

290. *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.
291. 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.
292. *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.
293. *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.

- 294.** 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.
- 295.** *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.
- 296.** *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.
- 297.** *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.
- 298.** *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.
- 299.** *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.

- 300.** 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?
- 301.** 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?
- 302.** 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.

303. *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.
304. *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

305. *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](#))

306. *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.
307. 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.

- 308.** 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.
- 309.** 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.
- 310.** *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.
- 311.** 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.
- 312.** 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.
- 313.** 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.

- 314.** 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.
- 315.** *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.
- 316.** 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.
- 317.** 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.
- 318.** 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.
- 319.** 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.

- 320.** *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.
- 321.** 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.
- 322.** 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.
- 323.** *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.
- 324.** *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.

- 325.** 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".
- 326.** *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.
- 327.** *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.
- 328.** *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.
- 329.** *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.

- 330.** 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.
- 331.** 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.
- 332.** *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.
- 333.** *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.
- 334.** 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.

- 335.** *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.
- 336.** 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.
- 337.** 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.
- 338.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran supported the original version of the draft decision.

339. *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.
340. *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".
341. *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.
342. *A Government representative of Canada* clarified that she supported the amended draft decision and the additional amendment proposed by the EU.
343. *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).
344. 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.
345. 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.
346. 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.

347. *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.
348. *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.
349. *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.
350. *Speaking on behalf of the European Union*, a Government representative of Finland said that he agreed with the representative of the United States.
351. *The Chairperson* said that approval of the amendment called for a consensus among delegations, rather than a counting of heads.
352. *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.
353. *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.
354. *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.
355. *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.
356. 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.
357. *The Worker and Employer spokespersons* said that they supported the amendment proposed by the Government representative of the United States.

358. *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

359. *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)

360. *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.

- 361.** 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](#))

- 362.** *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.
- 363.** 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.
- 364.** 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.
- 365.** 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.

- 366.** 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.
- 367.** 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.
- 368.** *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.
- 369.** 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.
- 370.** 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.
- 371.** *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.

- 372.** 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.
- 373.** 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.
- 374.** 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.
- 375.** *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.

- 376.** *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.
- 377.** 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.
- 378.** 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.
- 379.** 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*.
- 380.** 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.
- 381.** *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.

- 382.** 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.
- 383.** *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.
- 384.** *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.
- 385.** 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.

- 386.** 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.
- 387.** *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.
- 388.** *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.
- 389.** 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

- 390.** *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](#))

- 391.** *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.
- 392.** *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.

- 393.** *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.
- 394.** *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.
- 395.** 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.
- 396.** *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.

397. 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

398. *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

399. *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.
400. *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.
401. *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.
402. *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

403. *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.
404. *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.
405. *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.
406. *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.
407. *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.
408. *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

409. *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.

410. *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

411. *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))

412. *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.
413. 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.
414. *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.

415. 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.
416. *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.
417. 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".
418. *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.
419. *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.

- 420.** 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”.
- 421.** *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.
- 422.** *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.
- 423.** *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.
- 424.** *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.

425. 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".
426. 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.
427. *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.
428. *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.
429. *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.
430. *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.
431. *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.
432. *Speaking on behalf of GRULAC*, a Government representative of Uruguay said that she favoured an open-ended composition for the working group.

433. *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.
434. *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.
435. *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.
436. *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.
437. *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.
438. *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.
439. *The Employer spokesperson* expressed his group's support for the draft decision as amended.
440. *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".
441. *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.
442. *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.

443. *A Government representative of the United States* asked for clarification from ASPAG on the significance of the phrase “all the pillars”.
444. *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.
445. *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.
446. *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.
447. *A Government representative of Nigeria* asked ASPAG to withdraw its amendment as the term “governance” necessarily implied the inclusion of all its pillars.
448. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran withdrew his group’s amendment.

Decision

449. *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)

450. *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.
451. 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.
452. 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.
453. 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.
454. *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.

- 455.** 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.
- 456.** 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.
- 457.** 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.
- 458.** *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.
- 459.** *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.

- 460.** 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.
- 461.** 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.
- 462.** 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”.
- 463.** *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.
- 464.** *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.

465. 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.
466. *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.
467. 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.
468. *The Employer and Worker spokespersons* reiterated their support for the original draft decision.
469. *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

470. *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](#))

471. *The Worker spokesperson* welcomed and took note of the report.
472. *The Employer spokesperson* expressed support for the draft decision.
473. *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

474. *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](#))

475. *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.
476. *The Worker spokesperson* said that her group would consider that proposal.

Outcome

477. *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

478. *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](#))

479. *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.*

480. *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.

- 481.** 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.
- 482.** 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.
- 483.** 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.
- 484.** 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.

- 485.** *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.
- 486.** 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.
- 487.** 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.
- 488.** 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.
- 489.** 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.
- 490.** 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.

- 491.** 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.
- 492.** *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.
- 493.** 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.
- 494.** 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.
- 495.** *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.

- 496.** 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.
- 497.** *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.
- 498.** 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.
- 499.** *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.
- 500.** 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.

- 501.** *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.
- 502.** 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.
- 503.** 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.
- 504.** 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.
- 505.** 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.

- 506.** *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.
- 507.** 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.
- 508.** 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.
- 509.** 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.
- 510.** *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.
- 511.** 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.
- 512.** 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.

513. *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

514. *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](#))

515. *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.
516. *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.
517. *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.
518. *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.

519. *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.
520. *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.
521. *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

522. *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)

523. *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](#))

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

Decision

525. *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](#))

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

527. *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

528. *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

529. *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

530. *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

531. *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

532. *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)

533. *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.*
534. *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.*
535. *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

536. *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](#))

537. *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.

538. *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.

539. *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.

540. *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.
541. *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".
542. *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.
543. *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.
544. *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.
545. *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.
546. *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.

- 547.** *The Government representative of the United States* clarified that he supported the Workers' position.
- 548.** *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.
- 549.** *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.
- 550.** *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 ...".
- 551.** *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.
- 552.** *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.
- 553.** *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.

554. 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.
555. *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.
556. *The Worker spokesperson* stated that her group could also live with the initial draft decision.
557. *The Chairperson* noted that it was unclear what the Governing Body wanted to do, and urged the members to reach consensus.
558. *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.
559. *Government representatives speaking on behalf of ASPAG, the Africa group, the Eastern European group and IMEC*, respectively, abstained from taking a position.
560. *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.
561. *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.
562. *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.
563. *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.
564. *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.

- 565.** *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.
- 566.** *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.
- 567.** *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.
- 568.** *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.
- 569.** 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.
- 570.** *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.
- 571.** *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

572. *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)

573. *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.

574. *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.

575. *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.

576. *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.

577. *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.

578. *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 Office 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 Office 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 Office, 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

579. *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](#))

580. *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.

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

582. *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

583. 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

584. *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.
585. 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.
586. 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.

Policy Development Section

Employment and Social Protection Segment

First item on the agenda

The ILO's response to HIV and AIDS: Accelerating progress for 2030 ([GB.337/POL/1](#))

- 587.** *The Worker spokesperson* welcomed the progress achieved through worldwide efforts, but noted that the global AIDS response was at a precarious point given the significant impact of HIV and AIDS on the world of work. In particular, the lack of public policies and investments to address the economic, social and development problems that arose in the domestic sphere as a result of the epidemic increased the burden on women and pushed children to engage in care work within households. That issue was key and must be addressed in the updated strategy.
- 588.** The Workers' group was concerned that the global focus on HIV treatment had shifted strategies and resources away from prevention, with the result being that new infections were on the rise. In order to promote equal opportunities and decent work for all, both prevention and treatment were vital.
- 589.** The ILO should promote the vision of "patients before patents" and ensure strategy coherence at the global level to ensure that people affected by HIV had access to first- and second-generation antiretroviral treatments, which would enable them to have normal working lives.
- 590.** Social dialogue and the involvement of the ILO tripartite constituents were essential for making the AIDS response comprehensive and effective. Workers' organizations in the public, private and informal sectors had engaged in capacity-building and advocacy campaigns in order to disseminate knowledge relating to HIV and AIDS.
- 591.** Referring to paragraph 24 of the proposed updated strategy, which stated that "[w]orkers who know about HIV, know their rights and are economically empowered enjoy improved negotiating power to refuse unprotected sex", he said that refusing unprotected sex was not merely a matter of knowing about rights and being economically empowered, but was also related to other issues, including violence and harassment – and went beyond the sphere of labour relations. He asked the Office to explain the rationale behind that formulation.
- 592.** The issue of HIV and AIDS in the transition to the formal economy should be included in the updated strategy and should be taken into consideration by the Office when designing the assistance to be provided to tripartite constituents. His group supported the increased focus on young workers, workers at higher risk of HIV exposure and workers at risk of violence and harassment.

593. The Workers' group supported the production of evidence-based knowledge, including research on employment-related HIV stigma and discrimination. In that regard, noting that workers living with or affected by HIV faced various forms of stigma and discrimination – for example, in some places, workers were forced to undergo mandatory testing and could be dismissed based on the results – he said that further awareness-raising work in that area should also be foreseen in the updated strategy.
594. Referring to paragraph 21, he noted with satisfaction that ILO action on HIV and AIDS would continue to be guided by the relevant international labour standards. A reference should be added to the fundamental principles and rights at work.
595. Regarding resource mobilization opportunities and partnerships beyond the important partnership with UNAIDS, he called on the Office to consider the guidance provided by the Governing Body at its 335th Session (March 2019) with respect to innovative financing, and in particular to take into account the Workers' concerns regarding social impact bonds. The Office should avoid entering multi-stakeholder partnerships that lacked accountability. He requested further clarification on what was meant by “beyond the UN system”.
596. Lastly, he called on the Office to include in the updated strategy a reference to the *Joint ILO/WHO guidelines on health services and HIV/AIDS* and to convene an informal consultation with constituents in order to present an update on the implementation of those guidelines and to assess whether a revision was required. His group agreed with the way forward proposed in paragraph 33 and the proposal to take an integrated approach, and supported the draft decision in paragraph 35.
597. *The Employer spokesperson*, commending the Office's work in recent decades to address the issue of HIV and AIDS in the world of work, said that the updated strategy must reverse the recent loss of momentum in the response to HIV and AIDS within the international community. Although the document was comprehensive in identifying what needed to be done to adapt the world of work response to HIV and AIDS to the changing environment, it lacked details regarding implementation and how the resources required would be sourced. There was a need for a clear and results-oriented strategy on mobilizing funds from outside the regular budget.
598. Given that Decent Work Country Programmes (DWCPs) had not been implemented in some countries because of funding challenges, the updated strategy should be complementary to DWCPs rather than being subsumed under or aligned with them. The expanded outreach programmes referred to in paragraph 26 might be better implemented in collaboration with other UN agencies that had expertise in the areas concerned. The ILO's focus should be on the workplace.
599. The tripartite constituents should be strengthened to play a more central role in the fight against the pandemic, giving non-governmental organizations (NGOs) a more complementary role. In that regard, he expected the Office to obtain the agreement of tripartite constituents before engaging with NGOs. Moreover, the Office should further elaborate on how civil society organizations would be engaged.
600. With respect to the twin-track approach proposed in paragraphs 24 and 25, he welcomed the idea of HIV capacity-building for ILO constituents as the first track. However, further clarification was required from the Office with regard to the second track.
601. Lastly, a strategy that would be implemented over a ten-year time span was unrealistic in the context of a rapidly changing workplace. He therefore called for an inbuilt mechanism for frequent review that would involve the Governing Body. The Employers' group supported the draft decision.

- 602.** *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Finland said that the candidate countries Turkey, North Macedonia, Montenegro, Serbia and Albania, as well as Armenia and Georgia, aligned themselves with his statement. The document provided a useful overview of the Organization's response to HIV and AIDS in the world of work. Noting that major inequalities in respect of access to prevention, screening and care remained, she said that the rights-based approach set out in the HIV and AIDS Recommendation, 2010 (No. 200), must remain at the centre of the Organization's actions. Similarly, the proposed focus on young workers, workers at higher risk of HIV exposure and workers at risk of violence and harassment was very relevant to the ILO's areas of expertise, and should go hand in hand with efforts to promote and protect workers' rights and ensure equality and non-discrimination, including through the voluntary confidential counselling and testing at work (VCT@Work) initiative.
- 603.** If there was to be a hope of ending the AIDS epidemic by 2030, there needed to be a more coherent response to HIV and AIDS in the world of work. Nevertheless, the ILO must, while pursuing partnerships with other organizations, remain within its mandate.
- 604.** The EU and its Member States were at the forefront of the fight against HIV. The European Commission had so far contributed some €2 billion to the Global Fund to Fight AIDS, Tuberculosis (TB) and Malaria, and would continue that support. He would welcome further information on how the Office planned to revitalize its relations with the Global Fund and also to expand public-private partnerships. Subject to the clarifications of the Office, the EU and its Member States were prepared to support the draft decision.
- 605.** *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Uruguay welcomed the recent appointment of Ms Winnie Byanyima as the Executive Director of UNAIDS, anticipating her successful management of UNAIDS, particularly working with the ILO in the framework of the joint programme to reach the goals of the 2030 Agenda for Sustainable Development. She expressed support for the proposed updated strategy, in particular its multisectoral focus and its emphasis on both rights and prevention, and noted that Recommendation No. 200 was a crucial international instrument for tackling the issues faced by workers and employers in the context of HIV and for promoting gender equality and tolerance for diversity in the workplace. It was essential to implement cross-cutting projects at all levels that would guarantee full respect for the human rights of persons living with HIV. GRULAC was convinced of the importance of continuing to build partnerships to provide prevention and treatment of HIV, linking with health systems and with stakeholders with other spheres of influence. Moreover, tripartism had a key role to play in ensuring that the HIV response was both comprehensive and coordinated. Reiterating her group's commitment to tackling the epidemic, she called on the Office to continue strengthening efforts to mobilize sustainable funding from within and outside the UN system for the implementation of the updated strategy. GRULAC supported the draft decision.
- 606.** *A Government representative of Ecuador* expressed support for the draft decision and the proposed updated strategy, particularly its multisectoral approach and its focus on prevention. She stressed that tripartism could significantly contribute to making the global HIV response more efficient. Decent work, in an environment free of discrimination and stigma, could be achieved only through inclusive forums for dialogue. She encouraged the Office to continue mobilizing the necessary resources from within the UN system and beyond and reiterated her country's commitment to addressing HIV. She supported the point for decision.
- 607.** *A Government representative of India* welcomed the proposed updated strategy, particularly its increased focus on young workers, workers at higher risk of HIV/AIDS exposure and workers at risk of violence and harassment. India had reviewed its policy to mitigate HIV's

impact, mainstream prevention and reaching out to informal economy workers. The ILO's tripartite constituents had an essential role to play in making the response to HIV and AIDS comprehensive and effective. She took note of paragraph 18 and supported the alignment of the updated strategy with the UN Sustainable Development Cooperation Frameworks and ILO DWCPs. Measures to improve access to employment for people living with HIV and working in the informal economy, through economic empowerment entrepreneurship skills development and business-related services, were essential. She stressed the strong correlation between HIV and TB and the need to address co-infection. Her Government had recently adopted a framework to respond to HIV and TB. Noting the crucial role of the social partners in the world of work response, she suggested that the involvement of employers' organizations in awareness-raising initiatives was essential to eliminate stigma and discrimination for people living with HIV. Such involvement would also help to protect workers from being deemed unacceptable for work.

- 608.** *A representative of the Director-General (Director, Conditions of Work and Equality Department (WORKQUALITY))* said that the guidance given by Governing Body members had been duly noted and would be taken into account when finalizing the updated strategy. The Office took the view that the most effective way of preventing requests for unprotected sex from arising, both at the workplace and beyond, was by contributing to the construction of workplaces that were free from violence and harassment. For that reason, the proposed updated strategy made an explicit reference to the Violence and Harassment Convention, 2019 (No. 190), and its accompanying Recommendation (No. 206), as a guiding framework for the protection of people living with HIV and AIDS, who constituted a group more likely to be exposed to violence and harassment. It remained true that workers who were economically secure and aware of their rights were more likely to be forceful in refusing requests for unprotected sex.
- 609.** Discussions within the Office were under way to explore the best ways of diversifying sources of funding for implementation of the updated strategy. In a context where extrabudgetary resources for HIV- and AIDS-related activities were in decline, the Office had been trying to mainstream an HIV response into other areas of the ILO's work and for which it received extrabudgetary resources, particularly social protection, youth employment and preventing and addressing discrimination in employment. In fact, the second track of the twin-track approach was specifically about ensuring that HIV- and AIDS-related concerns were adequately taken into account in other policy areas, which, though not explicitly focusing on HIV and AIDS contribute to enhancing the effectiveness of the AIDS response.
- 610.** The ten-year time frame had been proposed in order to align the updated strategy with the 2030 Agenda for Sustainable Development. The Office welcomed the suggestion to review implementation of the strategy regularly and assess whether further adjustments were required. The Office could provide further clarifications if necessary after the session.
- 611.** *The Employer spokesperson* expressed appreciation for the Office's explanation regarding the second track of the twin-track approach but said that his group was concerned by the limited number of policy areas mentioned thus far, namely, social protection and youth employment. Noting that there was, in fact, a need for much wider HIV integration, he suggested that paragraph 25 of the document should include wording such as "as applicable and appropriate".

Decision

- 612.** *The Governing Body requested the Director-General to take into consideration the strategy for ILO action concerning HIV and AIDS in the world of work, and the guidance given during its discussion, in the implementation of the Programme and*

Budget for 2020–21, in the preparation of the next strategic framework and future programme and budget proposals and in facilitating extrabudgetary resources.

(GB.337/POL/1, paragraph 35)

Social Dialogue Segment

Second item on the agenda

Sectoral meetings held in 2019 and proposals for sectoral work in 2020 ([GB.337/POL/2](#))

- 613.** *The Employer spokesperson* took note of the sectoral meetings held in the first half of 2019 as mentioned in part I of the report. He welcomed in particular the points of consensus adopted by the Global Dialogue Forum on Decent Work in the Management of Electrical and Electronic Waste (e-waste). Despite concerns regarding the impact on the environment and human health, the meeting had highlighted that e-waste could be a resource rather than simply waste, as it had a significant potential for job creation. His group strongly supported the call made in the points of consensus to foster an enabling environment for sustainable enterprises in the e-waste sector, which could create decent jobs, introduce new technologies and innovative business models and contribute to productivity growth. Those objectives were in line with the Office's priorities under the ILO Centenary Declaration for the Future of Work, and his group therefore encouraged the Office to support the creation of decent and sustainable jobs in the sector.
- 614.** The Sectoral Meeting on Promoting Decent Work and Safety and Health in Forestry had recognized that promoting decent and sustainable work in forestry could contribute towards the achievement of the Sustainable Development Goals (SDGs), in particular through efforts to combat climate change and desertification. He recalled that, at the Meeting, the Employers had pointed out that significant progress had been made in the forestry sector, but that the sector still presented high risks in respect of occupational safety and health (OSH), and various challenges remained. The meeting's points of consensus provided guidance in that respect and its recommendations would help the ILO to strengthen its efforts and build on the progress made thus far to promote decent, sustainable and productive work in the forestry sector.
- 615.** Turning to the proposals for upcoming meetings, his group welcomed the agreement to hold a meeting of experts to produce joint ILO–IMO guidelines for medical examination of fishers, which would ensure policy coherence at the international level. He asked the Office to hold consultations with the secretariats of the Employers' and Workers' groups to determine the rules that should apply to that meeting. His group supported the draft decision.
- 616.** *The Worker spokesperson* recalled that discussions during the Sectoral Meeting on the Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers had covered the various obstacles to decent work in the maritime sector. His group reiterated its view that mandatory pregnancy testing for securing and retaining employment at sea was a serious form of discrimination and that making such testing mandatory for reasons of safety was unacceptable. It was therefore important to follow the consensus reached on that point in accordance with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The Meeting's conclusions would serve to further improve working conditions in the maritime sector.

617. The Global Dialogue Forum on e-waste would encourage research and data collection in that sector. A majority of workers in the sector were informal workers and often exposed to dangerous substances. The work of the Office and the social partners was essential to respond to their needs. The points of consensus constituted a valuable road map towards workers' enjoyment of fundamental labour rights in that sector.
618. He welcomed the conclusions of the sectoral meeting on forestry, noting the dangerous working conditions in that sector, which was a fundamental part of the wood and paper supply chain. The recommendations of that meeting took into account the need for a just transition towards sustainability in forestry, and the need to strengthen social dialogue and collective bargaining to ensure safe and healthy workplaces in the sector.
619. Regarding the proposed upcoming meetings, he asked the Office to clarify the implications of not applying the Standing Orders for meetings of experts to the joint ILO–IMO meeting of experts. His group supported the draft decision.
620. *Speaking on behalf of the Africa group*, a Government representative of Chad expressed his group's satisfaction with the work of the Sectoral Meeting on the Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers, noting that gender equality and non-discrimination were at the heart of the Decent Work Agenda. The sectoral meeting had been timely in the light of the Centenary Declaration and the Office's Centenary challenge to reach 100 ratifications of the Maritime Labour Convention, 2006 (MLC, 2006), as amended, by the end of 2019. His group welcomed the ILO's cooperation with the International Maritime Organization (IMO), and took note of the planned meeting of experts to produce joint ILO–IMO guidelines for medical examination of fishers. Taking note of the meetings proposed for 2020, his group supported the draft decision.
621. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Ireland noted the reports of the three meetings held in the first half of 2019. The recommendations they contained were focused on themes that were present in the Centenary Declaration: effective social dialogue to promote decent work and sustainable development; collaboration between Governments and social partners to ensure safe and healthy workplaces; and the promotion of equal opportunities for women and men and persons in other groups that were vulnerable to discrimination. The reports also highlighted the need to collect and analyse statistical data and to conduct research to identify trends, good practices, future challenges and opportunities in the three sectors. IMEC welcomed the decision to convene a joint ILO–IMO meeting in 2021 and noted that the Standing Orders for meetings of experts would not apply to that meeting. It also noted the proposals for the meetings to be held in the first half of 2020. IMEC supported the draft decision.
622. *A Government representative of Panama*, noting that Panama was the country with the largest maritime register in the world, emphasized the importance of tripartite meetings concerning the maritime sector. He welcomed the planned joint ILO–IMO meeting in 2021 and assured the Office of his Government's full support for ongoing work in that sector.
623. *A representative of the Director-General* thanked the constituents for making the sectoral meetings a success and said that the Office has already started work on the implementation of the outcomes of the meetings. Since the Global Dialogue Forum on e-waste, the Office had continued its work in that sector. It would shortly publish two country studies and was an active member of the emerging United Nations E-waste Coalition. In that connection, she noted that the four meetings scheduled to be held in 2020 all related to the future of work from a sector-specific perspective, following the guidance provided by the Centenary Declaration.

- 624.** Concerning the meeting of experts to produce joint ILO–IMO guidelines for medical examination of fishers, she explained that the ILO’s Standing Orders for technical meetings and the Standing Orders for meetings of experts applied only to meetings convened by the Governing Body of the ILO, and as the planned meeting of experts would be a joint meeting with the IMO, this would not be a meeting convened by the Governing Body of the ILO; therefore the Standing Orders would not apply. The ILO and the IMO would work together to define a set of rules for that meeting, and would of course consult with the tripartite constituents.
- 625.** *The Worker spokesperson* said that the Governing Body should give further consideration to holding sectoral meetings on the issue of whistleblowers and on the issue of inland waterways.
- 626.** *The Employer spokesperson* said that a sectoral meeting on whistleblowers would not be appropriate as it was an issue that affected all industries and sectors. Identifying a single sector with specific and unique challenges relating to whistleblowers would be difficult. Should such a meeting take place, his group would prefer to focus on the public sector. The empty slot on the programme of sectoral meetings for 2020–21 should be used for a meeting directly linked to the Centenary Declaration. His group would support the inclusion of a meeting on the future of skills in the electronic and telecommunication sector, which had been identified as an area of engagement essential for the implementation of the Centenary Declaration.

Decision

627. *The Governing Body:*

- (a) *approved the reports of the meetings referred to in section I of document GB.337/POL/2 and authorized the Director-General to publish the final reports of those meetings;***
- (b) *requested the Director-General to bear in mind, when drawing up proposals for future work, the recommendations for future action by the ILO made by the meetings referred to in section I of document GB.337/POL/2;***
- (c) *noted that the IMO had authorized the convening of the joint ILO–IMO meeting to produce joint ILO–IMO guidelines for medical examination of fishers in 2021; and***
- (d) *endorsed the proposals contained in Appendix I to document GB.337/POL/2 relating to the dates, duration, official title, purpose and composition of the meetings listed therein.***

(GB.337/POL/2, paragraph 20)

Multinational Enterprises Segment

Third item on the agenda

Promotional activities concerning the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and related developments outside of the ILO ([GB.337/POL/3](#))

- 628.** *The Employer spokesperson* said that coherence between the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and the United Nations Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises was critical. Her group welcomed many of the activities to promote the MNE Declaration, including the new web portal, the updated e-learning, the set of training courses provided by the International Training Centre of the ILO in Turin (Turin Centre) and in-country awareness-raising efforts among governments, social partners and companies. She requested more information on the Office's engagement with small and medium-sized enterprises (SMEs), particularly the lessons learned in conveying the Declaration's guidance to SME owners and managers in a way that was relevant to their specific operational realities and welcomed collaboration with the International Organisation of Employers (IOE) and employers' organizations on this.
- 629.** The regional follow-up to the Declaration should continue as intended in bringing awareness of the MNE Declaration from Geneva into the regions. Employers have promoted this from the beginning. However, her group wished to know more about how the questionnaire administered under the follow-up mechanism helped the Office in its further dissemination work of the Declaration. There was no need for the Governing Body to further clarify the format and intended output of the special session on the Declaration at ILO regional meetings; that should be left to the discretion of each region based on its needs and priorities.
- 630.** The Office must base its country-level assistance on constituents' needs, linking the tools used to the specific situations and priorities in each country. It was therefore encouraging that the Office provided country-level assistance upon request through awareness-raising workshops and the facilitation of dialogue among the tripartite constituents. The Office should stand ready to respond to such requests in coordination with the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV). Her group participated actively in two EU-funded projects in Asia and Latin America in an effort to connect the work of the ILO, the Organisation for Economic Co-operation and Development (OECD) and the United Nations. It was essential that those implementing partners responded to the needs and realities of constituents in the countries concerned. Project implementation in China and Japan, in particular with the Tokyo 2020 Organising Committee, have been welcomed by employers.
- 631.** The work of the ILO Helpdesk for Business should continue, and she asked whether the Office had received any feedback from users that could help further strengthen the services. Her group welcomed the confidentiality of the four company–union dialogue procedures conducted so far and underlined that the results of that procedure should not be used for any binding procedure. The list of facilitators should be drawn up in consultation with the social partners, with the main criterion being impartiality.

632. National focal points were intended to promote the MNE Declaration and its principles at the national level. They should be appointed on a tripartite basis and should not be present in countries where other promotional tools for the Declaration existed. It was not the intention that they receive individual complaints or mediate in disputes. For that the company–union procedure existed. It was therefore regrettable that one member State had created a complaint mechanism for the Declaration under the national focal points, conflating the roles of the national focal point and the National Contact Point for the OECD Guidelines for Multinational Enterprises.
633. In its engagement with outside bodies, the Office should stress the voluntary nature of the Declaration and ensure involvement of the social partners. That was particularly true for the promotional activities to maintain the tripartite support for the Declaration. Her group proposed amending the draft decision to remove the repetition of the notion of implementation.
634. *The Worker spokesperson*, after acknowledging the ILO’s substantive work in awareness-raising and capacity-building, especially the new web portal and the ACTRAV Guide on the MNE Declaration, said that activities at the national level were key to promoting the implementation of the MNE Declaration, particularly for the establishment of the national focal points. Regional follow-up was a key element in the Declaration’s follow-up mechanisms. The shift of focus from global to regional follow-up decided in 2014 and confirmed by the Governing Body in 2017 had proven useful, helping to increase the relevance of the Declaration for constituents. His group expected that a formal session on the promotion and application of the Declaration at the regional, subregional and national levels should appear on the programme of every regional meeting. His group welcomed the establishment of national focal points in six member States and urged others, particularly members of the Governing Body, to follow suit.
635. The high number of users of the ILO Helpdesk for Business demonstrated the need to continue to promote the MNE Declaration. The Office should provide training for ILO officials on the recent successful use of the company–union dialogue procedure, while respecting its confidential nature. His group encouraged staff to promote this procedure as a means of conflict resolution in industrial relations and highlighted the increased frequency with which the Declaration was referenced in global framework agreements.
636. His group recognized the importance of promoting the MNE Declaration outside the ILO. The document contained several good examples of how the Declaration could play a key role, together with other instruments, in promoting responsible business conduct. His group welcomed the new draft of the binding treaty on transnational corporations and human rights and clear interest in the regulation of business conduct. The ILO’s true strength and expertise lay in labour issues, and its efforts should concentrate on strengthening tripartite conferences and dialogue on substantive issues relating to operations of multinational enterprises. The constituents’ increased ownership of the Declaration had been accompanied by increased demand for training opportunities. His group was committed to promoting and implementing the Declaration. Turning to the draft decision, his group proposed the addition of the words “the social partners” after “member States”.
637. *Speaking on behalf of GRULAC*, a Government representative of Uruguay said that the MNE Declaration’s increased visibility had contributed to the adoption of regional and national policies aimed at implementing its principles, including the protection of human rights and respect for labour rights. However, a firmer commitment was required at country and enterprise levels. Her group recognized the ILO’s work with other relevant international and intergovernmental organizations to support the implementation of the Declaration’s principles. The Office should harmonize the format and intended output of the discussion on regional reports to facilitate comparability and the identification of progress. Her group

urged the Office to continue its efforts to facilitate social dialogue by compiling and maintaining a list of facilitators for the company–union dialogue procedure. It hoped that the Office would increase its dissemination and promotion activities via online and distance-learning courses and webinars, based on the needs of member States and available resources. Her group supported the draft decision.

- 638.** *Speaking on behalf of IMEC*, a Government representative of Germany said that her group welcomed the promotional activities of the MNE Declaration and underlined the importance of the operational tools for its implementation. IMEC welcomed the further operationalization of the company–union dialogue procedure. Awareness-raising and capacity-building at all levels, including within enterprises, was key to the Declaration’s implementation. Her group welcomed the web portal and the continued promotion of the ILO Helpdesk for Business, providing information on practical application of the Declaration’s guidance. Her group appreciated the regular addition of new resources and the launch of additional language versions, as well as the extended training offer and updated e-learning module.
- 639.** IMEC welcomed the country-level assistance in linking promotion of the MNE Declaration to national decent work priorities and existing projects in that regard. The Office should develop partnerships in more countries and promote the due diligence approach together with constituents on the ground. IMEC appreciated the collaboration with other international and intergovernmental organizations and expects the ILO to emphasize its unique mandate and highlight the importance of social dialogue in due diligence. Her group appreciated the reference to the Declaration in the G7 Social Tripartite Declaration of 2019 and the commitment stated therein to the promotion of responsible business conduct, including human rights due diligence. IMEC supported the draft decision.
- 640.** *Speaking on behalf of the EU and its Member States*, a Government representative of Finland said that Turkey, North Macedonia, Montenegro, Serbia and Albania aligned themselves with her statement. The EU and its Member States considered the MNE Declaration to be very important; the instrument was essential to promoting decent work providing direct guidance to governments and enterprises, including in global supply chains. Given the UN development system reform and the desire to raise the awareness of UN resident coordinators of the role of tripartism, it was important to promote the Declaration and due diligence in DWCPs and through other development activities. The format of the discussion on regional reports at regional meetings should be adaptable to regional circumstances.
- 641.** The EU and its Member States supported the appointment of national focal points to stimulate the uptake of the MNE Declaration at the country level, especially where there was no OECD National Contact Point. They encouraged the Office to provide a platform to share knowledge and best practices to support member States seeking to promote and implement the Declaration at the national level. She highlighted the EU-funded projects in Asia and the Americas in this regard. They encouraged the Office to strengthen its efforts to operationalize the company–union dialogue procedure by compiling and maintaining a list of facilitators.
- 642.** The EU and its Member States supported the promotion of the MNE Declaration outside the ILO and collaboration with other international organizations. The ILO with the MNE Declaration should play a key role in advancing decent work in global supply chains in the multilateral system. She welcomed the call in the G7 2019 social communiqué and Social Tripartite Declaration to take action to strengthen the implementation of the Declaration and the acknowledgement of the crucial role of the G7 governments in that regard. The EU and its Member States supported the draft decision.

643. *A Government representative of Ecuador* welcomed the reference in document GB.337/POL/3 to the “Responsible Business Conduct in Latin America and the Caribbean” project, implemented in nine countries of his region, including Ecuador. He welcomed the reference to the UN Human Rights Council’s open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, which had developed the revised draft legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises. The working group had strengthened references to the ILO’s core Conventions, and had aligned relevant provisions with the MNE Declaration and other international instruments. He encouraged the Office and the constituents to actively participate and contribute to developing a framework for international standards on enterprises and human rights to facilitate the implementation of the Declaration and other frameworks. He supported the draft decision.
644. *Speaking on behalf of the Africa group*, a Government representative of Namibia noted with satisfaction that members of all three constituents were participating in training events at the ILO and at the Turin Centre and requested that statistics on participants be disaggregated by year, gender and region. He agreed that the Governing Body should clarify the format of the special session during ILO regional meetings, as the format of regional follow-ups was not consistent across all regions. On the significant outcomes and lessons learned, he was pleased that the adoption of the revised MNE Declaration had led to greater ownership of the instrument by the tripartite constituents in ILO member States. The lessons learned should be accompanied by evidence showing how a member State had successfully promoted the Declaration with its tripartite set-up, which would then serve not only as a benchmarking exercise, but rather as a promotional strategy to encourage other member States to follow suit. The Africa group supported the draft decision as amended by the Workers’ group, but proposed a sub-amendment to delete “and enterprises” because the proposed addition of “the social partners” would already include enterprises as members of employers’ organizations.
645. *A Government representative of China* outlined action taken by his government to promote and implement the MNE Declaration. This was done in the context of the Responsible Supply Chains in Asia project, which includes research, strengthening the capacities of constituents in specific sectors, raising awareness among enterprises on compliance with domestic laws and relevant international standards and of fulfilling corporate social responsibility in the global supply chain. The Office should further strengthen its efforts to promote implementation of the Declaration, enhance its support to the constituents and assist member States in developing and implementing relevant domestic legislation. He supported the draft decision.
646. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of the Islamic Republic of Iran said that enhancing assistance to member States and the social partners, while avoiding duplication of efforts, was crucial to the implementation of the principles of the MNE Declaration. ASPAG supported the draft decision as amended by the Workers’ group.
647. *Speaking on behalf of IMEC*, a Government representative of Germany supported the amendment to the draft decision proposed by the Workers’ group, but could not support the sub-amendment of the Africa group or the proposed amendment by the Employers’ group.
648. *The Employer spokesperson* clarified that her group’s proposed amendment was to delete “and assistance to member States and enterprises on its application”, as the phrase was redundant, given that the notion was already contained in the wording earlier in the sentence “enhancing the further recognition and implementation of the Tripartite Declaration”. However, if there were a consensus to keep the original wording, the group would be

prepared to keep both phrases. The Employers could accept the addition of “the social partners”, as proposed by the Workers, but would propose a sub-amendment to replace the word “application” at the end of the sentence with “implementation”, which was the correct term, and to then delete “and implementation” after “recognition” in the first part of the sentence, to avoid duplication.

649. *Speaking on behalf of the Africa group*, a Government representative of Namibia clarified that his group’s sub-amendment to delete “and enterprises” was to avoid duplication because it was its understanding that the social partners included employers, who were entrepreneurs and thus enterprises.
650. *A Government representative of Panama* did not agree with the Employers’ proposed sub-amendment to replace “application” with “implementation” because the verb “*aplicar*” had a stronger meaning in Spanish. He concurred with the Africa group’s understanding that the social partners included enterprises, and therefore agreed with its proposed sub-amendment to delete “and enterprises”.
651. *The Employer spokesperson* said that the MNE Declaration itself referred to the social partners and multinational enterprises. Moreover, individual enterprises were not the same as social partner organizations. Hence, both the terms “the social partners” and “enterprises” were necessary. With regard to the term “application”, she emphasized that the Declaration was a voluntary instrument, containing principles, which should be promoted; it was not a law.
652. *The Worker spokesperson* said that his group wished to keep the words “and implementation” in the first part of the sentence and agreed to changing “application” to “implementation” in the second part. Enhancing implementation of the Declaration and enhancing assistance on its implementation had two different meanings and so there was no repetition.
653. *The Employer spokesperson* said that, in the spirit of social partnership and compromise, the Employers could agree with the proposal by the Workers.
654. *A representative of the Director-General* (Director, Enterprises Department (ENTERPRISES)) said that the reference to multinational enterprises in the draft decision was consistent with the terminology used in the introduction of the MNE Declaration, which mentioned “guidelines to multinational enterprises, governments, and employers’ and workers’ organizations”. Thus, it was one of the few, if not the only, areas in the ILO that referred in that way to the social partners and enterprises. With regard to SMEs, alignment with the Declaration and other international instruments would improve their competitiveness and access to local, regional and global markets. A list of facilitators for the company–union dialogue procedure would be compiled in consultation with member States and social partners, as requested. The Office used an analysis of enquiries received by the ILO Helpdesk for Business to improve its responses, while respecting confidentiality. The website was receiving many hits, especially the Questions and answers section. On the regional follow-up, the questionnaires to which governments and social partners respond on a voluntary basis were an important source to identify areas for further Office assistance. He took note of the request for increased training and confirmed the Office’s commitment to keep the training levels as high as possible. He indicated that the Africa regional report on the MNE Declaration was already available on the website of the 14th Africa Regional Meeting.
655. *Speaking on behalf of the Africa group*, a Government representative of Namibia said that, in light of the Office’s explanations, his group supported the amended draft decision.

656. *Speaking on behalf of IMEC*, a Government representative of Germany said that her group supported the amended draft decision.
657. *The Employer spokesperson* said that her group also supported the amended draft decision.

Decision

658. *The Governing Body invited the Director-General to take into account its guidance on enhancing the further recognition and implementation of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and assistance to member States, the social partners, and enterprises on its implementation.*

(GB.337/POL/3, paragraph 32, as amended by the Governing Body)

Development Cooperation Segment

Fourth item on the agenda

Enhanced programme of development cooperation for the occupied Arab territories

([GB.337/POL/4](#))

659. *The Employer spokesperson* commended the informative, realistic and succinct nature of the document. Her group noted with concern the continued decline of the economy and labour market participation and the high unemployment rate, especially among women and young people, in the occupied Arab territories.
660. Her group took note of the ILO public–private partnership agreement signed with the non-governmental organization, Cooperation for the Development of Emerging Countries (COSPE), and encouraged the Office to engage regularly with Palestinian employer organizations, who could provide substantive input on the development and implementation of employment policies that would create jobs, foster a business-friendly environment and build up the weak economy.
661. Efforts should be made to build the capacity of employers in the region and engage in social dialogue. The information requested by her group at the October–November 2018 session of the Governing Body on the ILO’s actions to build and encourage a conducive and sustainable environment for business, however, had not been included in the document. The Office was encouraged to work with the International Organisation of Employers (IOE) and its networks in the region to obtain the relevant information.
662. The Office should continue to provide technical advisory support for the formulation of a Palestinian employment policy and action plan until the constituents were able to take ownership of that important process. Work to support the development of Palestinian social security systems should remain a priority for the Office, as it was a means to improve employment and the livelihoods of Palestinian people.
663. Her group was pleased to see that the Office had collected empirical data and statistical information on the labour market to provide employer guidance, as requested at the October–November 2018 session of the Governing Body. The development of a chapter on labour

linked to the SDGs in the *Economic Monitor* report through a partnership with the Palestinian Central Bureau of Statistics and the Palestine Economic Policy Research Institute was evidence of good progress in that regard.

664. The Office should strengthen its ongoing technical and capacity-building support to the Federation of Palestinian Chambers of Commerce, Industry and Agriculture on its role in the labour law reform process. Her group took note of the ILO's assistance in increasing the membership of Palestinian women in trade unions and appealed to the ILO to provide the same support to employer organizations to strengthen their membership. Social dialogue and tripartism could only be effective and meaningful if employer organization representation was strengthened at the national level.
665. Her group called once again for a more coordinated international response and cooperation between the ILO and other UN agencies through a collaboration strategy, while ensuring that the funding of international agencies on the ground was not to the detriment of those most in need of assistance.
666. Her group supported the draft outcome contained in paragraph 32 of document GB.337/POL/4.
667. *Speaking on behalf of the Arab Employers' group*, an Employer member from Jordan recalled the dire economic and employment situation in the occupied Arab territories that resulted from the policies and practices of the Israeli occupation, which prevented the circulation of people and goods, withheld monies due, undermined the Palestinian economy and denied Palestinians access to natural resources in certain areas.
668. He encouraged the ILO to renew the Palestinian Fund for Employment and Social Protection and hold a meeting to promote the issue as soon as possible. The occupied Arab territories suffered from the highest unemployment rates in the world; ILO funds should be provided from the regular budget or from extrabudgetary sources to support the offices in Beirut and Jerusalem and the Arab Labour Organization in job creation and unemployment reduction.
669. He urged the ILO to intervene to restore the rights lost by Palestinians in 1970. Fundamental ILO principles were not being observed: Palestinians were not being paid wages in accordance with international standards and the Paris Protocol of 1994 was not being applied by the Israeli Government. In addition, he urged the ILO to strengthen its efforts to support the re-establishment of the social security structure and to seek an agreement to recover the contributions made by Palestinian workers to Israeli funds that had been withheld. He further urged the Office to strengthen cooperation in relation to development programmes for the occupied Arab territories and to report regularly to the Governing Body on the situation in the region.
670. *The Worker spokesperson* expressed deep concern at the poor prospects for a peace agreement and the stalling of the Palestinian reconciliation process. The continued undermining of human rights, the exponential growth of settlements on the West Bank and the huge number of restrictions on the freedom of movement and access to infrastructure or services seriously harmed the economic and social rights of Palestinians, as did severe levels of discrimination in the employment market. The continuing embargo in Gaza had gutted the local economy and production base and ravaged the lives of the population, especially those involved in the "Great March of Return" demonstrations and front-line workers and placed additional burdens on women.
671. As indicated in the Appendix to the Report of the Director-General to the 108th Session (2019) of the International Labour Conference concerning the situation of workers of the occupied Arab territories, economic decline and high unemployment levels in Gaza and the

West Bank were caused solely by external factors, which were linked to the occupation. The budget crisis, caused by the freezing of certain customs and value added tax revenues, was having a negative impact on the purchasing power of the Palestinian people and bogging down the employment market at a time when external financial support had shrunk to 50 per cent of 2013 levels. Record levels of unemployment were affecting highly qualified young people and women in particular.

- 672.** Her group supported the ILO's continued efforts to strengthen the legislative labour framework and took note of the significant progress made in the labour law reform process, particularly from a gender perspective, during the reporting period. Her group concurred with the Employers that continued technical and financial support of the development of the Palestinian social security system should remain an absolute priority for the Office to ensure the protection of workers outside the public sector and to strengthen the creation of decent work in a private sector that had become lethargic. As the development of the system had stalled and was at risk of collapse, it was essential to preserve the knowledge base built up over recent years and to re-establish the system.
- 673.** In relation to social protection, the Office should continue to support an inclusive dialogue and the capacity-building of relevant government institutions and worker and employer organizations, as well as broader civil society organizations. It should also support the design and implementation of an awareness-raising campaign and communication strategy on social security reforms to ensure stakeholder engagement.
- 674.** Her group endorsed the continuation of the three priorities of the first Decent Work Programme (DWP) to the second such programme and the focus on strengthening social dialogue and trade union freedom and, in particular, welcomed the Office's efforts to improve the labour market situation in Gaza. Although Palestinians themselves had limited possibilities to improve their job market prospects in the occupied Arab territories, the need to promote good governance and effective institutions remained. Support for the development of the social security system was more necessary than ever to strengthen the protection of workers and, also, the attractiveness of the private sector, which would help create decent jobs.
- 675.** Her group highlighted the importance of the ILO's presence in the occupied Arab territories to promote decent work and social justice for the Palestinian people and noted the need to expand and diversify the partnerships needed to implement the second DWP. It reiterated its request to mobilize funding for the Palestinian Fund for Employment and Social Protection, which was essential for the promotion of decent work which, in turn, would drive sustainable development, the building of a state structure and the achievement of peace and social cohesion for all. In addition, the Workers proposed that a tripartite meeting should be organized to develop and promote employment policies and strategies in the occupied Arab territories. In the absence of political progress, her group encouraged the ILO to urge the international community to promote the two-state solution as the only credible option to enable the Palestinian people to recover their legitimate rights and build their State on a sustainable basis.
- 676.** Her group supported the draft outcome.
- 677.** *Speaking on behalf of the Africa group*, a Government representative of Morocco expressed concern at the bleak situation of workers in Gaza and the deteriorating prospects for improvement. The group noted with satisfaction the considerable efforts expended by the Office to obtain funding to promote decent work in the occupied Arab territories and invited it to support the organization of a donors' meeting as soon as possible, with the aim of creating jobs for Palestinian workers. The group requested the Office to maintain its support of the Palestinian Fund for Employment and Social Protection in order to help boost the

economy and employment prospects, to continue diversifying and strengthening partnerships and resources for promoting decent work and to continue to update the Governing Body on the economic situation of Palestinians in its future reports on the enhanced development programme for the occupied Arab territories.

- 678.** *Speaking on behalf of the Arab group*, a Government representative of Bahrain thanked the Director-General, the ILO Regional Office for the Arab States in Beirut and the ILO representative in Jerusalem for their work to ease the suffering of the Palestinian people by implementing the enhanced programme of development cooperation for the occupied Arab territories. He also thanked donors supporting the programme, in particular the Government of Kuwait. He noted with reference to the worsening situation highlighted in the document and in the Appendix to the Report of the Director-General that the intensification of the occupation and the blockade of Gaza damaged the Palestinian economy and the labour market, causing real hardships for the Palestinian people, preventing their access to decent work and posing real obstacles to sustainable development. He requested the international community to take action against those responsible. A meeting of the Palestinian Fund for Employment and Social Protection should be convened as soon as possible.
- 679.** Financial resources to address unemployment and boost the economy in the occupied Arab territories needed to be mobilized. His group therefore called on the Governing Body to redouble its efforts and broaden the scope of programmes to benefit the Palestinian people and Palestinian workers. He also called on the ILO to actively intervene to ensure that Palestinian workers enjoyed the rights denied to them since 1970 and receive all monies due to them in accordance with the Paris Protocol of 1994, through the creation of a social security institution to collect the monies concerned. Lastly, he requested the Director-General to include in his next progress report an update on all efforts undertaken.
- 680.** *The Chairperson* recalled that while the Standing Orders of the Governing Body did not provide for speaking rights of representatives of liberation movements, under article 2.2 it was the prerogative of the Chairperson to accord the right to address the Governing Body. The Officers of the Governing Body had considered the matter and he had decided to allow the representative of the Palestinian Authority to speak, on the understanding that the intervention would be strictly limited to the matter under discussion, which was of direct concern to the Palestinian Authority.
- 681.** *A representative of Palestine* welcomed the document, which chronicled the suffering of Palestinian people due to the destruction of the Palestinian economic infrastructure, distortion of the labour market and Palestinian workers deprived of their rights.
- 682.** He commended the report of the Director-General on the situation of workers of the occupied Arab territories and urged members to give it greater attention. There was a real need for input from the tripartite constituents with regard to social justice. He therefore asked that the annual Report of the Director-General on the occupied Arab territories be added to the agenda as an item for discussion in order to consider plans for implementing the recommendations set out therein.
- 683.** He thanked the ILO for its technical assistance, which had protected at least some decent working conditions and helped compensate workers for the lack of decent work in the Israeli labour market. The programme was not just supporting government policy, but also the employers' and workers' organizations, which were consulted on all labour issues.
- 684.** He urged the ILO to redouble its efforts to help the Palestinian people recover their social security rights and the arrears that had accumulated in Israel since 1970. He requested effective technical and financial assistance for the implementation of the recently adopted Palestinian employment plan, drawn up in coordination with the Regional Office for the

Arab States in Beirut. Lastly, he thanked the Director-General for his attention to programmes in the Palestinian territories, the Palestinian DWP and his 2018 visit.

- 685.** *A Government representative of the United States* applauded the positive role of the ILO in working constructively with Israel and the Palestinian Authority to implement decent work initiatives for Palestinian workers. It was unfortunate that the Palestinian representative had offered only a provocative statement rather than engage in constructive discussion on the critical labour issues at hand.
- 686.** *A Government representative of Israel* expressed her country's continuing support for the ILO's technical assistance and development programmes in the Palestinian territories. Israel and the Palestinian Authority had recently reached a bilateral agreement committing Israel to address transfers of clearance revenues and, with a regional focus, the regulations and social structures affecting women's participation in the labour market in the Palestinian territories. Her Government continued to support the efforts of Israel's workers' union, Histadrut, to raise awareness of Palestinian workers' rights in Israel by providing them with important information in Arabic on wages, pensions, safety and other worker protections guaranteed by law in Israel. Recently, more than 5,000 Palestinian workers had elected to join Histadrut. After expressing regret at the willingness of some to engage in political debate under a standing item on which all parties agreed, she reiterated her country's support for the ILO's development programme in the occupied Arab territories and its commitment to the ILO's work of promoting decent work for all.
- 687.** *A representative of the Director-General* (Regional Director for the Arab States), replying to comments, said that capacity-building was a cross-cutting objective under all three pillars of the Palestinian DWP, and was particularly central to the second key work area of strengthening labour governance and realizing fundamental principles and rights of work through improved social dialogue mechanisms. Those activities included the review and strengthening of labour legislation in tripartite and bipartite consultations facilitated by the Office, aimed partly at enhancing the capacity of the social partners to engage in such dialogue. During the year under review, the ILO had provided capacity-building and legal and technical support to the Federation of Palestinian Chambers of Commerce, Industry and Agriculture and the Palestinian General Federation of Trade Unions (PGFTU). The Office was also planning to deliver a series of capacity-building initiatives before the end of 2019 to assist Chamber participants at all levels in matters of effective employer organization.
- 688.** The Office continued to intensify its efforts to mobilize additional resources and expand partnerships for the implementation of the DWP. An allocation of US\$1.3 million had been made from the Regular Budget Supplementary Account (RBSA) to further support social protection, social security, labour inspection and OSH. Two UN-to-UN agreements had been signed with UN Women in the areas of gender equality and decent work, for a total amount of US\$1.5 million, the first funded by Italy and the second by the Swedish International Development Cooperation Agency (SIDA). The ILO had signed a public-private partnership agreement with an Italian NGO to further expand its support for cooperative development in the Occupied Palestinian Territory and, together with other UN agencies, was seeking support from the SDG Fund to promote universal social protection for persons with disabilities and older persons. An agreement worth €1.5 million was under negotiation with the Italian Government to support the newly established Cooperative Work Agency (CWA). She welcomed the recent approval by the Palestinian Cabinet Ministers of a proposal to develop the Palestinian Employment Strategy and hoped that it would encourage donor financing and forge partnership alliances around implementation of the Strategy. The ILO would continue to provide support for the Strategy's development and implementation and, by the end of 2019, hoped to have recruited two international and three national staff to support development cooperation activities on the ground, particularly on gender, social protection and cooperatives. Following the suspension of the 2016 Social Security Law, the

ILO had maintained its technical and financial support for the Palestinian Social Security Corporation in order to preserve its accumulated knowledge capital. Earlier in the year, the Office had prepared a technical note for the Ministry of Labour assessing the legal and financial implications of the proposed amendments to the Social Security Law, with the ultimate aim of supporting a contingency plan and a road map to put social security back on track. Drawing on the lessons learned from the process leading to the adoption of the Social Security Law, the Office intended to support inclusive dialogue at the level of the territory and to develop the capacities of the relevant government institutions and employers' and workers' organizations regarding social protection issues, as well as to support the design and implementation of an awareness-raising campaign and communication strategy on the social security reform. The ILO had also conducted an actuarial valuation of the public-sector pension scheme, with a view to helping the board of the Palestinian Pension Agency ensure long-term financial sustainability. It was currently engaged in assessing social protection floors in the Occupied Palestinian Territory and would soon recruit a full-time international officer to provide support on the ground for the various social protection and social security activities. The Palestinian Central Bureau of Statistics, alongside statistical offices from 15 Arab countries, had received regional training earlier in the year on the measurement of SDG indicators related to decent work, as part of a regional South–South and triangular cooperation initiative.

Outcome

689. *The Governing Body took note of the information provided in document GB.337/POL/4.*

(GB.337/POL/4, paragraph 32)

Fifth item on the agenda

Update on the costed and time-bound integrated strategy to address decent work deficits in the tobacco sector ([GB.337/POL/5](#))

690. *The Worker spokesperson* said that she welcomed the costed and time-bound integrated strategy, which had originally been called for by her group, as the decent work deficits in the tobacco sector could not be solved by focusing solely on eliminating child labour. The Technical Meeting to Promote an Exchange of Views on the Further Development and Implementation of the Integrated Strategy to Address Decent Work Deficits in the Tobacco Sector (the Technical Meeting) that took place in Kampala in July 2019 and numerous country consultations had been instrumental in further developing the strategy, which also built on the 2003 Tripartite Meeting on the future of employment in the tobacco sector and drew on the lessons learned from the implementation of development cooperation projects on the elimination of child labour in tobacco-growing communities and the broader agricultural sector.

691. The integrated strategy was timely, as the tobacco industry was experiencing changes and restructuring, in many cases with a lack of social dialogue and mass dismissals in management and manufacturing plants, alongside a shift from cigarette production to electronic cigarettes and a forecast dramatic drop in demand for tobacco leaf globally. Her group therefore welcomed the fact that the integrated strategy also considered the issue of

the transition to alternative livelihoods and that it did not limit itself to tobacco growing but looked at the entire supply chain.

- 692.** The building blocks of the integrated strategy, as presented in the document, were sound. In building block 1 on the enabling policy environment, she welcomed the emphasis on the promotion of decent work in the broader rural economy; promotion of ratification and implementation of ILO standards; access to public services, education and healthcare; safe and healthy working conditions in the agricultural sector; and action to address gender-based discrimination and promote policy coherence across several ministries to address decent work deficits in the tobacco sector. She fully supported building block 2 on strengthened social dialogue, including consideration given to cross-border social dialogue, given the sector's global nature. She recalled that the preconditions for social dialogue were respect for freedom of association and the promotion of collective bargaining. In building block 3 on addressing decent work deficits in the tobacco sector, the focus on wages, social protection and working time were welcome. She supported the need to identify alternative crops and higher-value sectors to generate decent jobs and income, and contribute to food security and thus facilitate a just transition for workers. Her group also welcomed the promotion of the MNE Declaration. The Office's commitment to work with constituents beyond the three-year implementation period for the integrated strategy was notable. While acknowledging that the strategy was global, she agreed that priority should be given to the four countries that had formerly benefited from public-private partnerships. The private sector had an important role to play, and tobacco companies should engage in social dialogue with trade unions at the national and international levels to promote decent work and decent wages in the sector. Her group fully supported the promotion of South-South and triangular cooperation to allow developing countries to benefit from the experience of others.
- 693.** Her group supported the financing of the integrated strategy through voluntary contributions from multi- and bilateral aid for development cooperation, with the addition of ILO resources if necessary, and had taken note of the letter of the UN Secretary-General that called on UN organizations to adhere to the *Model Policy for agencies of the United Nations system on preventing tobacco industry interference* and not accept funds from the tobacco industry. The group maintained its position that the *Model Policy* should be respected by the ILO. She supported the draft decision and appealed to governments to support the ILO in funding the integrated strategy.
- 694.** *The Employer spokesperson* said that, since the Governing Body had already had a number of lengthy and difficult discussions on decent work deficits in the tobacco sector. Furthermore, the Technical Meeting held in Kampala had discussed the integrated strategy and the approach that the Office should take to address decent work deficits in the sector. Therefore, at this stage her group was keen to conclude the discussions successfully. In the spirit of compromise, instead of sharing her group's views on the Office document, she proposed a number of amendments to the decision, which had been agreed in informal consultations with the other groups in a bid to reach consensus. Employers were of the view that it was of utmost importance that the Governing Body moved unitedly forward in addressing decent work deficits in the tobacco sector. In subparagraph (b) of the draft decision, following the word "endorsed", the words "the building blocks of" should be inserted. Following the phrase "decent work deficits in the tobacco sector", the words "and directed the Director-General to implement the strategy" should be added. At the end of the sentence, after the word "countries", the following wording should be added "working in close cooperation with constituents, and in line with the previous Governing Body decisions on this issue".
- 695.** *Speaking on behalf of ASPAG*, a Government representative of Australia welcomed the revised integrated strategy and noted that the Office had drawn on guidance from past Governing Body sessions and intersessional consultations in its work on the item. She

encouraged all members of the Governing Body to endorse the integrated strategy and expressed support for the draft decision.

- 696.** *Speaking on behalf of GRULAC*, a Government representative of Uruguay explained that her group understood that the integrated strategy encompassed the fundamental rights and principles of the ILO. Its building blocks should be implemented in an integrated manner to achieve the expected outcomes and reduce decent work challenges in the tobacco sector. She appreciated the inclusion in the integrated strategy of the issue of cooperatives, an area in which her region had a number of good practices that could enrich implementation activities. While the strategy should focus on the countries most directly affected, its global scope was welcome and it could serve as a reference point for tobacco-producing countries around the world. The inclusion in the strategy of the financial costs of each outcome would facilitate the identification of donors. Her group was willing to contribute to a consensus or compromise solution around the original draft decision.
- 697.** *Speaking on behalf of the Africa group*, a Government representative of Uganda supported the endorsement and implementation of the integrated strategy. Instead of presenting its own amended draft decision, his group wished to propose some subamendments to the proposed amendments by the Employers' group. At the start of subparagraph (b), the words "the building blocks of", proposed by the Employers' group, should be deleted. Following the term "development cooperation", the word "augmented" should be replaced by "and/or", and "if necessary" should be deleted. At the end of the subparagraph, the word "constituents" should be replaced by the phrase "governments and social partners".
- 698.** *Speaking on behalf of the EU and its Member States*, a Government representative of Finland welcomed the update on the integrated strategy and the publication of the Note on the Proceedings of the Technical Meeting. The strategy represented an important step in developing and delivering a holistic and long-term approach to addressing decent work deficits in the tobacco sector, and its three building blocks represented an integrated and coordinated approach to meeting workers' needs. The EU remained ready to support the integrated strategy and was willing to work closely with the Office to pursue the necessary partnerships with international agencies, international development banks and domestic development agencies. The strategy represented a considerable step forward in how the ILO and its constituents engaged with tobacco-growing communities and the tobacco industry to promote the Decent Work Agenda. The EU and its Member States wished to see a coherent and consistent effort across the UN system to ensure the effective separation between its policy and interference from the tobacco industry. She supported the integrated strategy and, in a spirit of compromise, supported the amended draft decision proposed by the Employers' group, as sub-amended by the Africa group. Furthermore, she proposed replacing the word "Director-General" with "Office".
- 699.** *A Government representative of the United States* expressed strong support for the ILO's work to combat child labour. The Office paper highlighted the important role of the private sector in addressing decent work deficits in both the tobacco sector and the wider rural economy. The ILO's partnerships with the tobacco industry did not conflict with its mandate, tripartite structure and role in the UN system; rather, such partnerships to eliminate child labour – including the acceptance of funding from legal industries – were appropriate. She stressed that the *Model Policy* was non-binding. Although it was important for UN agencies to work together on common goals, it was equally important for each agency to focus on its core mission. Prohibiting ILO partnerships with legal industries would not advance the Organization's efforts to address decent work deficits in the tobacco sector or achieve the UN goal of preventing the spread of non-communicable diseases. It was therefore positive that the document did not specifically preclude future engagement with the tobacco industry over the long term. Her Government appreciated the efforts made to reach a compromise and could support the draft decision with the various subamendments proposed.

- 700.** *A Government representative of Canada* commended the integrated strategy and the Office's work on the issue, particularly its consultations with the tobacco-growing communities in Malawi, the United Republic of Tanzania, Uganda and Zambia. In line with her Government's statements at previous Governing Body sessions on the importance of the Framework Convention on Tobacco Control (FCTC) and the *Model Policy*, she welcomed the communication from the UN Secretary-General and highlighted the ILO's responsibility to abide by the *Model Policy*. Constituents had shown great flexibility in seeking consensus. In that spirit, her Government supported the amended draft decision and was open to further subamendments that would bring all parties in agreement.
- 701.** *A Government representative of Switzerland* expressed support for the integrated strategy, noting the importance of finding a pragmatic solution that would provide the most affected countries with the assistance they needed. In that respect, her Government had reservations regarding the lack of formal pledges of funding to support the programmes mentioned in the strategy. The amount currently available did not match the budget for the projects financed by public-private partnerships, and despite efforts by the Office, it had not yet been able to secure other sources of public funding. The fact that the Office was ending its activities in certain countries, with no development partners working directly in the sector, did not bode well for the future. She requested concrete information on guaranteed funding, with figures and deadlines, for implementation of the projects. In the spirit of compromise, she could support the draft decision as amended.
- 702.** *A Government representative of Brazil* expressed appreciation for the constructive, open discussions that had taken place at the Technical Meeting. Brazil was aligned with the statement delivered by Uruguay on behalf of GRULAC. He thanked the Office and the Government of Uganda for the organization of the successful meeting in Kampala, which was a great opportunity for tripartite dialogue on the issue. He welcomed references to the importance of South-South and triangular cooperation as one of the possible ways to address decent work matters in the tobacco sector. He also thanked the Office for the impressive work to put together the integrated strategy, which Brazil supported. With regard to the issue of alternative livelihoods he emphasized the importance of the different mandates and comparative advantages of the various international organizations. He informed the Governing Body that his Government had tabled a proposal to that effect at the last session of the Eighth Conference of the Parties to the FCTC. In the interest of achieving a reasonable compromise, he supported the draft decision as amended.
- 703.** *A Government representative of Uruguay* welcomed the integrated strategy. There had to be a framework to protect workers' rights and provide reliable information. It was particularly important to prioritize the rapid elimination of child labour. It made sense to focus on the countries most affected by the issue, while the global scope would allow other countries to benefit from ILO assistance where necessary. He thanked the Office for the inclusion of the cost estimates for a three-year programme per outcome per country. This was crucial in order to identify sources of funding and development cooperation donors. His Government supported the amended draft decision.
- 704.** *A Government representative of Ecuador* commended the comprehensive and inclusive nature of the integrated strategy, highlighting the attention paid to mobilizing resources. It was equally important to consider countries other than the four former public-private partnership countries when implementing the strategy. Her Government stood ready to contribute to the development and rapid implementation of the strategy, and supported the amended draft decision.
- 705.** *The Worker spokesperson* recognized the extensive efforts that had been made to reach a solution that would enable progress on the most important issue, namely to ensure decent work for the 100 million workers involved in the tobacco industry – together with an

education for their children – and to create prosperous communities based on diversified economies. In adopting the strategy, the ILO should make it very clear that engaging with the tobacco sector as a social partner in the context of the Organization’s mandate was totally different to the type of arrangement to which the UN and the WHO were objecting. In reference to the last part of the amended draft decision, she noted that all Governing Body decisions build on previous decisions. In this context, she emphasized that it was clear for her group, as it should be for any group in the ILO, that the reference to “appropriate safeguards” in the decision taken at the 334th Session of the Governing Body regarding the mobilization of various sustainable sources of funding from the public and private sector included the *Model Policy* based on the FCTC. The Governing Body was therefore giving the Office a mandate to implement the integrated strategy and engage with the sector in that context. Based on that understanding, her group could support the draft decision with the proposed amendments.

706. *The Employer spokesperson* expressed support for the statements made by the Government representatives of Switzerland, the United States, and Uganda on behalf of the Africa group. Her group agreed that the ILO should engage with the tobacco sector, as had been emphasized during the discussions. Indeed, at the Technical Meeting, the Government group had stated that: “the Office should consider establishing a trust fund where donors and private companies could contribute to ensure sustainable financial support for the successful implementation of an integrated strategy”.³ In the light of the widespread support expressed by Governments, she accepted the subamendments to her group’s proposed amendments to the draft decision.
707. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that, in a spirit of compromise, his group also accepted the subamended draft decision.
708. *The Government representative of Canada* clarified that the statement regarding the establishment of a trust fund had been incorrectly attributed to the Government group. There was no suggestion by the Government group that had Canada’s participation that would allude to the establishment of a fund.

Decision

709. *The Governing Body:*

- (a) *authorized the Director-General to publish the Note on the proceedings of the Technical Meeting to Promote an Exchange of Views on the Further Development and Implementation of the Integrated Strategy to Address Decent Work Deficits in the Tobacco Sector (Kampala, 3–5 July 2019); and*
- (b) *endorsed the time-bound and costed integrated strategy to address decent work deficits in the tobacco sector and directed the Office to implement the strategy, which was to be financed by voluntary contributions from multi- and bilateral aid for development cooperation and/or by ILO resources, in order to operationalize the integrated strategy in the four former public–private partnership countries working in close cooperation with governments and social partners, and in line with previous Governing Body decisions on the issue.*

(GB.337/POL/5, paragraph 25, as amended by the Governing Body)

³ MDWDTS/2019/6, para. 89.

710. *A representative of the World Health Organization (WHO)* welcomed the decision of the Governing Body, which was consistent with the UN Secretary-General's call to discourage UN organizations from receiving funds from, or partnering with, the tobacco industry, in order to ensure an aligned UN approach. **He would provide the secretariat with his full statement.**

Legal Issues and International Labour Standards Section (LILS)

International Labour Standards and Human Rights Segment

First item on the agenda

The Standards Initiative: Report of the fifth meeting of the Standards Review Mechanism Tripartite Working Group (Geneva, 23–27 September 2019)

Report of the Officers, in accordance with paragraph 17 of the terms of reference of the Standards Review Mechanism Tripartite Working Group ([GB.337/LILS/1](#))

711. *The Chairperson of the Standards Review Mechanism Tripartite Working Group (SRM TWG)* introduced the report of the Officers of the SRM TWG, noting that all the members had been conscious of the importance of the SRM TWG's mandate in the ILO's Centenary year. The discussions at the meeting had been challenging, and the successful outcome reflected the determination of all members to reach consensus. He thanked in particular the Employer and Worker Vice-Chairpersons, as well as his Government colleagues, for their role in that regard.
712. The SRM TWG had proposed time-bound and practical packages of follow-up action for eight instruments on employment policy. He recalled that the SRM TWG's task, as mandated by the Governing Body, involved not only looking to the past, but also looking to the future, to envisage activities to encourage the ratification of up-to-date instruments and identify areas for new standards. He drew attention to the SRM TWG's agreement that effect should be given to earlier decisions of the Governing Body, calling for the Office to prepare proposals for possible standard-setting items on the topics of biological hazards, ergonomics and manual handling, chemical hazards and guarding of machinery. It proposed guidance to be taken into account by the Office when developing those standard-setting proposals, recommending that they should be discussed at the Governing Body's 338th Session (March 2020) for inclusion in future agendas of the International Labour Conference.
713. *The Worker spokesperson* noted the importance of the SRM TWG's recommendations on the practical and time-bound follow-up actions to be taken. Her group remained concerned that the abrogation of Conventions that were in force in member States without the ratification of more modern Conventions in their place could lead to gaps in legal protection

in practice. She therefore reiterated the need for active steps towards the ratification of instruments, including proactive and well-resourced campaigns to ensure that member States replaced ratifications of outdated Conventions with ratifications of related up-to-date Conventions. The success of the Centenary ratification campaign had shown what was possible.

- 714.** She highlighted the need for resources to be allocated for the Office to give effect to all of the SRM TWG's recommendations, which over the past five years were considerable. She stressed the importance of the effective implementation of the recommendations for practical and time-bound follow-up action, which should be considered as part of a package of interconnected, complementary and mutually reinforcing elements.
- 715.** She reiterated that the Workers continued to remain reluctant to set fixed dates for the abrogation or withdrawal of Conventions while there continued to be member States bound by those instruments without having ratified the relevant up-to-date Conventions. In the case of the Unemployment Convention, 1919 (No. 2), for example, three other instruments needed to be ratified to fill the gaps in protection that would be left as a result of its abrogation. Ratification was not a simple matter, but required lengthy tripartite negotiations and commitment at the national level. The abrogation or withdrawal of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), which continued to provide protection to workers in some member States, gave rise to the same concerns.
- 716.** She noted that the follow-up to the consensual recommendations on possible standard-setting on four occupational safety and health (OSH) topics had been discussed in three consecutive years. The recommendation to request the Office to initiate the preparation of proposals for possible standard-setting items on four OSH topics must be dealt with as a matter of institutional priority. Her group looked forward to discussing the proposals at the 338th Session (March 2020) of the Governing Body, with a view to agreeing on a schedule for their inclusion on the Conference agenda as soon as possible. The group would measure the success of the SRM TWG by its ability to put forward new standards where gaps had been identified, as well as its efforts to avoid the creation of gaps caused by abrogation or withdrawal. The Workers could support the draft decision in paragraph 5 of the document.
- 717.** *The Employer spokesperson* noted that the Office preparatory documents had not included substantive information on two of the instruments under review: the Employment Service Recommendation, 1948 (No. 83), and the Private Employment Agencies Recommendation, 1997 (No. 188). He trusted that the Office would provide full information on all instruments reviewed in the future. Equally, the SRM TWG should produce more detailed reports in the future, to increase understanding of the viewpoints and arguments expressed in its deliberations.
- 718.** The Employers' group attached great importance to the review of the ILO's body of international labour standards and to the work of the SRM TWG, which was an anchor of the ILO. He stressed the importance of the SRM TWG to standards policy and considered that a better understanding of the body of standards and lessons learnt from earlier standard-setting exercises was fundamental for ensuring that the ILO standards system retained its relevance and met present and future needs. He recalled that the SRM TWG, composed of eight Employer, eight Worker and 16 Government representatives who were not all members of the Governing Body, could only issue recommendations for the Governing Body's autonomous consideration.
- 719.** He agreed that the Office should initiate the preparation of proposals for possible standard-setting items on the topics of biological hazards, ergonomics and manual handling, chemical hazards, and guarding of machinery for consideration at the 338th Session (March 2020) of the Governing Body. The decision in principle on standard-setting had already been taken

by the Governing Body in October–November 2017, and what had remained to be resolved was how to approach this standard-setting. The SRM TWG had recommended that a thematic integration approach should best guide its preparation. The Employers strongly preferred the adoption of one integrated instrument on OSH risks in general, which could be complemented by technical guidelines, codes of practice and other tools providing more detailed guidance. Opting for one integrated instrument – for instance a protocol or a recommendation to accompany Occupational Safety and Health Convention, 1981 (No. 155) – would help overcome the present dispersion of OSH instruments, achieve wider ratification and improve implementation. The group therefore expected that the document prepared for the Governing Body’s 338th Session would cover all standard-setting options under the thematic integration approach, and include the development of one integrated instrument on OSH risks in general. On that understanding, the group could support the adoption of subparagraph (a) of the draft decision.

- 720.** Turning to subparagraph (c), he said that Convention No. 2, while outdated, remained in force in 54 countries. In fact, the number of ratifications of that Convention was higher than that of three of the more modern instruments that covered the same subject matter: the Private Employment Agencies Convention, 1997 (No. 181), the Private Employment Agencies Recommendation, 1997 (No. 188), and the Labour Statistics Convention, 1985 (No. 160). One reason for this could be that Convention No. 2 was short, simple and straightforward, and allowed for its flexible implementation. Another reason could be that Convention No. 2, in only three substantive provisions, dealt with all major issues related to unemployment in an integrated and comprehensive manner. Its approach could be beneficial to future standard-setting. The SRM TWG review had shed light on the application of outdated parts of some provisions of that Convention, in particular with respect to the requirement in Article 1 for ratifying States to communicate to the ILO information on unemployment at intervals as short as possible and not exceeding three months. Noting that while the report form remained unchanged, this obligation was no longer supervised, he stressed that any decision on supervision should be made by the Governing Body and not by the Office. He asked the Office to clarify its current practice and to systematically inform the Governing Body of provisions that, because the Office considered them to be no longer relevant, were no longer supervised so that the Governing Body could decide to adapt corresponding report forms as appropriate. The adaptation of report forms was an important interim measure to keep the body of international labour standards up to date.
- 721.** His group believed that outdated instruments should be abrogated or withdrawn without delay. He noted that the SRM TWG decided to place an item concerning the abrogation of Convention No. 96 on the agenda of the Conference in 2030; and decided to evaluate the Office follow-up concerning Convention No. 2 in 2026 with a view to then deciding on the appropriate date for the Conference to consider its abrogation or withdrawal. The group considered that it was illogical to defer to such a late stage the decisions on the abrogation of these outdated instruments. It was also illogical to say that Conventions could not be abrogated because without them there would be no legal protection as outdated Conventions already could not provide sufficient or relevant protection. Abrogation of a Convention would not stop national legislation from being applied. The ILO could not address the future of work while holding on to outdated instruments that were not fit for purpose. The group proposed that subparagraphs (e) and (f)(ii) should be amended to reflect that a decision should be made in 2021 regarding the abrogation or withdrawal of those instruments.
- 722.** He welcomed the request contained in subparagraph (d), which would help member States to implement the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189). Promoting an enabling environment for sustainable enterprises was an important part of the human-centred approach to the future of work reaffirmed by the Centenary Declaration. The Office should systematically develop complementary non-normative materials relating to Conventions and Recommendations to enhance the visibility

of international labour standards and facilitate their implementation. The adoption of any new Convention or Recommendation should automatically be accompanied by the preparation and constant updating, in consultation with ACT/EMP and ACTRAV, of practical guidance material.

723. *Speaking on behalf of the Government group*, a Government representative of Mexico emphasized that the work of the SRM TWG was essential to ensuring that the ILO had a clear, robust and up-to-date body of international labour standards that responded to the changing patterns of the world of work for the purpose of the protection of workers and taking into account the needs of sustainable enterprises. She noted the wide-ranging discussions of the SRM TWG on the form of standards, the revision and amendment of existing standards, the process of standard setting, and the promotion of ratification and implementation. The group stressed that the Governing Body would benefit from the knowledge gained from the thorough examination of standards by the SRM TWG. The process of standard setting should ensure tripartite inclusivity, time-efficiency and cost-effectiveness. Her group supported the consensually agreed recommendations of the SRM TWG and called on the Office to take the necessary time-bound action required.
724. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Uruguay noted that the outcome of the fifth meeting of the SRM TWG reflected the current world of work and the current status of the international labour standards under review. Given the high percentage of ratifications of international labour standards in her region, her group attached particular importance to having a clear, robust and up-to-date body of standards. The ratification of any new Convention entailed complex decisions at the national level to implement new legislation or strengthen existing legislation, often posing practical challenges and increasing the workload of the Ministry of Labour. Any gaps, lack of clarity or inappropriate use of the supervisory bodies' procedures may lead to new complaints and discourage States from ratifying new instruments. The group emphasized that international labour standards had guaranteed decent work and sustainable enterprises in countries. The SRM TWG should continue its important work and the ILO, under the guidance of the Governing Body, should implement its recommendations. She noted with satisfaction that Convention No. 88, which had been adopted in 1948, had been classified as an up-to-date instrument, demonstrating the ongoing relevance of international labour standards despite the technological changes affecting the world of work. GRULAC agreed with the classification of the instruments reviewed at the meeting. The group welcomed the recommendations concerning practical and time-bound follow-up action and the provision of technical assistance in the context of Convention No. 88 and Recommendations Nos 83 and 189, which were in line with commitments under the Centenary Declaration. GRULAC called for consistency in the ILO's approach to OSH, which was one of the most important labour rights. Instruments should be prevention-focused and regularly updated. Noting that tripartite decision-making in that respect required a broad understanding of the issues and complementarity between the outcomes of initiatives, she said that the proposals for possible standard-setting items should take into account the recommendations of the SRM TWG. Her group supported the draft decision.
725. *Speaking on behalf of the Asia and the Pacific group (ASPAG)*, a Government representative of the Islamic Republic of Iran said that the SRM TWG was a key pillar of the ILO's work on standards. His group noted the recommendations emanating from the fifth meeting of the SRM TWG and called on the Office to take the necessary follow-up action. ASPAG supported the recommendations to place the withdrawal of the Fee-Charging Employment Agencies Convention, 1933 (No. 34), on the agenda of the Conference in 2021, and the abrogation or withdrawal of Convention No. 96 on the Conference agenda in 2030. As modern instruments cover the provisions of Convention No. 2, it considered it to be outdated.

726. His group welcomed the practical and time-bound packages of follow-up action, including promotional campaigns and technical advice for the ratification of up-to-date conventions, the development of tools and compilation of good practices in relation to public employment services and guidance on the promotion of job creation and decent work in SMEs, and the establishment of an enabling environment for sustainable SMEs. Technological progress, including in the areas of nanotechnology and robotics, necessitated new arrangements and codes of practice on OSH in the workplace, and the Office should compile good practices and develop tools to respond effectively to those emerging needs. His group supported the draft decision.
727. *Speaking on behalf of the Africa group*, a Government representative of Cameroon noted the importance of reviewing and classifying the employment policy instruments given the huge changes in the world of work. His group supported the examination of instruments relating to social security at the sixth meeting of the SRM TWG. Given the legal vacuum that would be created by the abrogation or withdrawal of Convention No. 2, his group urged the Office to implement the SRM TWG's recommendation regarding the provision of technical assistance to ratifying States, to support their ratification of the relevant up-to-date Conventions. His group supported the draft decision.
728. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of the United States said that her group supported the SRM TWG's recommendations concerning classification of the employment policy instruments and the necessary follow-up action, including approaches tailored to the individual member States concerned. IMEC welcomed the SRM TWG's thoughtful consideration of how best to move forward the follow-up to its recommendations on standard-setting on OSH. The group agreed that the standard-setting process should be flexible and should ensure optimum time efficiency, cost-effectiveness and inclusivity, and could benefit from customized preparatory technical activities. The inclusion of a standard-setting item on the Conference agenda dedicated to SRM TWG follow-up, and possibly allowing for two standard-setting items at a single session of the Conference, could help ensure that the ILO's body of standards remained up-to-date and relevant. IMEC welcomed the SRM TWG's recommendation and agreed that a thematic integration approach should be implemented. Combining binding and non-binding elements in the same instrument could make it easier to update technical provisions and was an approach that may also be appropriate for other standard-setting in the future. The group attached great importance to the SRM TWG, which was strengthening the labour standards work that was at the heart of the ILO. The outcomes of the SRM TWG should be integrated into the Office's activities as a matter of priority to ensure that its work had real world impact. IMEC supported the draft decision.
729. *Speaking on behalf of the European Union and its Member States*, a Government representative of Finland said that Montenegro, Albania, Bosnia and Herzegovina, Norway and Armenia aligned themselves with her statement. The work of the SRM TWG was an institutional priority. The EU and its Member States supported its recommendations, requested the Office to take the necessary follow-up action, and suggested that the standard-setting discussion started with chemical hazards, in line with the Office's current activities. The group emphasized a number of points: the importance of implementing the thematic integration approach, combining binding and non-binding elements in the same instruments and ensuring their easy updating; that the standard-setting process should be flexible, address the four specific topics, ensure time-efficiency, cost-effectiveness and inclusivity; the customization of inclusive, tripartite preparatory technical activities; and the inclusion of a standard-setting item on the agenda of the Conference, with the possibility of considering two such items at a single Conference.
730. The pragmatic approach to OSH standard-setting items with innovative legal instruments and procedures could be used also for other topics and future standard-setting in general.

The EU and its Member States recognized the importance of taking active steps towards the ratification of instruments and the need for well-resourced campaigns to encourage member States to replace their ratification of outdated Conventions with ratification of related up-to-date Conventions. Although the abrogation or withdrawal of Conventions could lead to gaps in legal protection, excessive reporting burdens caused by the duplication of standards should be avoided, and national circumstances should always be taken into account.

- 731.** The European Union and its Member States were fully committed to the modernization process of the SRM TWG, which it saw as reinforcing a core function of the ILO. The outcomes of the SRM TWG must be fully integrated into the activities of the Office, including when setting the agenda of the ILC, as a matter of institutional priority. The resources necessary for the effective implementation of its recommendations should be allocated. They supported the draft decision.
- 732.** *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) said that only the Governing Body could decide when supervision of a Convention should cease. Convention No. 2 was still supervised, with the exception of the requirement in its Article 1 obliging member States to submit statistical information to the Office every three months. Following complex discussions, the SRM TWG identified packages of time-bound and practical follow-up action including different dates for consideration by the Conference of possible withdrawal or abrogation for different instruments, depending on their type and the particularities of each case. In particular, the more States parties there were to a Convention, the more time was granted for preparations for its abrogation or withdrawal, including tripartite dialogue at the national level and parliamentary debate. The Office would follow up all requests for technical assistance.
- 733.** *The Worker spokesperson* sought clarification on whether the Employers' group had proposed an amendment.
- 734.** *The Employer spokesperson* confirmed that his group had proposed an amendment to change the dates in subparagraphs (e) and (f)(ii) of the draft decision to 2021. Given that abrogation would be possible from around 18 months after a Convention was classified as outdated, 2021 would allow ample time. It would be illogical to defer the decisions on the outdated Conventions to 2026 and 2030 respectively.
- 735.** *The Worker spokesperson*, noting that the Governing Body and, in some cases, the Conference was the final decision-making body, said that as spokesperson for the SRM TWG, she was committed to the process and, as much as possible, to the outcome. She had to compromise in good faith and defend the outcome of the SRM TWG within her group and in the Governing Body, irrespective of her group's position. She expected the Employers' group to do the same.
- 736.** Turning to subparagraph (a)(ii) of the draft decision, she recalled that, although there had been opposing views, in the end consensual recommendations had been made on the thematic integration approach on the four standard-setting items on biological hazards, ergonomics and manual handling, chemical hazards and guarding of machinery.
- 737.** The Employers' proposed amendment ignored the SRM TWG's extensive discussions on dealing with outdated instruments with a high ratification rate that were still valid in many countries. She questioned the vision of international labour standards that suggested that their withdrawal or abrogation had no impact as it was a matter for member States. In addition, ratification of instruments that revised outdated instruments was often low. Her group had received regular reports from unions that it was employers at the national level who were resisting ratification. She asked the Employers' group and the International Organisation of Employers to confirm if they would actively recommend the ratification of

related more modern instruments once an instrument was determined to be outdated. The remarks by the Employers' group challenged its agreement to support the standard-setting and normative mandate of the ILO, which had been reconfirmed in the Centenary Declaration and meant many things, including participating in good faith in the standards review exercise. Her group could no longer commit to participating in good faith during the SRM TWG if the Employers lacked a similar commitment.

- 738.** She acknowledged the Government group's continuing commitment in this regard to address the difficult questions around updating, ratification and new standard setting. The Workers' group could not support the amendment proposed by the Employers' group; indeed, it should not have been put forward. She expressed the hope that her group's view regarding subparagraph (a)(ii) would be supported clearly and unambiguously by the Government group.
- 739.** *The Employer spokesperson* said that his group did negotiate in good faith; the whole point of social dialogue was that there was no need for constant agreement. If the Governing Body members did not express their views, it would be doing a disservice to their roles as governors. Although his group appreciated and respected the SRM TWG's work, it did not necessarily mean that it would support everything put forward in the Governing Body, including consensual recommendations.
- 740.** *An Employer member from Colombia*, speaking as a member of the Governing Body and as a member and former spokesperson of the SRM TWG, said that the mandate of the SRM TWG was limited and the scope of its work purely technical. Recent discussions in the SRM TWG risked going beyond its mandate. The SRM TWG should focus on identifying gaps in coverage in the topics reviewed, but recent discussions had considered gaps in protection, which related to ways in which States developed and applied domestic legislation to protect workers. Such a development was not part of the mandate of the SRM TWG.
- 741.** The SRM TWG worked on the understanding that the Governing Body would have the final decision, but that it would provide the Governing Body with full information to enable it to take its decisions with the best possible guidance. The Governing Body should not simply approve a text, but also consider it fully and apply changes if it saw fit; that was acting in good faith and respecting ILO principles.
- 742.** *The Employer spokesperson* said that the Governing Body would have to decide on whether or not to support the amendment proposed by the Employers' group. He confirmed that the International Organisation of Employers would support the ratification and implementation of new instruments to replace outdated Conventions, stressing the importance of both ratification and implementation because those had to go hand in hand.
- 743.** *Speaking on behalf of the Government group*, a Government representative of Nigeria said that, following consultations in private, the Government group supported the original draft decision, which reflected hard-won and carefully thought out compromises. His group supported the mandate of the SRM TWG and trusted its recommendations.
- 744.** *The Employer spokesperson* said that, in light of the Government group's comments, his group withdrew its proposed amendment.

Decision

- 745.** *The Governing Body took note of the report of the Officers concerning the fifth meeting of the Standards Review Mechanism Tripartite Working Group (SRM TWG) and, in approving its recommendations:*

- (a) *further to its earlier decisions, requested the Office to:*
- (i) *initiate the preparation of proposals for possible standard-setting items on the topics of biological hazards, ergonomics and manual handling, chemical hazards and guarding of machinery, for consideration at its 338th Session (March 2020) for inclusion in future agendas of the International Labour Conference;*
 - (ii) *be guided by the recommendations of the SRM TWG regarding the thematic integration approach and the process of standard setting in preparing those standard-setting proposals for inclusion in the agenda of the Conference at the earliest dates possible and as a matter of institutional priority;*
- (b) *decided that the eight instruments concerning employment policy reviewed by the SRM TWG should be considered to have the classifications it had recommended, and requested the Office to take the necessary follow-up action in that regard;*
- (c) *called upon the Organization and its tripartite constituents to take concerted steps to follow up on all its recommendations as organized by the SRM TWG into practical and time-bound packages of follow-up action, noting in particular tailored plans of action encouraging States party to the Unemployment Convention, 1919 (No. 2), and the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), to ratify related up-to-date Conventions;*
- (d) *requested the Office to commence work on developing tools and a compilation of good practices in relation to public employment services, and guidance on job creation and decent work in SMEs and the establishment of an enabling environment for sustainable SMEs, including consultation with the Bureau for Employers' Activities and the Bureau for Workers' Activities;*
- (e) *noted the SRM TWG's intention to evaluate the Office follow-up involving tailored plans of action concerning Convention No. 2 at its meeting in 2026;*
- (f) *noted the SRM TWG's recommendations concerning the abrogation and withdrawal of certain instruments, in relation to which it will consider (see GB.337/INS/2(Add.1)):*
- (i) *placing on the agenda of the 110th Session (2021) of the International Labour Conference an item concerning the withdrawal of the Fee-Charging Employment Agencies Convention, 1933 (No. 34); and*
 - (ii) *placing on the agenda of the 119th Session (2030) of the International Labour Conference an item concerning the abrogation or withdrawal, as relevant, of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96);*
- (g) *noted the work undertaken by the Office in follow-up to the recommendations of the SRM TWG at its earlier meetings and requested the Office to continue as a matter of institutional priority that follow-up as planned;*

- (h) *decided that the SRM TWG would examine ten instruments concerning unemployment benefit, comprehensive standards and medical care and sickness (five instruments and five outdated instruments), within sets of instruments 5 and 11 of the revised initial programme of work, at its sixth meeting; and*
- (i) *decided to convene the sixth meeting of the SRM TWG from 14 to 18 September 2020.*

(GB.337/LILS/1, paragraph 5)

Second item on the agenda

Choice of Conventions and Recommendations on which reports should be requested under article 19, paragraphs 5(e) and 6(d), of the ILO Constitution in 2021 ([GB.337/LILS/2](#))

746. *The Worker spokesperson* said that her group supported the second option set out in the document, with one modification. The Workers agreed that the application of the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Maternity Protection Convention, 2000 (No. 183), were instrumental in ensuring effective protection against discrimination between men and women workers in employment and occupation, as protected by the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). It would therefore be pertinent for the Committee of Experts to examine those Conventions and their accompanying Recommendations. A General Survey on those instruments would be timely in providing information on the obstacles to implementation that persisted at the national level, particularly given that the last General Survey pertaining specifically to equality had been carried out more than 20 years previously. The General Survey described in the second option would also contribute to the implementation of the Centenary Declaration, responding to the call for the ILO to direct its efforts to achieving gender equality at work through a transformative agenda.
747. She expressed surprise, however, that the fundamental Equal Remuneration Convention, 1951 (No. 100), and its accompanying Recommendation, the Equal Remuneration Recommendation, 1951 (No. 90), had not been included in the group of instruments proposed. Nationally and globally, the gender pay gap remained one of the most visible manifestations of gender discrimination and inequality at work. Moreover, Conventions Nos 100 and 111 were interlinked, and their aims were mutually reinforcing. In the Programme and Budget for 2020–21, Convention No. 100 was rightly included along with Conventions Nos 111, 156 and 183 in the group of key instruments to be promoted under outcome 6, which focused on gender equality and equal opportunities. Furthermore, including those instruments in the questionnaire would reflect the new modalities for General Surveys introduced by the ILO Declaration on Social Justice for a Fair Globalization (Social Justice Declaration), which sought to take a more holistic and integrated approach.
748. Regarding the first option, the Workers noted that, although the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82), and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), each contained one general provision on non-discrimination, a General Survey on those Conventions would offer a much more limited contribution to the recurrent discussion on fundamental principles and rights at work than

the General Survey proposed as the second option. Moreover, the subject matter proposed would be a difficult fit for a General Survey in light of the wide-ranging nature of those social policy Conventions.

- 749.** Regarding the third option, she noted that the Indigenous and Tribal Peoples Convention, 1989 (No. 169), had been submitted for consideration a number of times, most recently in November 2018. While the Workers' group fully supported the objectives of that Convention, it believed that priority should be given to the work already included in the Programme and Budget for 2020–21, namely support for the establishment and strengthening of mechanisms, institutions and legislative frameworks for the economic empowerment and participation of indigenous and tribal peoples, as well as guidance for ratification and implementation of the Convention. Moreover, the contribution of a General Survey on Convention No. 169 to the recurrent discussion on the strategic objective of fundamental principles and rights at work would appear to be limited, and the focus on only one instrument would not be consistent with a new generation of General Surveys under the Social Justice Declaration. She nevertheless called on the Office to continue to disseminate the comments of the Committee of Experts, including the 2011 and 2018 general observations, which provided useful clarifications on some aspects of the Convention. In conclusion, the Workers supported the second option, with the addition of Convention No. 100 and Recommendation No. 90 to the group of instruments to be considered.
- 750.** *The Employer spokesperson* said that his group had always insisted that the ILO play a central, pertinent and coherent role with respect to Convention No. 169, which was now 30 years old. Although the Convention had received only 23 ratifications, including 15 from Latin American countries, it had served as a basis and inspiration for political and regulatory actions in many other countries, leading to dialogue, understanding and increased participation of indigenous peoples in designing the investment strategies necessary for development.
- 751.** He recalled that, when the Governing Body had discussed the follow-up to the Strategy for indigenous peoples' rights for inclusive and sustainable development in 2018, it had become clear that challenges remained to the implementation of the Convention. Those challenges included the lack of coordination between federal, state, provincial and municipal governments and, in many cases, the absence of a clear distinction between the responsibilities of the State and those of private entities. In addition, the involvement of individuals and organizations that were not always mandated to act, and which often pursued personal interests, created a climate of confusion and mistrust that undermined the purpose of dialogue and the creation of agreements. Furthermore, a lack of awareness about the scope of the Convention abounded even among legitimate stakeholders. The Employers therefore believed that a General Survey on Convention No. 169 would offer a historic opportunity to address such challenges and fully implement the Convention.
- 752.** He also recalled that the 2030 Agenda for Sustainable Development encompassed a firm commitment to empowering and involving indigenous peoples in the implementation and review of SDG 12, and that global indicators had been established to measure progress. A general survey in 2021 and a discussion in the Conference Committee on the Application of Standards in 2022 following on from events to mark the 20th anniversary of the UN Permanent Forum on Indigenous Issues in 2020 and the 30th anniversary of the implementation of Convention No. 169, would highlight the ILO's leadership on the topic. For those reasons, the Employers firmly supported the third option proposed by the Office.
- 753.** While his group did not wish to disregard the other options, it was disinclined to favour them for several reasons. The second option proposed examining not one but six instruments, which made the scope so broad that the General Survey risked losing its focus. In addition, it would go against the call made at the Conference in 2016 to make better use of article 19

of the ILO Constitution and refrain from increasing the obligations on member States with respect to the submission of reports. With respect to the first option, the Employers' group shared the reservations expressed by the Workers, and was of the view that such a wide-ranging General Survey would not make a significant contribution at the current time.

- 754.** *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that, based on the discussion at previous sessions of the Governing Body, the outcome of the Centenary Session of the International Labour Conference was intended to inform the future direction of the ILO, and as such the choice of Conventions and Recommendations on which reports should be requested under article 19 of the ILO Constitution in 2021 should be aligned with the Centenary Declaration. All three options presented were pertinent to the recurrent discussion on fundamental principles and rights at work that would take place in 2023; however, the Conventions and Recommendations presented in the first and third options were not found on the list of Conventions and Recommendations on which the Governing Body had previously decided to request reports from governments under article 19 of the Constitution. The topic proposed in the second option, however, had been dealt with numerous times, and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), had last been considered in 2011. The Africa group therefore supported the first option, on social policy. In the light of the Centenary Declaration, the 2030 Agenda and the 2063 Agenda: The Africa We Want, it was important to develop policy that promoted economic growth and offered social prospects. The Indigenous and Tribal Peoples Convention, 1989 (No. 169) – included in the third option – while not selected, had been considered for a General Survey at a number of past sessions of the Governing Body.
- 755.** *Speaking on behalf of ASPAG*, a Government representative of China said that, given the explicit request in the Centenary Declaration for the ILO to achieve gender equality at work through a transformative agenda and to ensure equal opportunities and treatment in the world of work for persons with disabilities and other persons in vulnerable situations, the second option, on discrimination, was the appropriate choice. In line with the Programme and Budget for 2020–21, the role of the General Survey should be broadened to support attainment of the SDGs. In that context, the relevance to most of the SDGs of the Conventions and Recommendations proposed in the first option, on social policy, could also make that option a wise choice. At the same time, the instruments included in the second option were closely linked to a number of SDGs. The General Survey should focus on more inclusive themes and maintain its relevance to all member States with a view to collecting meaningful information on subjects of common interest. In conclusion, his group supported the first or second option.
- 756.** *Speaking on behalf of IMEC*, a Government representative of Greece, noting the importance of the General Surveys to the standards-related work of the ILO, said that she supported the second option, which combined one fundamental Convention and two technical Conventions. It would be a timely choice, given the adoption of the Centenary Declaration, which contained a commitment to ensuring that the ILO had a clear, robust and up-to-date body of international labour standards. Furthermore, gender equality and maternity protection were key components of the transformative framework called for in the 2030 Agenda, and much work remained to be done to eliminate discrimination, particularly against women, in employment. Discussion of those instruments in 2022 would fit well with the recurrent discussion on fundamental principles and rights at work in 2023. Further synergies could be envisaged between discussion of the instruments contained in the second option and the review of the maternity protection instruments by the SRM TWG. She supported the Workers' proposal to include Convention No. 100, in the General Survey under the second option.
- 757.** *Speaking on behalf of the EU and its Member States*, a Government representative of Finland said that Montenegro, Albania, Bosnia and Herzegovina, and Norway aligned themselves

with her statement. She supported the statement made on behalf of IMEC. The General Survey discussions held by the Committee on the Application of Standards contributed to maintaining and promoting a robust, up-to-date body of international labour standards, and the links between those discussions, the recurrent discussions and the Standards Review Mechanism should be enhanced. Discussions on the Centenary Declaration served as inspiration for the choice of instruments considered in the General Survey discussion in 2022. While all three options had value, her group would prefer the second option. Conventions Nos 111, 156 and 183 contained important principles for every ILO member State. Equal opportunities and gender equality were essential to an inclusive labour market and society; the stalling, and in some cases reversal, of progress on closing gender gaps at work was alarming. The promotion of equality was a core element of the goals, legislation and institutions of the EU, including through its commitment to the 2030 Agenda. Convention No. 100 should also be considered for inclusion in the second option for the General Survey.

- 758.** *A Government representative of Brazil* recalled that, as an important tool to promote international labour standards, an effective General Survey should be based on instruments with a large number of ratifications across different regions, in order to provide a comprehensive picture of the implementation of international labour standards. A General Survey of instruments with few ratifications would be of limited interest to member States as a whole and could single out countries or regions. He therefore supported the second option, which presented a manageable number of instruments and included one of the ILO's fundamental instruments.
- 759.** *A Government representative of Uruguay* said that it was important to select instruments with broad ratification, in order to ensure the greatest possible participation of the different regions in the recurrent discussions. It was also important to prioritize Conventions and Recommendations that were interrelated and also related to other issues that were being discussed in the Organization. On that basis, the second option was the most suitable. Although Uruguay had not ratified all the instruments listed, they were essential instruments that dealt with very important labour-related topics. Convention No. 111, and the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), aimed to provide protection for everybody, especially the most vulnerable; Convention No. 156 and Recommendation No. 165 provided protection not only for the majority of workers, but also for their families; and Convention No. 183 and Recommendation No. 191 were fundamental to work–life balance and could contribute to the Organization's efforts to promote gender equality and equal opportunities in the world of work.
- 760.** *A Government representative of India* supported enhanced links between General Surveys, the Standards Review Mechanism and the recurrent discussions. While not all of the Conventions proposed for the General Survey were fundamental instruments, all were relevant to the realization of fundamental principles and rights at work. Since the second option included a fundamental Convention and instruments on maternity protection and workers with family responsibilities, which had not been part of a General Survey for a long time, she supported that option. It offered an opportunity to ascertain the level of gender-based discrimination and the gap in equality of opportunity and treatment in the world of work, and would help to identify any gaps in international labour standards.
- 761.** *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) said that the Office had had lengthy internal discussions on the matter and had ultimately proposed a narrower range of instruments for the second option to give a clear focus to the General Survey. The issue of equal remuneration was indeed inextricably linked to gender discrimination and would be an interesting topic in itself; however, it would raise a range of technical issues to be covered in addition to the instruments proposed for the second option. Experience with the General Survey on

employment-related instruments had shown that it was harder to retain a focus, identify priorities and keep the Conference discussion manageable if a larger number of instruments was considered. However, if the Governing Body decided to include Convention No. 100, it would be feasible for the Office, albeit with a broader General Survey as a result.

- 762.** *The Employer spokesperson* said that having a General Survey covering seven instruments would be inconsistent with the 2016 resolution of the International Labour Conference on Advancing Social Justice through Decent Work, which stated that the reporting obligations of member States should not be increased. It was essential that any General Survey should focus on a single instrument to offer a more in-depth analysis, such as the highly successful 2018 General Survey on the Social Protection Floors Recommendation, 2012 (No. 202). Furthermore, Convention No. 100 had been covered in a General Survey as recently as 2012. He therefore urged the Workers' group to consider supporting the third option.
- 763.** *The Worker spokesperson* said that the appendix to GB.337/LILS/2 showed that there had been a number of occasions when more than eight instruments had been covered by a General Survey. That could be problematic when considering a wide-ranging area, but the proposed focus of gender discrimination was sufficiently narrow for the General Survey not to become unwieldy. As it was difficult to distinguish between the forms in which gender-based discrimination occurred in practice, the wider range of instruments and inclusion of Convention No. 100 and related Recommendation would provide a fuller picture.
- 764.** *The Chairperson*, noting that the Employers' group was the only one to favour the third option, asked whether it could consider the second option in the interest of consensus.
- 765.** *The Employer spokesperson* said that his group could not accept any option covering seven instruments, especially when two had already been covered in the 2012 General Survey. The Employers could accept the second option if it reviewed only Convention No. 156, and Recommendation No. 165. They would be the most useful of the instruments proposed under the second option, and would cover a large number of workers. It would also be easier for governments to provide better-quality information.
- 766.** *Speaking on behalf of IMEC*, a Government representative of Greece said that her group, in the spirit of compromise, would support the second option with or without the inclusion of Convention No. 100.
- 767.** *Speaking on behalf of ASPAG*, a Government representative of China said that his group supported the second option as originally drafted.
- 768.** *Speaking on behalf of the EU and its Member States*, a Government representative of Finland noted that the 2014 General Survey on minimum wage systems had been based on the Minimum Wage Fixing Convention, 1970 (No. 131), and not on Convention No. 100. Her group, in the spirit of compromise, would support the second option with or without the inclusion of Convention No. 100.
- 769.** *A Government representative of Brazil* said that, in the spirit of compromise, his country would support the second option with or without the inclusion of Convention No. 100.
- 770.** *A Government representative of Uruguay* said that he also recalled that the 2014 General Survey on minimum wage systems had been based on Convention No. 131 and not on Convention No. 100 but that the latter could be incorporated in the General Survey. His country, in the spirit of compromise, would support the second option, with or without the inclusion of Convention No. 100.

771. *Speaking on behalf of the Africa group*, a Government representative of Lesotho said that while all options presented in the document were important, her group would support the second option and had no preference with regard to Convention No. 100.
772. *The Worker spokesperson* said that, in the spirit of compromise, her group withdrew its request to include Convention No. 100 so that the second option could be accepted.
773. *The Employer spokesperson* thanked the Workers for their flexibility. His group's flexibility also deserved recognition, since the second option would entail a considerable workload for all constituents. Based on past experience, it was important to ensure that the questions on the questionnaire were specific, brief and focused exclusively on the texts of the Conventions under consideration.
774. *The Chairperson* thanked the Employers for their flexibility and recalled that the chosen theme, rather than the group of relevant Conventions, was always the focus of a General Survey.

Decision

775. *The Governing Body requested the Office to prepare for its consideration at its 338th Session (March 2020) the article 19 report form on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156) and Recommendation (No. 165), and the Maternity Protection Convention, 2000 (No. 183) and Recommendation (No. 191), for the General Survey to be prepared by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in 2021 to be discussed by the Conference Committee on the Application of Standards in 2022.*

(GB.337/LILS/2, paragraph 25)

Programme, Financial and administrative Section

Programme, Financial and Administrative Segment

First item on the agenda

Programme and Budget for 2020–21:

Programme of work and results framework

[\(GB.337/PFA/1/1\)](#)

776. *The Director-General* presented the programme of work and results framework in his introductory statement to the Governing Body. The statement is reproduced in its entirety in Appendix I.

777. *The Chairperson* opened the floor for introductory statements on the document as a whole.
778. *The Worker spokesperson* welcomed the fact that the Programme and Budget for 2020–21 was based on the ILO Centenary Declaration for the Future of Work, while maintaining some elements of continuity with previous biennia. It also indicated commitment to the delivery of the 2030 Agenda for Sustainable Development and responded to the call for greater coherence within the multilateral system. Social dialogue and the Organization’s normative mandate should remain at the centre of the ILO’s work and of its engagement with other organizations.
779. The Workers’ group supported the premise that policy outcomes 1 and 2, on tripartism and international labour standards, provided the foundation for all action by the ILO and were essential to progress on all other outcomes. However, since measurement criteria were not included in the results framework, it was difficult to evaluate how well those outcomes would be reflected in the results of other outcomes. In the current biennium, consultations with workers’ and employers’ organizations had been included in the measurement criteria for indicators, thereby requesting that member States consulted the social partners under each policy outcome. She would welcome clarification that the same would apply to reporting on indicators for the Programme and Budget for 2020–21.
780. At the March 2019 session of the Governing Body, her group had requested the inclusion of ratification and implementation targets under the indicators for each outcome. While the description of a number of outcomes included ratification and implementation goals, and they were included in the targets under outcome 2, it was difficult to see which Conventions would be ratified and whether the four strategic objectives would be covered, in line with the call of the ILO Declaration on Social Justice for a Fair Globalization.
781. While paragraphs 21 and 25 referred to the need for the ILO to engage in partnerships with actors beyond ILO constituents, the primary focus of attention must remain the Organization’s tripartite constituents. Engagement with other actors should not be a substitute for working with workers’ organizations, or be used to undermine workers’ organizations.
782. A number of the indicators were presented in general terms and many of the details contained in the outcome texts were left out; the Office should clarify how those details were adequately captured in the indicators. In line with the Centenary Declaration, the role of collective bargaining should have been mentioned in paragraph 23(b), and the role of the public sector in paragraph 23(c).
783. The Workers’ group understood the reference to “new and diverse forms of work arrangements”, which had a neutral connotation, to include non-standard forms of employment and platform-mediated employment relationships, which were largely precarious.
784. *The Employer spokesperson* said that the programme and budget was supposed to have been drafted in consultation with constituents and aligned with the outcomes of the 108th Session of the International Labour Conference. The Office had not contacted the Employers’ group until the programme proposals had been almost completed and had addressed only the minor issues raised, and not the larger structural issues in the programme of work. It had therefore not been a consultative process. He indicated that he would present general comments and provide specific comments in writing.

- 785.** The programme of work and results framework was a strategic and operational document that would deliver the Organization's mandate, guided by the Centenary Declaration. The proposed programme of work did not, however, fully reflect the agreed policy priorities or provide improved focus compared to the programme for 2018–19. Nor did it fulfil the request made in paragraph 2 of the resolution on the ILO Centenary Declaration for the Future of Work to reflect the Declaration's priorities in the content and structure of the 2020–21 and future programme and budget proposals. The policy outcomes and outputs of the proposed programme of work must be derived from the Declaration, and should not include issues not referenced therein, such as multinational enterprises, as they would dilute the focus and value added of the ILO and further stretch the human and financial capacity of the Office.
- 786.** Furthermore, the Centenary Declaration recognized the role of the private sector as a principal source of economic growth and job creation, and called for trade, industrial and sectoral policies that promote decent work and enhanced productivity. The ILO needed to design a comprehensive, coherent and systemic strategy for productivity growth that included public and private policies and institutions. While that was partially addressed in the description of outcome 3, on transitions for employment and decent work, particularly in paragraph 84, he asked why the importance attached to productivity in the Declaration was diminished in the programme of work. The ILO should scale up efforts to support the private sector in order to unleash its potential as the key driver of growth and jobs, as indicated in the Declaration, by promoting an enabling environment for entrepreneurship and sustainable enterprises, in particular micro, small and medium-sized enterprises.
- 787.** Clarity on the allocation of the regular budget for each outcome was lacking. In order to assess the strength of each line of work and the degree to which the Office's ambitions were backed by real means, Governing Body members should be informed of the budgetary allocations for the outcomes and their associated outputs, with the Regular Budget Technical Cooperation (RBTC) allocations for each output. His group had been requesting information on the allocation of resources for some time, and was particularly interested in the areas of skills, business environment and productivity. For example, in outcome 5, on skills, it was unclear where the additional US\$13.3 million allocated came from and whether that was an operational or strategic budget; if it would lead to the recruitment of more specialists, the details should be provided. For outcome 7, on protection at work, it was impossible to see which of the outputs would be emphasized and how the resources would be divided among them. It was unclear how the Office would cross-leverage the resource areas of the many global initiatives and projects devoted to occupational safety and health.
- 788.** Table 3 of the document showed that the level of resources for each outcome differed substantially – the regular budget for outcome 7 was almost double the budget for outcome 4, on sustainable enterprises, or outcome 5, and the combined regular and extrabudgetary allocations for outcome 7 far outstripped those of outcome 6, on gender equality, and outcome 1, on strong tripartite constituents. Since most work carried out in the field would link to outcome 7, that would create a significant imbalance in resources at the country level.
- 789.** Table 3 also indicated an imbalance in the allocation of extrabudgetary resources (XBTC) across outcomes. Outcome 1 – supposed to be one of the foundations of all ILO action – had the lowest strategic budget. He asked how much XBTC had been allocated for output 1.1, increased institutional capacity of employer and business membership organizations, and what action was being taken to improve the low extrabudgetary allocation for employers' activities, which had been highlighted in previous discussions. The scarcity of extrabudgetary resources was an ongoing challenge. Since the Regular Budget Supplementary Account (RBSA) allowed the Office to respond when other resources were not readily available, he asked how those funds would be used and whether some would be used to fill the budgetary gaps in output 1.1 for employers' organizations.

- 790.** Neither the strategic framework nor the operational budget provided the required clarity, and the weak link between the two posed problems for governance. The Employers' group again requested a real strategic and operational budget, respectively, that showed how the figures were calculated, how resources were allocated and, at the end of the biennium, how they had been spent. One example of a lack of information concerned his group's previous requests for details on how the additional US\$7 million allocated to outcome 4 in the Programme and Budget for 2016–17, on sustainable enterprises, had been spent, particularly since US\$4 million of that had been earmarked for output 4.1 but none of the additional resources had been directed to the unit responsible for that indicator. That illustrated how a strategic budget endorsed by the Governing Body had not been operationalized.
- 791.** He expressed serious concern that there was no longer a stand-alone outcome for employers' and workers' organizations. The Employers' group had previously stated that it could not support the budget, particularly the spending on reform of the United Nations (UN), unless the stand-alone outcome relating to strengthening capacity of employers' and workers' organizations and the allocated resources remained unaffected, and he had reached an agreement with the Director-General to that effect. Expanding outcome 1 to include labour administration and social dialogue processes and institutions did not uphold that agreement. It diluted the importance of the social partners, risked splitting the focus in four different directions and was a governance error. It also sent the inaccurate message that employers' and workers' organizations existed only to participate in social dialogue. The outcome must be centred on the social partners and how they could be made more relevant to their members and potential members, be representative and have the capacity to influence policy debates. There was also a risk of sending the wrong signal to those outside the Organization, since the constituents needed to have sufficient capacity to ensure that tripartism, which was the ILO's added value to multilateralism and to the UN system, not only stood the test of time but was able to contribute to the promotion of sustainable development and the achievement of social justice. It was therefore more critical than ever to ensure the proper allocation of resources to strengthen institutional capacity development for the social partners. The budget for employers' organizations needed to be substantially increased, since their needs were growing in response to the changing business environment. In addition, output 1.3 did not fit under outcome 1, since promoting social dialogue was not the business of labour inspectorates. Labour inspection was essentially a matter of law enforcement and would fit better under outcome 7.
- 792.** Outcome 4 should be focused on the enabling environment and promoting formal enterprises and productivity, and not be diluted with other areas of action that were not mentioned in the Centenary Declaration, such as green jobs, the social economy or the multinational enterprises. There should be a clear focus on the role of enterprises as the main creators and engine of growth and jobs. The ILO dedicated substantial resources to improving the quality of jobs and addressing vulnerabilities via legislation or social dialogue, but only outcome 4 could generate important insights into the enabling environment, productivity and informality. Output 4.4 should be deleted, as its title misrepresented the carefully worded text of the Centenary Declaration and also suggested that enterprises needed an ILO output in order to align their practices with decent work. In addition, the human-centred approach to the future of work did not concern the promotion of human rights; that was a potential resource diversion from the ILO's core mandate and replicated the work of other UN entities. Moreover, all the proposals under output 4.4 were already addressed under output 4.2.
- 793.** Output 4.2 should be anchored in a comprehensive, coherent and systemic strategy to enhance productivity growth. The proposed deliverable at the global level to “develop a conceptual framework for productivity ecosystems for specific domestic and global value chains, and pilot the analysis of market systems from a productivity perspective, with a focus on addressing decent work” reflected a lack of understanding of the drivers of productivity. The concept of “ecosystems” looked like an attempt to combine a number of existing

programmes, but was anything but comprehensive, coherent and systemic. In addition, the proposed deliverable to “build the capacity of ILO constituents at the regional and global levels to stimulate productivity enhancements and innovation, including through peer review and mutual learning” did not meet expectations; instead, it was critical to have a comprehensive strategy that included public and private policies and institutions, along with an environment conducive to productivity growth.

- 794.** The proposed results framework for 2020–21 did not include any measurement criteria for the outcomes. Those criteria were a way for Governing Body members to understand how the output indicators would be achieved and to contribute to improving the criteria, if necessary. Table I.2 showed that the indicator for outcome 1 was still to be developed; it was important for the Office to develop that indicator, since none of the Sustainable Development Goal (SDG) indicators would capture the extent to which employers’ and workers’ organizations were becoming stronger and more influential.
- 795.** He enquired as to how the baselines and targets had been established and what the numbers meant, why there was no information on baselines and targets at the regional level, and how “cumulative and incremental progress” would be measured. He also asked why such low targets had been set for some indicators, such as 5.1.2 and 5.2.2. Skills and lifelong learning were priority issues in the Centenary Declaration and were critically important for the Employers’ group.
- 796.** In conclusion, the Employers’ group could not support the proposed Programme and Budget for 2020–21 as it stood, since the information and figures provided were not sufficient for the Governing Body to properly exercise its governance role. In particular, the Employers’ group would like to see: a better reflection of the Centenary Declaration and enhanced prioritization of issues important to the group, particularly productivity; increased transparency, including at the output level and in the operational budget; improved balance in the outcomes and their resource allocation; a stand-alone outcome for the social partners, with an increased budget; and better impact measurement.
- 797.** *Speaking on behalf of the Government group*, a Government representative of Nigeria recalled the important achievements of the Centenary session of the Conference, including the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019, and the Centenary Declaration. The subsequent adoption of a resolution by the UN General Assembly encouraging all UN member States and bodies to apply the principles of the Declaration was an important step towards ensuring that the future of decent work for all was prioritized. The Declaration was ambitious and set out the basis for delivering on the Organization’s mandate into its second century. However, it was important to ensure that it was more than a statement of intent, but rather a mobilizing call for constituents and a road map for action by the Office.
- 798.** *Speaking on behalf of the Africa group*, a Government representative of Eswatini affirmed that the future actions of the Organization should be guided by the Centenary Declaration and no longer directed only at the four strategic objectives of the Decent Work Agenda. As well as marking the Centenary of the Organization, the Declaration stood as a new pillar giving the ILO strategic direction for its second century, at a time of immense transformations in the world of work.
- 799.** While not all of the Organization’s priorities could be accommodated within the coming biennium, priority should be given to addressing highly distressed programme areas, while also ensuring a fair balance across regions and constituencies. Outcome 8, on social protection, was one priority area in the African region, as the document noted that 82 per cent of women and men in Africa remained without access to social protection benefits, with a particularly pronounced rate in rural areas.

- 800.** The programmes of work for future biennia must build progressively on the results of the current biennium and the discussion of 2020–21. The Africa group welcomed the inclusion of its guidance from previous discussions. The group endorsed the programme of work, as it was derived from the Centenary Declaration and the human-centred approach to the future of work, and was aligned with the Strategic Plan 2018–21 and the SDGs. The 14th African Regional Meeting, to be held in Côte d’Ivoire in December 2019, would validate the regional priorities and propose improvements or new cross-cutting priorities, if needed. The Office’s acknowledgement of that input was welcomed.
- 801.** *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of China said that he welcomed the clear references to the ILO Centenary Declaration and alignment with the SDGs, as well as the focused and streamlined structure of policy and enabling outcomes. This programme and budget would strengthen the ILO’s role as creator and disseminator of knowledge on decent work and lend it greater influence in the multilateral system. The Office should continue to engage with other international forums, such as the G20 and BRICS.
- 802.** His group appreciated the overview of regional contexts that would ensure a more targeted response to decent work challenges and better coordination with the UN system at the regional and national levels. It shared the view that research and statistics were useful tools for informing recommendations and increasing the Organization’s visibility within the multilateral system and encouraged the Office to continue its partnership with and develop the capacity of the International Training Centre of the ILO (Turin Centre).
- 803.** His group noted the improved results framework aimed at further strengthening the ILO’s results-based management system and would like the Office to improve transparency and enhance constituents’ involvement in the formulation of SDG indicators of which the ILO was the custodian agency. It looked forward to receiving detailed information and analysis on how progress made at the output level contributed to the accomplishment of goals set at the outcome and long-term impact levels.
- 804.** *Speaking on behalf of the Eastern European group*, a Government representative of Poland welcomed a comprehensive programme of work that reflected the essential priorities of the Centenary Declaration. The assertion in the Declaration of Philadelphia that work is not a commodity and the adoption under the Centenary Declaration of a human-centred approach to the future of work were historic events that reaffirmed the essential nature of social justice and the urgent need for respectful and decent work for all. In the current transformative period, the Office, with its tripartite constituents, must remain the most reliable keeper and strongest advocate of those values.
- 805.** Her group strongly supported the role of the ILO in the fulfilment of the 2030 Agenda within its field of competence and mandate and would like to see it strengthen its multilateral links while maintaining its important role in the UN development system.
- 806.** Policy outcomes 1 and 2 represented the two main pillars of support for social justice and the Office should continue to strengthen its tripartite constituents, institutions and social dialogue and its work to build a durable and efficient system of international labour standards.
- 807.** *A Government representative of Bangladesh* welcomed the proposed programme and budget as a founding response to the mission and vision set out in the Centenary Declaration and a crucial contribution to the 2030 Agenda. Efficient delivery of services by the Office and effective engagement with its tripartite constituents, as well as public–private partnerships (PPPs) and domestic funding in many States, were crucial to addressing the unprecedented changes and exceptional challenges that had arisen in the world of work. In order to address

resource limitations in developing countries, the Office should seek to mobilize funds through global and regional partnerships in line with SDG 17 and through the United Nations Framework Convention on Climate Change (UNFCCC) Special Climate Change Fund. Under the UN development system reform, his country had benefited from improved coordination in project-related discussions and communications with many agencies and looked forward to evaluating those projects in the future, assisted by ILO research initiatives.

Outcomes and results framework

- 808.** *The Worker spokesperson* said that outcome 1 added important value but, regrettably, was not associated with any indicator; SDG indicator 8.8.2 might fill that role. She asked when the Office would develop an indicator for that outcome. Contrary to paragraph 44, her group considered the primary purpose of labour laws to be not the promotion of enterprise sustainability but the protection of workers, and expected the Office to take that into account in its technical and advisory work. Outcome 1 should state clearly that the key reason for the weaknesses of social dialogue remained the lack of ratification and implementation of Conventions Nos 87 and 98.
- 809.** Indicator 1.4.2 inappropriately placed collective bargaining on the same level as bipartite social dialogue and workplace cooperation, contrary to the message of the Centenary Declaration. Collective bargaining was a fundamental right, whereas workplace cooperation was not. She expressed concern that indicator 1.4.2 could be achieved without any focus on collective bargaining and requested a separate indicator focusing on collective bargaining. The intention to follow up on sectoral activities was welcome. Cross-border social dialogue should be better reflected in the results framework. The Workers supported the proposed publication of a flagship report covering the role and impact of collective bargaining on inequalities, wages and working conditions.
- 810.** Her group was pleased to note that the scope of outcome 2 had been broadened to include the ratification of technical Conventions, consistent with the mandate provided by the Social Justice Declaration. However, the already limited funding for the outcome had been further reduced and the group was concerned that sufficient resources would not be available for the additional work of giving effect to the recommendations of the Standards Review Mechanism.
- 811.** Paragraph 75 should not be read as a request to exhaust national remedies before using the ILO supervisory system. The group welcomed the proposed publication of an annual report on SDG indicator 8.8.2. It supported the intention to ensure that the ratification and implementation of international labour standards were included in national strategies to achieve the SDGs and that their ratification and application were included in Decent Work Country Programmes (DWCPs), development cooperation projects and UN Cooperation Frameworks, as their inclusion would constitute a tangible contribution to the UN reform, and anticipated positive results in the coming biennium. The target for new UN Cooperation Frameworks to include measures to address issues raised by the ILO supervisory system was set too low and should be revised. The target for ratified, up-to-date technical Conventions should be increased to the same number as for core and governance Conventions.
- 812.** Under outcome 3, the group concurred with the need to develop and implement comprehensive employment policies to promote full and productive employment and decent work. In respect of the Global Initiative on Decent Jobs for Youth, it would like to see greater emphasis placed on rights for young workers and on ensuring that partnering companies had a good labour record.

- 813.** In respect of output 3.1, the group welcomed the focus on promoting a coherent policy framework for creating more and better jobs, Recommendation No. 204 and the diagnostics and tools to measure the impact of policies at all levels on the quality and quantity of employment, including in global supply chains. Under output 3.2, her group welcomed the focus on the agro-food sector, the promotion of quality jobs, social protection and structural transformation in rural areas and the proposed work on the ratification and implementation of ILO Conventions of direct relevance to the rural economy. In respect of output 3.3, it would like to see increased focus on just transition policies and on strengthening social dialogue and policy coherence as part of a just transition towards environmental sustainability. The target for indicator 3.3.1 should be increased. Concerning outputs 3.4 and 3.5, her group supported the country-level work done on Recommendation No. 205 and the work at the international level to promote employment and decent work in disaster and conflict settings, and emphasized that older workers could not be expected to stay active in the labour force after reaching pensionable age, especially those who had started their career at an early age in physically demanding jobs.
- 814.** Outcome 4 devoted insufficient attention to improving working conditions, collective bargaining and wages in enterprises, despite the clear conclusions of the 2007 International Labour Conference discussion on sustainable enterprises. In light of the Centenary Declaration, the programme and budget should address that gap and, also, attach greater priority to the role of the public sector as a significant employer and provider of quality public services. The Workers welcomed the proposed country-level work on cooperatives and the social and solidarity economy. However, the results for indicators relating to cooperatives or other social and solidarity economy units were not shown in the results table and that should be redressed. Her group was not convinced that formalization and decent work could be achieved by merely increasing productivity, as other policies would be needed including access to rights and social protection in line with Recommendation No. 204.
- 815.** Output 4.2 rightly referred to the need to focus on decent work and improved working conditions, but indicator 4.2.1 should be reworded to reflect those issues adequately. The Workers welcomed the focus on implementation of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and on social dialogue concerning investment policies and strategies to ensure foreign direct investment results in decent work.
- 816.** Concerning outcome 5, particular focus should be placed on women and workers in non-standard forms of employment, since they faced a particular challenge in gaining equal access to education and training for lifelong learning. Her group requested the Office to clarify the terms “innovative financing models” and “innovation facility”.
- 817.** She welcomed the increased resources allocated for outcome 6 and its focus on promoting investment in the care economy and in public quality care services, as well as the priority given to the ratification and implementation of key gender equality standards and the ratification of the Violence and Harassment Convention, 2019 (No. 190). She requested the Office to clarify how target 6.3.1 could be achieved in the absence of ratification targets for that Convention. In line with the recurrent discussion on social dialogue, women’s empowerment should also cover increased representation of women in social dialogue institutions.
- 818.** Turning to outcome 7, she supported efforts to increase the ratification and implementation of Conventions Nos 87 and 98 and the attention given to the erosion of the employment relationship and ensuring labour protection for all workers. However, the document had not adequately acknowledged that changes in the world of work could lead to situations of employment misclassification and other work with inadequate labour protection, including for temporary and self-employed workers and those affected by digital transformation.

Recalling the Governing Body's calls for continued research on access to freedom of association and collective bargaining among digital platform and gig-economy workers, she noted that the programme and budget proposals did not mention a tripartite meeting of experts previously envisaged for 2021 and requested details on its financing, should there be consensus for such a meeting. Her group welcomed the proposed work on labour migration and stressed the importance of promoting a rights-based approach. She called on the Office to promote the ratification of Conventions Nos 155, 161 and 187 but also occupational safety and health Conventions in hazardous sectors and allocate sufficient resources to the follow-up of recommendations relating to occupational safety and health arising from the Standards Review Mechanism. She welcomed the proposal to prepare a global report on working time; since indicator 7.3.1 did not mention the subject, she asked how results relating to working time would be measured.

- 819.** Regarding outcome 8, she welcomed the promotion of the ratification of Convention No. 102 and other up-to-date social security standards. She sought clarification on the rationale for the proposed tripartite meeting on pension trends and reform, underscoring the need to address the adequacy and coverage of pension and social security schemes, not only their sustainability, in line with the ILO rights-based approach. The Office should help workers' organizations to engage in the formulation of social security policies and debates on pension reforms at the country level and defend social security standards in its engagement with the International Monetary Fund (IMF) and the World Bank. She welcomed the proposed work on using social protection to formalize the informal economy and the linkages between wages and fiscal policies.
- 820.** She asked how the Office would ensure that work in the regions would remain aligned with the Centenary Declaration, since the regional priorities selected could jeopardize the integrated approach promoted by the proposed policy outcomes. The absence of targets disaggregated by region made it difficult to assess each region's work across the outcomes. The document should have included an overview of the number of DWCPs envisaged for 2020–21; and an indication that all regions were expected to follow-up on the recommendations of the Standards Review Mechanism.
- 821.** The focus on entrepreneurship and sustainable enterprises as a way to create productive and decent employment in the Africa region was too narrow and there was no mention of social dialogue and international labour standards. The Workers therefore requested clarification on the implications of that approach for the results framework and called for a focus on wages, given the high levels of inequality in the region. The emphasis on the promotion of fundamental and governance Conventions in the Arab States region was welcomed, but efforts to ensure compliance with Conventions Nos 87 and 98, especially in Gulf countries, should be stepped up. A focus on the creation of quality jobs was needed to address decent work deficits. The absence of a reference to the promotion of core labour standards in Asia and the Pacific was deplorable and should be addressed in ILO work in the coming biennium, along with the need to strengthen social dialogue in the region. The promotion of employment creation in Europe and Central Asia should revolve around quality employment and decent work. Greater attention should be paid to wages and collective bargaining in Latin America and the Caribbean, given the growing inequalities in the region.
- 822.** Her group supported the Office's work on labour statistics and the four flagship reports, and maintained its support for an additional report in 2021 on collective bargaining, income inequality and working conditions.
- 823.** The Turin Centre should help constituents to implement the policy outcomes as a priority for 2020–21. Since participation in open courses was self-financed, not many workers could participate in them. ILO constituents should be the Centre's main beneficiaries as that would help to strengthen national institutions. Training courses on the common capacity-

development approach of the UN system and those for UN resident coordinators should emphasize the ILO's added value: social dialogue and the normative mandate including the ILO supervisory system.

- 824.** She sought clarification on the added value of the creation of an innovations unit and the new approaches envisaged in that regard. Reducing clerical support functions could have a negative impact if front-line technical staff were forced to take on such work and the Office should discuss the matter with the Staff Union. The Office should seek to include ILO priorities in the UN Cooperation Frameworks, rather than vice versa. Her group supported the draft decision.
- 825.** *Speaking on behalf of ASPAG*, a Government representative of China endorsed the policy outcomes, which responded appropriately to the call for a human-centred approach in the Centenary Declaration. The relevant departments should work in close coordination to ensure coherent implementation. The Office should maintain effective communication with field offices and mobilize adequate resources towards field operations to generate substantial results.
- 826.** His group commended the Office's efforts to strengthen constituents' capacities to facilitate effective social dialogue through outcome 1 but requested it to step up its efforts to build capacities among labour administrations, given their key role in tackling emerging obstacles to social dialogue generated by rapid changes in the world of work. Regarding outcome 2, his group would welcome a more inclusive and balanced indicator that reflected all outputs as well as further cooperation with the Office to implement the methodology for this indicator. He expressed satisfaction that skills and lifelong learning had been consolidated in outcome 5. Skills development and lifelong learning systems could help ASPAG countries to respond to changing labour market needs and allow workers and employers to benefit from the opportunities of an evolving world of work. He welcomed outcome 4 on sustainable enterprises and outcome 8 on comprehensive and sustainable social protection. The creation of an enabling environment for the development of enterprises through innovation, entrepreneurship and other tools would help to stimulate economic growth and boost full and productive employment. The development of sustainable and universal social protection systems with adequate coverage and benefits would be crucial to the achievement of social justice.
- 827.** The Programme and Budget for 2020–21 would only succeed if it was inclusive and responded to the needs of all constituents. Given the large working population in Asia and the Pacific, he asked the Office to consider a more proportionate allocation of financial and human resources to the region. The decrease in estimated extrabudgetary expenditure in his region in comparison with the previous biennium was at odds with the increasing demand among tripartite constituents in the region and required additional efforts by the Office to mobilize more resources.
- 828.** His group endorsed the enabling outcomes, welcomed the research strategy and stood ready to work with the Office to identify further research topics, including frontier issues. It encouraged the Office to improve the knowledge support and dissemination mechanisms; statistical data collection and analysis, in particular, should be more balanced and objective. He requested the Office to safeguard adequate resources for the effective implementation of the Human Resources Strategy and the action plan to ensure better geographical diversity and gender balance among its staff, and to take steps to increase the representation of staff from his region. His group supported the draft decision.
- 829.** *Speaking on behalf of the Africa group*, a Government representative of Eswatini said that output 1.2 should consider building the capacity of workers' organizations for the generation of a culture of compliance with established policies and legislative frameworks. Output 1.4

did not take into account the restricted resources available to social dialogue institutions nor discussed how to address that challenge. He commended the interventions envisaged at the country and global levels to enhance the effectiveness of those institutions; however, the Office should provide support to initiatives aiming at cross-border and regional social dialogue forums, such as the Southern African Development Community (SADC), in order to help them to overcome financial constraints.

- 830.** The submission of newly adopted international labour standards to national authorities competent to enact legislation should be added as an intervention under output 2.1. The Office should provide assistance to member States that were not currently honouring their obligations under article 19 of the ILO Constitution.
- 831.** His group wished to add the formulation or review of national labour policies as an intervention under output 4.1, since the absence of such policies hindered the creation of enabling environments for businesses. Member States would require urgent support to that end.
- 832.** The group commended the proposals to achieve outcome 5 through collaboration with the Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) and the Turin Centre and recommended adding regional labour administration centres such as the African Regional Administration Centre and others.
- 833.** The proposed programme of work would not have been complete without an output aimed at improving the ILO's governing structures, including the composition of the Governing Body. The inclusion of the subject in the Centenary Declaration was encouraging and suggested that concrete action would be taken on the matter. His group looked forward to receiving the Office's proposals for further democratization of the operation and composition of the Governing Body mentioned under output B.1.
- 834.** The results framework was difficult to understand, primarily because the baseline and target figures were not sufficiently explained, and should be reviewed. The Office should provide disaggregated data on baseline and target figures, either by region or by the number of member States or employers' or workers' organizations to be covered at the national level, for each outcome and output.
- 835.** *Speaking on behalf of the group of Latin American and Caribbean States (GRULAC)*, a Government representative of Uruguay highlighted the importance of the Programme of Work for 2020–21 in following up on the decisions of the Centenary Session of the International Labour Conference, notably the ILO Centenary Declaration for the Future of Work. She welcomed the ambitious and comprehensive nature of the document, its references to previous initiatives and its alignment with the 2030 Agenda. It was important for the programme, and other proposals presented within the framework of the Governing Body, to be aligned with the approved budgetary allocation, and for the document to reflect the importance of all forms of international cooperation, including South–South and triangular cooperation.
- 836.** Her group supported the promotion of a human-centred approach, as well as the eight policy outcomes, three levels of indicators, three enabling outcomes and cross-cutting policy drivers proposed. The aims of outcome 1 were pertinent, and the commitment to provide technical assistance for the improvement of labour inspection systems was particularly welcome; promoting the involvement of employers' and workers' organizations would also be important. Regarding output 1.4, she asked for further details on the initiatives related to regional economic communities, and how the ILO would provide support in that respect. Stressing the importance of outcome 2 and the work of the Standards Review Mechanism, she welcomed the proposed help desk to enhance constituents' engagement with the

mechanism and asked for more information on how it would function. There was considerable room for improvement in the supervisory system in relation to transparency and the active involvement of member States. The Office and supervisory bodies also needed to understand the current contexts of countries to provide the latter with recommendations that they could implement. The development of a streamlined reporting system would be a positive step.

837. Outcome 3 addressed many challenges that persisted in the Latin American and Caribbean region; the proposal to update guidelines on youth employment strategies was of particular relevance. It was also appropriate for the Office to focus on subjects such as the digital transformation, decent work in the rural economy, environmental sustainability and transitions to decent work. However, her group would like further details regarding the new generation of results-based employment policies, notably regarding their development, the assistance that states and social partners would need, current normative gaps and the impact on countries in her region. She welcomed the references made under outcome 4 to cooperatives and the social and solidarity economy; the financial inclusion and development of SMEs; and gender-responsive diagnoses of informality. However, further information should be provided on how the Office would seek to make progress on the alignment of business practices with the principles of international labour standards and the MNE Declaration.

838. Regarding outcome 5, she asked the Office how it would support the generation of policies and strategies regarding work skills, and how the financing mechanisms and incentive systems would be formulated. Her group would also like to know what form the proposed innovation facility for skills and lifelong learning would take, and how the research carried out by CINTERFOR could contribute to the achievement of output 5.2. She welcomed the plans to produce an ILO strategy on skills development and lifelong learning, and a revised framework on core work skills, which should also cover soft skills. Highlighting the importance of addressing the issue of care work in order to achieve outcome 6, she asked for further details regarding the proposed knowledge base to document care-related laws, policies and practices, including whether it would be available online or via a digital platform, and how constituents would be able to contribute to it. Similarly, the Office should provide information on how it intended to enhance the knowledge base on pay equity. She noted the relevance of the other topics covered under outcome 6, particularly efforts in favour of persons with disabilities and other persons in vulnerable situations, but asked how the Office would address the challenges faced by the specific groups listed.

839. In the context of output 7.1 it was important to ensure the continuation of efforts such as Alliance 8.7, IPEC+ and the Regional Initiative Latin America and the Caribbean Free of Child Labour. The delivery of output 7.2 would improve coherence in occupational safety and health discussions within the ILO, namely regarding the question of including the issue in the ILO's framework of fundamental principles and rights at work; efforts to achieve the ratification of relevant standards; and follow-up work on the recommendations of the Standards Review Mechanism Tripartite Working Group (SRM TWG). Noting that flexible work offered opportunities for groups that could otherwise find it difficult to access employment, she highlighted the need to analyse it as a viable option that could benefit society, organizations and the environment. In relation to outcome 8, she agreed that policies and measures to guarantee adequate social protection floors should be rights-based, and guarantee basic income security and essential healthcare. However, they should also take into account specific national capacities and priorities, in accordance with ILO standards and recommendations. The proposed provisions to assist governments in improving the financing of social protection systems would be useful; efforts should focus on strategies to encourage transition to the formal economy and improve the budgetary sustainability of social protection systems. Regarding the proposed engagement strategy outlined under output 8.1, she asked how soon it would be implemented. Likewise, she requested additional

information on the capacity development programmes for social protection leaders and practitioners, asking when and how they would be introduced.

- 840.** She expressed appreciation for the overview of regional contexts, notably the special mention given to the conclusions of the 19th American Regional Meeting. The region faced particular challenges in fulfilling the principle of leaving no one behind, which required action on the key issues of decent work deficits, informality, low productivity, inequality, new forms of employment and social protection. She asked how the Office planned to identify priorities and implement the actions outlined in the document, and how it would work with countries according to their different contexts. She agreed that a climate of rapid change required continuous capacity development, which in turn required rigorous scientific studies. The Governments in her group were therefore ready to respond to the call for enhanced research collaboration through cooperation and the sharing of expertise regarding labour issues. Noting that the document referred to gaps in national data, she asked the Office which specific gaps it had identified. She welcomed the plans to adapt the format of the ILO database of labour statistics to the global indicator framework of the SDGs and to focus more on regional perspectives in flagship reports; her region could contribute by sharing its experiences regarding the specific challenges it faced. The progress made by the International Training Centre of the ILO over the previous biennium was commendable. However, prompt communication regarding the training courses and special attention to the specific needs of countries in her region would allow more participants from that part of the world to benefit from the opportunities it offered.
- 841.** Turning to the enabling outcomes, the group recognized the importance of evidence-based policy advice and the integration of the ILO research strategy and the ILO's work in respect of the SDGs. It would welcome information on the nature and frequency of the planned peer-reviewed reports referenced in output A.2 and on the targeted content and guidelines on the use of the ILO brand mentioned under output A.3. In relation to enabling outcome B, which was particularly valuable in aiming to improve the ILO's governance, GRULAC agreed that the two-week format of the International Labour Conference should be retained but highlighted the need for the timely provision of documents and an increase in the number of informal consultations. GRULAC valued the work and essential role of the Office of Internal Audit and Oversight. When identifying areas for possible improved efficiency, timely access to documents in the three working languages was essential, as were interpretation services. Regarding enabling outcome C, the Office should continue to upgrade staff capabilities and ensure better geographical diversity and gender balance. The group would welcome additional information regarding the means of verification and criteria for the targets given in tables I.1 and I.2. GRULAC supported the draft decision.
- 842.** *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of the United Kingdom commended the Office for issuing the document in a timely manner and for outlining a more robust framework with fewer and more focused outcomes and greater rigour in measuring results.
- 843.** IMEC attached importance to further strengthening results-based management in the ILO by extending capacity in this area to all staff and developing an integrated management support system, as well to ensure system-wide coherence and the implementation of crucial UN development system reforms. The clear explanation of relationships between policy outcomes and the 2030 Agenda demonstrated the value of the ILO's work, and the fact that the Office was managing reform costs from existing resources was appreciated. IMEC looked forward to the document to be submitted to the 338th Session of the Governing Body on the ILO Development Cooperation Strategy for 2020–25 and its role in the international system as it was important for such reflections to be linked to the ILO's programmatic approach.

- 844.** IMEC would welcome information on the timing of future outcome and output progress updates. Current reporting systems should be reviewed to ensure alignment with results-based management principles. IMEC stood ready to assist the Office in formulating stronger indicators, as the current focus within outputs on increasing the capacity of constituents did not assess the Office's role or accountability, and the means of measuring the fulfilment of certain subjective outputs was unclear. While cognizant of the difficulties involved, she noted with regret that no comparison of resource allocation by policy area between the 2018–19 and the 2020–21 biennia had been provided in the proposed programme and budget and called for such information to be provided in the future to allow the Governing Body to identify shifts in prioritization in the budget. The policy outcomes reflected the ILO's strategic objectives well in general, but the Office should not exceed what had been agreed in the Centenary Declaration or the Organization's constitutional mandate, as certain outputs did not reflect tripartite consensus.
- 845.** IMEC welcomed the continuing emphasis on the ILO's normative work and expected that emphasis to be also part of its development cooperation strategy. The establishment of a dedicated outcome on gender was welcomed, although it was expected that gender issues would continue to be embedded in all other policy outcomes. Guidance was sought from the Office regarding the effective monitoring of outcomes 1 and 2, and the strengthening of outcome 2, which was necessary in order to incorporate a sustained and reinforced normative function in the programme of work. Regarding Appendix I, the Office should clarify whether the target level was the overall level that it was seeking to reach or rather the level of increase, as the target level was in some instances lower than the baseline. She requested the Office to provide the missing outcome level indicators.
- 846.** IMEC welcomed the ambitious goal of enabling outcome A. The repositioning of the Business Process Review team as an innovations unit under enabling outcome C should enhance its role in identifying and supporting more efficient and effective service delivery models. IMEC wished to understand the Office rationale regarding the lack of discussion of risks for the enabling outcomes and regarding the allocation of resources among the outcomes, especially from the regular budget. It requested information regarding the Office's resource mobilization strategy, including potential innovative financing mechanisms through a diversification of its funding base, as part of the Development Cooperation Strategy for 2020–25. IMEC supported the draft decision.
- 847.** *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Finland said that Turkey, Montenegro, Serbia and Albania, as well as Bosnia and Herzegovina, aligned themselves with the statement. The EU encouraged the Office to strengthen the results framework further by providing indicators for each outcome and targets to improve transparency and monitoring. The programme and budget should reflect a balance between agility, to allow the Office to manage for results and achieve the agreed policy outcomes, and robustness, including ensuring the implementation of the 2030 Agenda. The ILO should focus on implementing the Centenary Declaration and should take the leadership role in assessing how the drivers of the labour market shaped the future of work. Sufficient budgetary resources must be allocated to developing and maintaining robust and up-to-date international labour standards and ensuring an effective supervisory mechanism to strengthen their impact and proper application. Under UN development system reform, the Office should strengthen its collaboration with UN country teams and UN resident coordinators in order to support the delivery of the ILO's normative agenda and values through initiatives such as DWCPs. While the EU welcomed the fact that the main elements of the Centenary Declaration were reflected in the policy and enabling outcomes, it would have liked to see stronger overall emphasis on addressing the effects of climate change on the world of work.

- 848.** The EU would welcome additional information on the balance between regular income and extrabudgetary resource allocation for the various outcomes and on the Office's strategies for ensuring the financial means to meet its priorities in the current biennium and in the medium- and long-term. With a view to discussions at the 338th Session on the Development Cooperation Strategy for 2020–25 and the Strategic Plan for 2022–25, the Office should provide information to allow for the comparison of resources allocated to different actions and provide their relative weight compared to the current programme and budget in order to understand the change in ILO work over the next biennium. The means of verification and baselines in output indicators in Appendix I were very general and did not clearly demonstrate the shift in ILO work or allocation to different outputs. Indicators and baselines should have been included for all outcomes in order to ensure improved accountability and transparency with regard to the ILO's contribution to the 2030 Agenda. The EU welcomed the focus on strengthening employer and business membership organizations and workers' organizations in policy outcome 1 as being crucial to achieving all other policy outcomes and highlighted the need for activities to safeguard and develop strong and independent workers' and employers' organizations and the importance of the effective recognition of their right to engage in collective bargaining. The EU had demonstrated its commitment to implementing the key decisions of the Centenary Declaration through the adoption of Council Conclusions on the Centenary Declaration.
- 849.** *A Government representative of the United States* said that she welcomed the whole-of-Organization approach reflected in the programme of work and the explanations of the linkages between the policy outcomes and the SDG targets. The new results framework represented a positive step forward. While some indicators were clearly defined, others were subjective, and she wished to know which criteria would be used to determine whether they had been fulfilled. For example, she asked how "a new generation of employment policies" under outcome 3 or "excessive hours" under outcome 7 would be defined; some workers may choose to work long hours and should not, in general, be prevented from doing so. Capacity-building, as mentioned under outcome 1, was of particular importance for labour administrations and inspectorates given their vital role in protecting workers. The implementation of capacity-building programmes on environmental policies should be limited to workplace policies. She asked how the proposed strategy for engaging with international financial institutions on social protection would differ from the ILO's existing work and requested additional information on the proposed reports to be issued jointly with other UN agencies. While the document made frequent reference to the development of new tools, their specific purpose was not always clear, and the Office should assess whether they were needed.
- 850.** *A Government representative of Bulgaria* said that the Centenary Declaration was a groundbreaking document that would guide the ILO's activities far into the future. The adoption of the Declaration and of the Violence and Harassment Convention, 2019 (No. 190) was the result of significant effort, and momentum must be maintained through the implementation of the Programme of Work for 2020–21. The private sector was a driving force in the introduction of new technology and the modernization of the world of work, and its experience must be harnessed. In that context, workers faced growing demand for specific skills, and strengthened tripartite dialogue on new approaches would help to address those challenges. The adoption of the Centenary Declaration represented the first step on a long road; the next step should be taken swiftly.
- 851.** *A Government representative of Japan* said that her Government welcomed the elements of the document intended to address the challenges posed by population ageing, including the emphasis on skills and lifelong learning under outcome 5, and the elements on ensuring safe and healthy working conditions and decent working time under outcome 7, including in respect of new forms of work. It also welcomed the focus on gender equality under outcome 6, including the need to promote investments in the care economy and a more

balanced sharing of family responsibilities. The labour and employment ministers of the G20 had recently conveyed similar messages, and the ILO should promote programmes in those areas. It was regrettable that the document did not fully address the participation of older workers, however, and more emphasis must be placed on active ageing in future programmes and budgets.

- 852.** The reallocation of resources gained from efficiency savings was commendable; efficient resource allocation and its constant review were critical for the ILO to fulfil its mission. While the Asia and the Pacific region accounted for almost 60 per cent of the global workforce, it received only slightly more than a quarter of the resources allocated to field operations and partnerships. The Office should review resource allocation in future programmes and budgets and pursue further efficiencies. Her Government supported the draft decision.
- 853.** *A Government representative of Switzerland* noted with satisfaction that the policy outcomes were directly linked to the Centenary Declaration. She welcomed the integration of the SDG indicators in the results framework and the proposal to strengthen the ILO's results-based management system. The ILO should focus on its mandate and be active in areas where its expertise could be best put to use. ILO programming should be based on strategic considerations. Although aware of the difficulties in proposing a programme and budget that contained both strategic orientations and substantial technical data, her Government nonetheless believed that important information was lacking. For example, table 3 should set out the relationship between the outcomes and the operational budget. Furthermore, the means used to allocate resources to each region was unclear, as was the method for defining baselines and targets. The links to the UN Sustainable Development Cooperation Frameworks should be better explained.
- 854.** While supportive of the proposed statistical and research work, her Government believed that the existence of similar knowledge-dissemination tools should be clarified; partnerships with other organizations were very important in that regard. The ILO teams conducting research should work with those involved in operations and take into account the outcomes of operational work in their research. The ILO must ensure that it possessed the human and technical resources necessary for the planned support for lifelong learning and skills development, and decent work must be promoted among SMEs. It was regrettable that the document did not give adequate consideration to the ILO's global programmes to support those enterprises and supply chains; they should be linked to the outcomes and occupy a central position. Lastly, the links between budgetary and extrabudgetary resources were unclear.
- 855.** *A Government representative of Mexico* said that her Government welcomed the programme of work's emphasis on specific and measurable outcomes, in particular the measures under each outcome to strengthen the constituents' technical capacity to engage in action at all levels. As an Alliance 8.7 pathfinder country, Mexico had hosted a strategic planning workshop in September 2019. It had also participated in a recent meeting of focal points for the Regional Initiative Latin America and the Caribbean Free of Child Labour. By providing continued support for such initiatives, the Programme and Budget for 2020–21 would strengthen the ILO's ability to provide effective services to constituents and promote a human-centred approach to the future of work.
- 856.** *A Government representative of Lebanon*, speaking, with the approval of the Officers of the Governing Body, in his capacity as Chairperson of the Committee of the Whole of the 108th Session of the International Labour Conference, said that the adoption of the Centenary Declaration had been far from easy, hindered by procedural challenges, constituents' differing expectations and disagreements on the way forward against a backdrop of complex transformations to the world of work. The Declaration was proof of

the continued relevance of the ILO and its tripartite structure, and the enthusiasm with which it had been received was heartening, as was the extent to which it dovetailed with efforts to achieve the SDGs. Nevertheless, there was no room for complacency in the Declaration's implementation; the ILO's reputation would be at stake if it were to renege on its promises. Demands for decent work and social justice laid at the heart of the recent large-scale protests seen around the world, and the ILO's future work should be based on the conviction that, more than ever, prosperity and peace depended on the values enshrined in the Declaration.

- 857.** *The Director-General* responded to the earlier debate on proposals for the ILO's programme of work (statement reproduced in Appendix III).
- 858.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) responded to five groups of questions raised during the earlier debate. Firstly, in response to questions on the formulation of the strategic budget and its relationship with the operational budget, he drew attention to tables 2 and 3 of the document which showed, respectively, the strategic budget approved by the Conference and its distribution by policy outcome. Table 3 had been prepared using the same results-based management methodology as in recent biennia. Resource allocation to the eight policy outcomes reflected inputs from all policy departments and regions. The strategic budget for each outcome included staff costs and all other costs of the respective departments and regions that directly supported the delivery of each outcome. There was an initial direct linking of resources to outcomes and then an extrapolation of that linking to other resources that would directly support the delivery of the outcome. Before the 2018–19 biennium, the costs of indirect support services had been distributed among outcomes; however, following Governing Body feedback, those costs were now shown in a separate budget line in table 3.
- 859.** The charts in the information note circulated in the meeting room illustrated planned contributions from the relevant departments and regions to each outcome and demonstrated the integrated nature of the outcomes and the Office's work. The resources allocated to a particular outcome in the strategic budget therefore exceeded those assigned to relevant lead technical units in the operational budget, which reflected the fact that several Office units contributed to each outcome and each unit contributed to several outcomes. Since only contributions above 2 per cent could be visualized in the charts, some units that contributed less, such as ACTRAV and ACT/EMP, had been grouped together under the heading of "other". The percentage figures shown represented the contribution of a particular unit to the total strategic budget for a particular outcome. The practice of presenting the strategic budget at outcome level was prevalent across the UN system and was recognized as good governance practice.
- 860.** The next stage of the budget process – the allocation of resources to outputs and units – was for operational purposes and would facilitate the monitoring of the delivery of outcome results in an integrated manner. The results of that process were presented to the Governing Body in the programme implementation report at the end of each biennium. The planning process for the delivery of the programme of work for 2020–21 would begin in a week's time with the first meeting of the outcome-based work planning team leads. The Office would continue to develop its approach to results-based management with the support of constituents.
- 861.** Secondly, with regard to the allocation of strategic budget resources by outcome, these could not be compared with previous biennia since the policy framework had changed. The current programme of work proposals presented a more focused and prioritized approach with greater emphasis on skills, lifelong learning and gender equality in line with the ILO Centenary Declaration; allocations to those policy areas had therefore increased in comparison with the 2018–19 biennium. Furthermore, a line-by-line comparison was not

possible as some elements of previous policy outcomes had been merged or disaggregated. The change in approach was clear from the proposed policy outcome headings.

- 862.** Thirdly, in respect of specific resource issues, the US\$13 million increase described under outcome 5 reflected the call for increased action on skills. It was an estimate of the resources required for real impact and demonstrated a broader scope in the Office's approach to skills in comparison with the 2018–19 biennium.
- 863.** The imbalance in extra-budgetary resources, which were voluntary and generally earmarked, for outcomes 1 and 2 was based on historical expenditure trends, confirmed voluntary contributions and an assessment of likely trends in resource mobilization and donor priorities. The Office would continue to mobilize resources for all policy outcomes, which would be reflected in the development cooperation strategy to be presented at the next session of the Governing Body.
- 864.** Fourthly, with regard to the use of RBSA, these resources had not been allocated by outcome in the programme and budget proposals as RBSA being a flexible funding modality. The Office allocated it strategically within the ILO's results framework as a complement to other ILO resources, particularly when other funding sources were not readily available. RBSA allocations were generally used to support decent work priorities and policy outcomes, with a focus on least developed and low-income countries to meet urgent needs of ILO members, particularly those in crisis situations, and to leverage more funding from other resources.
- 865.** Fifthly, the proposed results framework and measurement system had been formulated in line with the approach used across the UN system and comprised three planning levels – impact, outcomes and outputs – with indicators to track and measure progress and achievements, thereby constituting the theory of change for decent work. The impact level reflected the longer-term vision of social justice through decent work; the outcome level focused on mid-term changes needed to realize that vision; and the output level included ILO actions to be delivered during the biennium to ensure that the outcomes could be fulfilled. That three-tiered approach would facilitate monitoring and reporting on ILO work. Those innovations built on past improvements in results-based management and marked a significant change in the Office's accountability to its constituents as they enabled it to track the concrete contribution of ILO actions to the attainment of the desired results. The framework remained a work in progress, however; the Office would further develop approaches to monitoring and reporting and anticipated that further improvements would become evident over the course of the biennium.
- 866.** The Governing Body had highlighted the lack of an indicator for outcome 1 and the need to further develop some of the proposed SDG indicators. With reference to paragraph 292 of the document, he reiterated that the Office, guided by the Governing Body, would continue to develop appropriate indicators for outcome 1. Outcome indicators should be outcome-specific to allow meaningful measurement of progress in the respective areas. Although SDG indicator 8.8.2 on labour rights could be a proxy indicator for outcome 1, it was better suited to the measurement of progress in the application of international labour standards at the national level.
- 867.** Output indicators were not intended to measure every element to be delivered or produced during the 2020–21 biennium. In certain cases, such as for working time, efforts would focus on enhancing the knowledge base and providing policy advice; while that work was unlikely to engender significant short-term policy or institutional changes at the country level in 2020–21, it could be envisaged as an indicator for 2022–23. The current output indicators were quantitative, measuring the number of organizations or countries where improvements had occurred with ILO support. Contrary to previous practice, the framework did not include criteria for success; that was a deliberate step taken in view of the Office's decision to align

its measurement approach with other UN entities. However, a strong qualitative dimension in indicators was incorporated in the framework through emphasis on issues such as international labour standards, social dialogue and gender equality. The Office had made every effort to remain faithful to, and immediately implement, the Centenary Declaration, and would further develop its approach over the following two years with the Governing Body's support.

- 868.** *A representative of the Director-General* (Director, Strategic Programming and Management Department) said, in response to questions raised on setting baselines and targets, that each baseline of the output indicators showed the expected achievement of ILO action by the end of 2019, whereas the target referred to achievements beyond that baseline that the ILO aimed to reach during the 2020–21 biennium. Targets had been estimated based on the needs of constituents at the country level, available resources and capacities, and the level of ambition for each indicator. The target for indicator 2.1.2 on the ratification of technical Conventions had been set based on recent average ratification rates. The targets set for outcome 5 indicators reflected a prudent approach; those targets might become more ambitious once internal capacities had been developed and knowledge and experience gained. In line with standard UN practice, target information was not disaggregated at the regional level. Targets had been set on the basis of constituents' needs and priorities in DWCPs and then adjusted on the basis of global priorities derived from the Centenary Declaration and available resources and capacities. These adjustments were not region-specific.
- 869.** With regard to queries as to how policy outcome 1 on strong tripartite constituents and influential and inclusive social dialogue and policy outcome 2 on international labour standards and authoritative and effective supervision would be reflected in the results of other outcomes, he noted that all other policy outcomes included specific measures to strengthen the technical capacity of constituents, including for normative and policy advice. Monitoring and reporting during implementation of the programme of work would track progress in those two areas and all outcomes, both through output indicators and the current system of markers at the level of the country programme outcome. The Office would ensure that monitoring and reporting of results under the output indicator 1.4.2 would separate collective bargaining from workplace cooperation.
- 870.** Addressing a request for additional information regarding the new generation of employment policies under output 3.1, he clarified that in terms of scope, greater and more systematic emphasis would be placed on macroeconomic, sectoral and trade policies as drivers of economic growth, employment and decent work generation. There would be stronger focus on ensuring that policies harnessed the benefits and reduced the risks of ongoing transformations in the world of work. In terms of implementation, collaboration with other UN entities would be strengthened.
- 871.** With regard to outcome 4, the results of indicator 4.1.1 under output 4.1 regarding improvement of the enabling environment for the creation and growth of sustainable enterprises would be disaggregated by cooperatives and the social and solidarity economy.
- 872.** Turning to outcome 5 on skills and lifelong learning to facilitate access to and transitions in the labour market, he clarified that the innovative financing approach described under output 5.2 would be developed further during the biennium to include financing mechanisms such as learning entitlements linked to social protection systems and social impact bonds, levy-based industry training funds and performance-based financing for training organizations. The skills innovation facility mentioned under output 5.3 would be a platform to promote ideas and solutions to address the most pressing skills challenges by engaging constituents, education and training providers to build a global, collaborative network of innovation for skills and lifelong learning.

- 873.** In respect of policy outcome 7 on adequate and effective protection at work for all, funding for a tripartite expert meeting on the platform economy would require a decision from the Governing Body to include decent work in the platform economy on the agenda of a future session of the International Labour Conference.
- 874.** The tripartite meeting on pension trends envisaged under outcome 8 on comprehensive and sustainable social protection for all would support the efforts of member States regarding pension reforms and inform and contribute to the recurrent discussion on social security scheduled for the 109th Session (2020) of the International Labour Conference. The training programme on employment injury insurance and protection under output 8.2 would be implemented from the beginning of 2020. With regard to the engagement strategy with international financial institutions to be developed under output 8.1, he noted that the Office would continue to jointly lead the Global Partnership for Universal Social Protection to Achieve the Sustainable Development Goals with the World Bank. In 2020–21, the Office would collaborate with the IMF to support countries in increasing fiscal space for social protection and develop a staff guidance note to implement the strategy for IMF engagement on social spending, including the promotion of a social spending floor with a view to ensuring that a certain percentage of public spending was invested in health, education and social protection.
- 875.** With regard to enabling outcomes A and C, he clarified that DWCPs would be aligned with the UN Sustainable Development Cooperation Framework but influencing these frameworks was a central part of the ILO's engagement strategy.
- 876.** He clarified that the gaps in data at national levels mentioned in paragraph 231 of the document referred to the lack of data on key labour market variables for some member States.
- 877.** With regard to the issue of risks and management strategies for the enabling outcomes, that issue had been addressed at the 335th Session of the Governing Body, when the Office had presented the strategy for enabling outcomes B and C and the overall risk management strategy and strategic risk register.
- 878.** Lastly, he clarified that the US\$7 million increase in the Programme and Budget for 2016–17 under outcome 4 for the promotion of sustainable enterprises had been invested in delivery of the results of that outcome; the increased investment had led to a 27 per cent increase in results, which had been reported in the ILO's programme implementation report for 2016–17.
- 879.** He assured the Governing Body that the Office had noted all of its comments and observations and that these would be taken into account in the implementation of the Programme and Budget proposals for 2020–21 and the preparation of the next programme and budget proposals.
- 880.** *The Worker spokesperson* welcomed the comprehensive and useful clarifications provided by the Office, in particular with regard to the differentiation between baselines and targets. Her group agreed on the importance of ensuring that countries delivered on collective bargaining as an entity distinct from workplace cooperation, and looked forward to the development of a separate indicator on collective bargaining as soon as possible. It would be interesting to see how Office staff had responded to the considerable challenge of dealing with the new integrated approach by the end of the 2020–21 biennium. Her group could support the draft decision.
- 881.** *The Employer spokesperson* said that, having heard the responses from the Office, he stood by all his previous comments made in the current discussion. His group did not consider that the proposed programme and budget adequately reflected its concerns regarding supporting

the role of sustainable enterprises as generators of employment and promoters of innovation and decent work, and creating an alignment of policies, regulations and institutions in a public–private effort that placed productivity at the forefront of societal and economic goals. The Office had provided only information sessions during the preparatory process, rather than allowing proper time for consultation. One major consequence was the lack of provision made to cover the additional costs arising from the judgment of the Administrative Tribunal concerning the post adjustment multiplier for Geneva-based staff.

- 882.** To illustrate the lack of consultation, he quoted from an email sent on 6 August by the Secretary-General of the International Organisation of Employers (IOE) to the Deputy Director-General for Management and Reform, in which he complained that the IOE, as secretariat of the Employers, had been provided only with a basic draft programme and budget document that failed to show the narrative behind each proposed outcome, and that it had been given very limited time to provide comments. The email further regretted that, after all the efforts to produce a powerful Centenary Declaration and resolution whose terms would be reflected in the programme and budget, the Employers had been able to take only limited and very provisional actions. The email added that the group had been requesting information about the links between the strategic budget and the operational budget from the Office for a number of years. Finally, the author anticipated an uneasy discussion during the current session of the Governing Body.
- 883.** The Employers' group had not received a response to that email until September, and the subsequent draft programme and budget essentially failed to address important issues on which his group had been prevented from providing satisfactory input, such as the inclusion of a standalone outcome on employers' and workers' organizations.
- 884.** *Speaking on behalf of IMEC*, a Government representative of the United Kingdom said that the comprehensive additional information provided had helped to clarify a number of outstanding issues. IMEC stood ready to work with the Office in developing its results-based management approach, and supported the draft decision.
- 885.** *Speaking on behalf of the Africa group*, a Government representative of Eswatini said that it was still not clear why global figures had been provided in respect of the results framework, contrary to previous ILO practice. Disaggregated figures by region helped regional groups to see how the Office was performing in terms of meeting targets. Another concern was the absence of any supporting material to help in interpreting the figures in the information note on the strategic budget provided to delegations just before the current meeting. His group would thus appreciate clarification before proceeding further.
- 886.** *Speaking on behalf of the Eastern European group*, a Government representative of Poland endorsed the comments made by IMEC and agreed with the Director-General that support for the current budget proposal marked only the beginning of a process that would soon include preparations for the 2022–23 biennium. Her group supported the draft decision.
- 887.** *Speaking on behalf of GRULAC*, a Government representative of Uruguay, welcomed the specific information provided on spending for each outcome by region, and expressed her group's support for the draft decision.
- 888.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran expressed the hope that the first programme of work in the second century of the ILO would respond effectively to the elements of the Centenary Declaration. His group supported the draft decision.
- 889.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) acknowledged that the charts in the information note were not easy to understand

on first reading. The Office had tried to demonstrate how the operational budget was feeding into the strategic budget of each outcome, without going to the output level. However, it was challenging because it mixed two forms of accounting.

- 890.** With regard to the consultation process, he said that following the round of consultations held from 15–17 July, another round of consultations had been requested and, since the Office had indicated that the earliest a summary of policy outcomes could be produced was 1 August, it was agreed to hold an informal consultation in the week of 5 August. However, representatives of the Employers’ group later informed the Office that they would no longer be available that week, and could only meet on 2 August. After the Office had explained that it would not be possible to accelerate the production of the document, the Employers had still agreed to go ahead with the consultations. It was incorrect to suggest that the Office had gone back on any of its commitments.
- 891.** With regard to the question of why the target figures were being reported at the global level rather than the regional level, he said that the Governing Body had previously decided to move towards a results-based management approach and to align with the United Nations approach. However, in the coming weeks, the outcome-based work teams would begin planning and would be able to provide further information about the regional breakdown, but that information would no longer appear in the programme and budget document.
- 892.** *Speaking on behalf of the Africa group*, a Government representative of Eswatini said that in light of the clarifications provided by the Office, he was prepared to support the draft decision.
- 893.** *The Chairperson* noted the reservations of the Employers’ group, indicating its inability to support the draft decision.

Decision

- 894.** *The Governing Body, in accordance with the resolution concerning the adoption of the Programme and Budget for 2020–21 and the allocation of the budget of income among member States, adopted by the International Labour Conference at its 108th Session (2019), adopted the programme of work and results framework presented in document GB.337/PFA/1/1.*

(GB.337/PFA/1/1, paragraph 290)

Programme and Budget for 2020–21: Financial implications of the judgment of the Administrative Tribunal of the ILO concerning the decisions of the International Civil Service Commission (ICSC) regarding the revised post adjustment index for Geneva ([GB.337/PFA/1/2](#)) ([GB.337/PFA/INF/2](#))

- 895.** *The Worker spokesperson* said that her group welcomed the judgment of the Administrative Tribunal of the ILO and the Office’s immediate application of the ruling to all staff. Regarding its budgetary impact, she noted that staff travel could probably be reduced but expressed her group’s concern that other proposed measures to cover the unanticipated cost of US\$8.8 million would hinder the provision of the Office’s services to constituents. Consultations should be held with the Staff Union on any issues that could affect the conditions of work or employment of staff, either directly or indirectly.

896. Using the provision for unforeseen expenditure in Part II of the operational budget to cover the unanticipated cost would mean that the provision would not be available for other additional expenditure that might be required over the biennium, which might limit the Office's services or activities. Seeking alternative financing methods would inevitably result in the cancellation of activities or meetings. The group therefore supported the approach that sought to mitigate impact on the programme of work by recommending an exceptional derogation of the Financial Regulations to allow the use of any net premium arising from 2018–19 to offset the unforeseen expenditure in 2020–21. Recalling the previous uses of the net premium approved by the Governing Body and the International Labour Conference, she said that the use of the partial or full net premium and any available surpluses should be discussed by the Governing Body at its 338th Session (March 2020). She called on the Governments to accept that approach. Supporting the draft decision, she proposed the inclusion of a new subparagraph (b), to read:

(b) to request the Office to subject any proposal having consequences on conditions of work or employment of staff to internal social dialogue with the ILO Staff Union;

897. *The Employer spokesperson* said that the Tribunal's judgment confirmed that his group's approach in questioning the rationale for the salary cuts and the arbitrary methodology of the International Civil Service Commission (ICSC) had been justified. The measures proposed by the Office to cover the cost of US\$8.8 million were troubling, and he asked whether the Office had prepared any alternatives. In view of the circumstances, it would have been reasonable to anticipate the situation. Expressing concern regarding the proposal to temporarily freeze recruitment for vacant positions, he sought clarification as to the basis of decisions in that regard, the number and level of affected positions and the duration of that measure. While it could be possible to improve planning and limit the number of missions, reducing staff travel may affect the quality of services for constituents. Reducing discretionary expenditure on staff development would be contradictory to the Human Resources Strategy 2018–21 and would affect other institutional strategies. It would be useful to know how much the Office intended to recover through such measures. Furthermore, crucial operational capacities would be jeopardized if the provision for unforeseen expenditure in Part II of the budget was used to finance in part the US\$8.8 million. His group reserved its position concerning the use of any net premium or surplus from the financial period 2018–19 and would be guided by the views of the Governments in that regard. His group supported the inclusion of a new subparagraph (b) in the draft decision, as proposed by the Workers' group, but the wording should be reformulated so that the Office was requested to consult the Staff Union rather than to "subject" proposals to internal social dialogue with the Staff Union.

898. *Speaking on behalf of ASPAG*, a Government representative of China requested the Office to provide more detailed information on the financial implications of the Tribunal's judgment for the Programme and Budget for 2020–21. His group also sought further information regarding internal administrative measures to manage the unanticipated cost, in particular the proposal to temporarily freeze recruitment for vacant positions. Welcoming the Office's proposal to consider alternative resources through savings from the current biennium, he said that his group supported the draft decision.

899. *Speaking on behalf of GRULAC*, a Government representative of Uruguay took note of the financial implications for the Organization of the implementation of the Tribunal's judgment concerning the ICSC decisions regarding the revised post adjustment index for Geneva. She welcomed the Office's efforts to cover the costs without immediate implications for member State contributions. Regarding the proposals to finance the expenditure, further information should be provided about the extent of the cost-saving measures and whether the use of the provision for unforeseen expenditure and the surplus resulting from the current financial period would be sufficient. Given that GRULAC had pushed for a zero nominal growth

budget for 2020–21, the real growth in the budget approved by the Conference already demanded the highest degree of flexibility from member States, which were facing significant fiscal and budgetary challenges at the national level.

- 900.** *Speaking on behalf of the Africa group*, a Government representative of Eswatini said that it pained his group greatly that the prudent guidance it had consistently given on the ICSC matter had been ignored. The lack of responsibility in the financial planning of the Office must be examined critically in order to prevent such occurrences in future. The budget had been readjusted during the 335th Session (March 2019) of the Governing Body without heed to his group's concerns regarding the need to make contingency provisions.
- 901.** To say that the shortfall was “unanticipated” or “unforeseen” was misleading. The Governing Body had clearly appreciated the implications of the matter well on time but it had failed to take action. All the options proposed in paragraph 6 to cover the unbudgeted cost were, in his group's view, desperate measures that would have negative consequences on the efficiencies of the Organization.
- 902.** In addition, the document was so superficial that it raised more questions than it answered. In particular, he wished to know why the Office had not foreseen the financial risk inherent in failing to provide for an unfavourable judgment by the Tribunal. Also, as the application of the judgment had been immediate, the Office should explain the current state of affairs, specifically, whether discussions with the Staff Union were ongoing to inform the Organization's staff of the next steps, and of when the Office would pay back the difference in earnings that had resulted from the implementation of the ICSC decision.
- 903.** The Office should also explain in more detail how much it anticipated to raise from each of the measures set out in paragraph 6, and the impact that such measures could have on the efficiency of Office operations and the delivery of ILO programmes. Noting that subparagraph 9(a) of the draft decision used language such as “to the extent possible” and “should this not prove possible”, he called on the Office to provide much firmer wording. Pending written responses to his questions, he requested the adoption of a decision by the Governing Body to be deferred until later in the session.
- 904.** *Speaking on behalf of IMEC and the Eastern Europe group*, a Government representative of the United Kingdom said that the compensation of the unbudgeted costs should be done in a proactive, systematic and transparent manner. To that end, she asked the Office to establish a detailed plan with concrete measures to compensate the US\$8.8 million under Part I of the budget. Doing so would obviate the need also to anticipate the provisions under Part II of the budget. Accordingly, IMEC proposed the deletion of the clause “failing that, through the use of the provision for unforeseen expenditure, in Part II” from subparagraph 9(a) of the draft decision.
- 905.** IMEC could not support the use of net premium balances if internal measures could not cover the full costs, since, under the Financial Regulations, such balances should either be returned to member States or be used to encourage the early payment of contributions through the Incentive Fund. IMEC therefore proposed the deletion of the original subparagraph (b). Equally, IMEC would not support the proposal to replenish any shortfall in the Working Capital Fund as a result of the costs associated with the judgment of the Tribunal by member States in the 2023 assessment without further consideration and a formal decision.
- 906.** While IMEC respected the finality of the Tribunal's judgment, it was concerned about the implications for the UN common system. The Tribunal's discussions called into question the legality of the process used by the ICSC to determine post adjustments and raised difficult questions about the legality of the previous post adjustment in Geneva, which had

been based on a survey conducted in 2010, and about whether it was appropriate to revert to the 2010 post adjustment to determine salaries. With respect to the amendment proposed by the Workers, her group supported its sentiment but believed that any dialogue should be in keeping with the provisions of the Staff Regulations. She proposed adding these words to the Workers' amendment.

- 907.** *The Worker spokesperson* said that her group had no objection to the proposal to replace the reference to subjecting proposals to social dialogue by a reference to consulting the Staff Union, and agreed that the new subparagraph 9(b) should be redrafted accordingly. She sought confirmation of the Employers' position with respect to the original subparagraph 9(b).
- 908.** *The Employer spokesperson* said that, on subparagraph 9(b), his group was now aligned with the Worker's group.
- 909.** *A representative of the Director-General* (Deputy Director-General, Management and Reform) recalled that the Tribunal decision had not ruled on the methodology used by the ICSC, but rather on the legality of the decision-making process with respect to the ICSC Statutes. The Tribunal had found that the ICSC had not followed its Statutes in the decision-making process and that in fact, it should have simply made a recommendation for submission and consideration by the UN General Assembly. While the Tribunal had referred to methodology issues, it had made no finding on those matters.
- 910.** It should be borne in mind that the US\$8.8 million cost implication of the decision represented around 1.1 per cent of the regular budget, and that, over the past few biennia, the efficiency savings made by the Office had amounted to significantly more than 1 per cent. The Office was therefore of the view that it would be able to minimize, if not avoid, any impact on service delivery through the savings that would be identified. Through its system of vacancy management, the Office already made savings by assessing the classification, necessity and urgency of each position that became available in the Organization. It would continue to do so on a case-by-case basis; there would be no new blanket policy. Likewise, with respect to staff travel, the Office would continue to make savings where possible, again without unduly hindering programmatic work, through, for example, increased use of videoconferencing and reduced length of attendance at conferences. The Office already sought to constantly review all of its discretionary expenditure and redeploy surplus funds for priority purposes. Going forward, identification of cost savings would continue as an ongoing financial and organizational management approach.
- 911.** Turning to the questions posed by the Africa group, he explained that the US\$8.8 million had not been taken into account in the Programme and Budget for 2020–21 for the simple reason that there had been no decision at the time of its approval. The decision had been anticipated neither by the Office nor by the Governing Body. The decision of the Tribunal had been implemented within 30 days of notification, as required. All staff had had their post adjustment level restored and received the back pay owed to them.
- 912.** The terminology used in subparagraph (a) of the draft decision reflected the standard terminology used whenever the Governing Body made a decision regarding unforeseen expenditure, for example for the funding of a commission of inquiry or an unplanned meeting. The wording reflected the fact that the Office would begin by making savings, and then move to other options. However, he wished to stress that the Office would make every effort to achieve sufficient savings to cover the unbudgeted costs and thus avoid impacting on programmed areas of work and indeed on the conditions of employment of staff. In addition, the Office would endeavour to make the necessary savings as early as possible in the next biennium.

- 913.** Lastly, on the issue of social dialogue, he recalled that provisions for social dialogue were included both in the Staff Regulations and in agreements that supported the Staff Regulations. The Office fully intended to conduct consultations with the Staff Union on any matters that would have an impact on conditions of employment or employment itself. At the same time, the Office remained of the view that any such impact could, and would, be avoided.
- 914.** *The Employer spokesperson* said that, contrary to the sense of the Office’s explanation, paragraph 49 of Tribunal judgment No. 4134 spoke very clearly about methodology for determining salary adjustments, stipulating that it must be a “methodology which ensures that the results are stable, foreseeable and clearly understood or transparent”. Paragraph 49 continued that the methodology that had been employed was “without real explanation as to the rationale in statistical, mathematical, methodological or otherwise scientific terms”. Methodology was thus at the heart of the issue.
- 915.** *Speaking on behalf of the Africa group*, a Government representative of Eswatini noted that paragraph 5.5.1 of the Standing Orders of the Governing Body read: “the Governing Body shall take no decision regarding any proposal involving expenditure without considering its estimated cost and making provision for the necessary expenditure”. The group understood that paragraph to mean that the Governing Body could not take a financial decision without clarity as to which budget lines would be affected by that decision.
- 916.** *The Worker spokesperson* said that her group would appreciate a clear answer to the question raised by the Africa group as to how the increased staff cost would be covered. Her group was pleased that the Governing Body understood that whenever any matters that impacted on staff were under discussion, the staff should be properly consulted and able to participate in social dialogue. Such was the intent of the Workers’ proposed new subparagraph (b). The Workers could also support the sub-amendment to that subparagraph submitted by IMEC. Despite the Office’s assurance that it would be possible to cover the unbudgeted cost of the revised post adjustment multiplier during 2020–21 through administrative economies, it was nonetheless important to retain the other proposed measures as well, in case the economies the Office referred to should prove insufficient. She recalled that both the Employers’ and Workers’ groups had been reluctant to implement the results of the 2016 cost-of-living survey in respect of the duty station Geneva before knowing the outcomes of potential legal challenges. The groups had given clear warning of such challenges, which could therefore scarcely be considered as unforeseen. Her group had warned that implementation of the results could expose the Office to financial liabilities. The Governments that had argued for rapid implementation should take responsibility for their action, and should not now be arguing for the removal of potential alternative sources of revenue to cover the unbudgeted additional costs. The Governing Body should now take the decision, as amended by the Workers’ additional subparagraph (b), and, if helpful, with the addition of the word “possible” in subparagraph (c) before the word “use”.
- 917.** *The Employer spokesperson* joined his Worker colleague in calling for an answer to the question raised by the Africa group in respect of paragraph 5.5.1 of the Standing Orders of the Governing Body. The Employers could support all other points raised by the Worker spokesperson.
- 918.** *A representative of the Director-General* (Treasurer and Financial Comptroller) informed the Governing Body that no provision for additional staff costs had been made in the Programme and Budget for 2020–21, because the estimates in the budget were predicated on the post adjustment rates in force at the time. During the briefings and consultations held in March and June 2019 with Governing Body representatives as part of the preparation of the draft budget, the Office had explained that, although aware of the potential risks resulting from the ICSC or General Assembly decisions, it could not attempt to predict those

decisions. It had acknowledged that, should the situation change, steps would have to be taken to address the new circumstances. Standing Order paragraph 5.5.1 was indeed the clause behind draft decision subparagraph (a). The purpose of that clause was to ensure that when the Governing Body was considering an additional activity, such as a meeting or a commission of inquiry, not foreseen in the programme and budget, the Governing Body was made aware of the financial implications of that activity, and how it would be funded. The decision to restore the staff salaries was not a new activity for which Governing Body approval was sought. At the current session of the Governing Body, the Office was reporting back to the Governing Body on how it would finance that increased cost. As a staff cost, it would appear under the staff cost line.

919. *The Worker spokesperson* expressed her wish to move forward on the assumption that the Office would do its utmost to find the necessary resources from the current budget and through cost-saving measures in a way that met with the Governing Body's approval. She called on the Governing Body to adopt the draft decision as amended, with its three subparagraphs.
920. *The Employer spokesperson* expressed support for the draft decision, as amended.
921. *Speaking on behalf of the Africa group*, a Government representative of Eswatini reiterated his group's disappointment that subparagraph (a) did not comply with paragraph 5.5.1 of the Standing Orders of the Governing Body. In the light of the explanations given by the Office and the emerging consensus, his group could, however, support subparagraphs (b) and (c) of the draft decision, as amended.
922. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom noted that subparagraph (a) provided the Director-General with flexibility to propose alternative methods of financing if necessary. The Office would unlikely have further details on its efforts to cover the costs in March 2020 and would prefer to delete subparagraph (c) in its entirety. However, in the interests of transparency, her group suggested that subparagraph (c) should be amended to read:
- (c) to request the Director-General to update the Governing Body on this issue at the 340th Session (October–November 2020) of the Governing Body.
923. *Speaking on behalf of GRULAC*, a Government representative of Uruguay said that her group would be willing to support the amendment proposed by IMEC.
924. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran expressed support for the amendment proposed by IMEC.
925. *Speaking on behalf of the Eastern European group*, a Government representative of Poland said that her group also supported the amendment proposed by IMEC.
926. *The Employer spokesperson* said that he did not see the rationale for replacing subparagraph (c). The addition of the word "possible", as proposed by the Workers, would simply provide the Director-General with the option of using any available surpluses and net premium balances to offset the unbudgeted staff costs, if deemed absolutely necessary.
927. *The Worker spokesperson* emphasized that, under subparagraph (c), the decision in question would be postponed to a later date. In view of the points raised, she would be willing to postpone the discussion to October–November 2020. She reiterated that her group's suggestions would allow the Office to consider certain risks that may arise.

928. *The representative of the Director-General* (Treasurer and Financial Comptroller) clarified that the use of any net premium, surplus or derogation from the Financial Regulations would have to be considered by the Governing Body in March and referred to the Conference in June 2020 in conjunction with the closure of the accounts. If no decision were taken in March and June, the net premium and any surplus would be distributed among member States.
929. *The Worker spokesperson* said that, in the light of the Office's explanation, she wished to withdraw her previous acceptance of the IMEC proposal. There would clearly be no point in postponing the examination of the use of surpluses and net premium balances to October-November 2020.
930. *Speaking on behalf of IMEC*, a Government representative of Canada expressed concern regarding the use of any net premium. The Incentive Fund provided a method for avoiding late payments from member States in UN system organizations. Her group did not support its use to cover expenditure arising from the Tribunal's judgment. If the Governing Body had to consider the decision in March 2020, she could consider subparagraph (c) as amended by the Workers, although she proposed that the words "net premium balances" should be deleted.
931. *Speaking on behalf of the Africa group*, a Government representative of Eswatini noted the consensus reached on some aspects of the draft decision. However, his group would still like further clarification regarding the compliance of subparagraph (a) with the Standing Orders of the Governing Body.
932. *The Worker spokesperson* said that the explanations given by the Office had been sufficiently clear to reassure her that the proposal in subparagraph (a) was in line with the Financial Regulations. The Office was simply asking constituents to give it some space to find the sum of US\$8.8 million within the existing budget, but to take into account that additional forms of financing might be required. Regarding the proposal by IMEC to delete the reference to net premium balances and recalling that no final decision would be taken at the current session, she would like further clarification from the governments concerned as to why they objected to a text that did not bind them to a specific financial obligation.
933. *Speaking on behalf of IMEC*, a Government representative of Canada reiterated her group's unwavering support for the tripartite nature of the ILO. Her group had shown flexibility in its approach, retracting two proposals that had enjoyed considerable support from the Government benches. The net premium was a very important issue to IMEC. Against the backdrop of a funding crisis at the UN and the failure of certain member States to pay their contributions on time, the Incentive Fund ensured that member States paid for the important work of the ILO. It was therefore important to maintain the integrity of that Fund. There was no need to presuppose what the Office would propose in March. For that reason, she was advocating the use of more general language, in a conciliatory spirit, with due respect for the social partners' positions. She, in turn, would welcome flexibility from the social partners on the matter.
934. *Speaking on behalf of GRULAC*, a Government representative of Uruguay recalled that her group had made considerable concessions so that the programme and budget could be adopted. She called for flexibility in order to find a solution that respected the views expressed by the many governments that supported the amendments proposed by IMEC.
935. *The representative of the Director-General* (Treasurer and Financial Comptroller) explained that the net premium was divided into two components: 50 per cent went to the Incentive Fund, which was intended to encourage the early payment of contributions, and the remaining 50 per cent was distributed among all member States, in proportion to their assessed contributions. He assured the Africa group that the Office's proposal in

subparagraph (a) of the draft decision was absolutely in conformity with the Standing Orders of the Governing Body and the Financial Regulations.

- 936.** According to the Financial Regulations, when an appropriation was included in the budget without specification of the precise purposes for which it was to be applied, no part of such appropriation could be expended until a detailed statement as to the nature and object of the expenditure had been considered and approved by the Governing Body. In the current case, detail had been provided: the amount was US\$8.8 million for staff costs. The draft decision did not concern the need to expend that money, but rather requested authority, in the event that the amount could not be covered by savings, to use the provision under Part II of the programme and budget.
- 937.** Aside from the treatment of surpluses and net premium balances, the draft decision reproduced the wording that had been used by the Office, and accepted by the Governing Body, for over 30 years in relation to activities involving additional expenditure. It provided that the Director-General should, in the first instance, look for savings from Part I of the budget. If that proved not to be possible, there was authority to use the provision for unforeseen costs. Should that second option not be possible, the Director-General would come back to the Governing Body at a future time with further proposals.
- 938.** *The Employer spokesperson* thanked the Office for its explanation and noted with interest that only half of the net premium went to the Incentive Fund, which he hoped would reassure IMEC. The Governing Body seemed to be facing a dilemma; however, while he agreed that governments should have an incentive to pay their contributions towards the work of the ILO, the priority must be to ensure that the ILO staff who performed that work received the remuneration owed to them. In order to do that, all options must be considered.
- 939.** *The Worker spokesperson* pointed out that neither her group nor the Employers' group had supported the proposal, put forward by IMEC, to remove the wording "failing that, through the use of the provision for unforeseen expenditure, in Part II" from subparagraph (a). Recalling that the net premium balance had previously been used for the ILO building renovation, she remained of the view that the reference to net premium balances should stay in the draft decision. Otherwise, if there were insufficient surpluses, it was difficult to see how staff would be paid.
- 940.** *Speaking on behalf of IMEC*, a Government representative of Canada reiterated that her group had been fairly flexible on a number of points, but Government representatives had received clear instructions from their capitals on the net premium issue. She recalled that IMEC had not agreed to the use of the net premium for phase 2 of the headquarters building renovation project, for the same reasons. She reiterated her call for the draft decision to include general language that took into account IMEC's position.
- 941.** *Speaking on behalf of the Africa group*, a Government representative of Eswatini said that, in the light of the explanations given, his group was inclined to support subparagraph (a), as well as subparagraphs (b) and (c) as proposed by the Workers' group. He would favour retaining the reference to net premium balances, as, if surpluses were not found, it would make sense to have the option of using them.
- 942.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran reiterated his support for the amendments proposed by IMEC as the basis for moving forward.
- 943.** *Speaking on behalf of GRULAC*, a Government representative of Uruguay reiterated his group's support for IMEC's proposals and urged the Governing Body to continue working towards a solution that would be satisfactory to all.

944. *Speaking on behalf of the Eastern European group*, a Government representative of Poland said that, in the light of the explanations provided by the Office, it should be possible for the Governing Body to move forward.
945. *The Director-General* suggested that it would be useful for the Governing Body to continue its discussion with a view to finding consensus on the very important matter under discussion.
946. *The Chairperson* invited the Governing Body to consider a revised amendment to the draft decision proposed by IMEC.
947. *Speaking on behalf of IMEC*, a Government spokesperson from the United Kingdom said that although her group's position on the use of certain funding mechanisms was unlikely to change, it was proposing an amendment to the draft decision in the interest of flexibility and compromise. The wording in subparagraph (b) would be replaced with: "to request the Director-General to propose to the Governing Body at its 338th Session (March 2020), if necessary, alternative methods of financing that might arise relating to the closure of the 76th financial period (2018–19); and". A new subparagraph (c) would be added, reading: "to request the Office to consult with the ILO Staff Union on any proposal having consequences on conditions of work or employment of staff through internal social dialogue, and in keeping with the Staff Regulations."
948. *The Worker spokesperson, the Employer spokesperson* and a Government representative of Eswatini *speaking on behalf of the Africa group* supported the draft decision as amended by IMEC.

Decision

949. *The Governing Body decided:*

- (a) *to request the Director-General to implement, to the extent possible, measures to achieve under Part I of the budget sufficient savings to cover the unbudgeted cost of implementing the revised post adjustment multiplier during 2020–21, estimated at US\$8.8 million, failing that, through the use of the provision for unforeseen expenditure, in Part II. Should this not prove possible, the Director-General would propose alternative methods of financing at a later stage in the biennium; and*
- (b) *to request the Director-General to propose to the Governing Body at its 338th Session (March 2020), if necessary, alternative methods of financing that might arise relating to the closure of the 76th financial period (2018–19); and*
- (c) *to request the Office to consult with the ILO Staff Union on any proposal having consequences on conditions of work or employment of staff through internal social dialogue, and in keeping with the Staff Regulations.*

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

Second item on the agenda

Update on the headquarters building renovation and the security perimeter projects

([GB.337/PFA/2](#) and [GB.337/PFA/2\(Add.1\)](#))

- 950.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) presented document GB.337/PFA/2(Add.1) to the Governing Body and said that the Office would continue to assess current bids for plot 4057 on the basis of the criteria outlined in paragraph 4; once the preferred bidder was identified, negotiations and the sale of the land should be concluded as quickly as possible in order to commence phase 2 of the renovations and keep costs down.
- 951.** *The Employer spokesperson* noted with satisfaction that phase 1 of the building renovation had been completed without disrupting Office activities, with a low rate of accidents and within the limits of the financial plan. However, estimated costs for phase 2 could increase in view of the discontinuity between the two phases. He welcomed the progress of the tendering process for the sale of plot 4057, noting that the proceeds of the sale would raise sufficient funds to cover the construction of the full security perimeter at ILO headquarters, as well as certain elements previously removed from the scope of phase 2.
- 952.** He requested clarification on the apparent contradiction between the criteria enumerated under subparagraphs 4(c) and (d) of document GB.337/PFA/2(Add.1) regarding the intention to limit dependency on Office involvement post-sale and the opportunity to participate in improved development potential. While acknowledging the commercial sensitivity of the decision to be taken on the bids received, he called on the Office to consult the Officers of the Governing Body on the contractual terms for the sale of plot 4057 and proposed an amendment to the draft decision to that effect.
- 953.** He noted that the security measures to be implemented in 2020–21 were aligned with the security plan adopted at the 335th Session of the Governing Body and that they would be studied with the United Nations Department of Safety and Security (UNDSS) and their specifications and implications shared with the Government of Switzerland.
- 954.** *The Worker spokesperson* welcomed the completion of the renovation of the final third of the building ahead of schedule, within budget and with a low accident rate. It was also positive that no further issues had been raised by construction sector unions since November 2018, and that savings had been made in phase 1 of the project. However, the failure to secure funding for phase 2 of the project would lead to further delay, increased costs and safety risks.
- 955.** She noted with satisfaction the number of offers received by the Office for plot 4057 that would cover the costs of phase 2 of the renovation including a revised full security perimeter. Noting also the proposed “one ring” approach for the security perimeter, she underscored that her group did not support the construction of a perimeter wall surmounted by a fence around the headquarters building, as that would go against the image of openness that should characterize the ILO. While security concerns were understandable, efforts should be made to avoid restricting constituents’ access to the building, including during the periods outside Governing Body or Conference sessions. Recalling her comments at the March session, she reiterated that restricting access to the property as a whole was not commensurate with the assessed level of risk; her group had asked for other options to be explored. It was also essential to ensure that good occupational safety and health provisions were made for staff in the basement, which should be renovated in the same way as other parts of the building.

- 956.** Given that three of the offers received for the plot met the criteria set out in document GB.337/PFA/2(Add.1) and exceeded the projected cost of phase 2, she supported the draft decision. Although her group had initially supported the Employers' proposed amendment to the draft decision, it took the view that finalizing the contractual terms for the sale should be entrusted to the Office.
- 957.** *Speaking on behalf of the Government group*, a Government representative of Nigeria commended the high quality of the work done under phase 1 of the renovation, noting the low accident rate and early completion. His group valued the Office's efforts to keep the total budget for phase 1 within the limits of the endorsed financial plan and maintain the initial budget, and welcomed the savings generated. It was positive that negotiations with potential tenants were under way and that a letter of intent had been signed with the United Nations Children's Fund (UNICEF), since co-location with a single organization would be beneficial.
- 958.** He welcomed the Office's work to identify potential investors to purchase plot 4057 and asked to be kept updated regarding the evaluation of proposed projects. His group appreciated the focus on the "one ring" approach to building security, the associated work on funding the security upgrade and the consultations with UNDSS and hoped to receive more information on those matters at the next session of the Governing Body. Efforts should also continue to promote safe and healthy working conditions, and identify creative funding alternatives in a responsible and sustainable manner. His group supported the original draft decision.
- 959.** *The representative of the Director-General* (Deputy Director-General for Management and Reform), responding to a query raised by the Employers' group, explained that several bidders for plot 4057 had expressed an interest in the ILO retaining a degree of ownership throughout the development process, so that they could take advantage of the status of the ILO. However, neither the ILO nor the Swiss authorities were in favour of such an outcome, which was why subparagraph 4(c) in document GB.337/PFA/2(Add.1) had been included in the proposal evaluation criteria. Subparagraph 4(d), meanwhile, had been inserted to ensure that the ILO could benefit from any improved development potential if the successful bid included additional value contingent on land use approvals; several bidders had proposed such an option in addition to the base price for the land. The two criteria were therefore distinct.
- 960.** Noting the concerns expressed by the Workers' group regarding building security, he said that the Office was continuing to review the options together with its own security staff and the UN security services. The current thinking was that, instead of fencing the whole property, a closer perimeter could be installed around the building, with a small external reception building to allow visitors to be screened. It was important to maintain the openness and the parkland around the building, while ensuring that the area around the pond, and potentially the grassed area behind the building, could be used securely. Regarding the offices on the lower floors, they would be renovated to the same standard as those in the rest of the building.
- 961.** Although he recognized the intent behind the amendment to the draft decision proposed by the Employers' group, he was concerned that additional consultations could delay what were likely to be intense negotiations. In the past, the Governing Body had given the Director-General authority to finalize contracts for the sale of land. As an alternative to the amendment, the Office could instead agree to keep the Officers of the Governing Body informed of the progress made; the matter was due to be concluded by the end of the year.
- 962.** *The Employer spokesperson* said that fears of delays were misplaced. The proposed amendment addressed the issue of governance; the Governing Body should share the

responsibility for such an important contract. However, the offer of keeping the Officers of the Governing Body informed could present a solution.

Outcome

963. *The Governing Body took note of the information provided in document GB.337/PFA/2 and welcomed the successful progress of phase 1 of the renovation project to date.*

(GB.337/PFA/2, paragraph 33)

Decision

964. *The Governing Body:*

- (a) *authorized the Director-General to finalize contractual terms for the sale of plot 4057 located in Geneva, consistent with the criteria set out in paragraph 4 of document GB.337/PFA/2(Add.1);***
- (b) *recommended to the Conference that it approve, at its 109th Session (June 2020), in accordance with article 11.1 of the Financial Regulations, the transfer of the sale proceeds to the Building and Accommodation Fund by adopting a resolution in the following terms:***

The General Conference of the International Labour Organization,

Decides that the net proceeds from the sale of the ILO-owned land, plot 4057 located in Geneva, Switzerland, be credited to the Building and Accommodation Fund;
and

- (c) *decided that those proceeds required for the completion of the renovation of the headquarters building, including the security perimeter, be allocated for that purpose.***

(GB.337/PFA/2(Add.1), paragraph 9)

Third item on the agenda

Proposed 2020–21 budgets for extra-budgetary accounts: Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) ([GB.337/PFA/3](#))

965. *The Worker spokesperson* welcomed integration into the CINTERFOR programme of the priorities established in the Panama Declaration for the ILO Centenary: The future of work in the Americas, adopted at the 19th American Regional Meeting (2–5 October 2018, Panama City, Panama). The Workers agreed with prioritizing knowledge management, South–South and triangular cooperation, and making the fullest possible use of information and communications technologies in all of its working areas. In seeking innovations and

improvements, sight must not be lost of the digital divide in the regions, to avoid the risk of worsening existing inequalities.

- 966.** With regard to synchronizing vocational training with productive development policies and technological developments, the group stressed the need for the active participation of workers' organizations in discussions at national, regional and sectoral level, to ensure that solutions were arrived at in tripartite fashion and contributed to SDG 8. However, vocational training should not be limited to productive development, but should also take account of the need to provide quality public services. The group welcomed the priority placed on training that strengthened the capacities of workers' and employers' organizations in tripartism and social dialogue. The programmes should help workers' organizations to include vocational training clauses in collective bargaining agreements, and should reinforce tripartism in the design and governance of vocational training institutes. CINTERFOR should also uphold the standard-setting role of the ILO, by promoting the Centenary Ratification Campaign, and encouraging ratification and implementation of the following instruments: the Social Security (Minimum Standards) Convention, 1952 (No. 102); the Employment Policy Convention, 1964 (No. 122); the Paid Educational Leave Convention, 1974 (No. 140); the Human Resources Development Convention, 1975 (No. 142); and the Human Resources Development Recommendation, 2004 (No. 195). Research should focus not only on the creation of new jobs, but also on aspects such as new tasks, data protection, and health and safety issues related to connectivity. The ILO Research Department, INWORK and SECTOR should be involved in evaluating the effect of digitalization and its impact on the world of work.
- 967.** Regarding regulatory frameworks and financing schemes, the group supported a public, tripartite and inclusive system of vocational training and education to reduce inequalities and promote decent work. Programmes or mechanisms for skills recognition and certification, including national qualifications frameworks should be linked to migration management policies to bolster integration in the subregions or corridors used for labour migration, to ensure that migrant workers benefited from equal labour rights.
- 968.** The Workers' group supported promoting programmes and systems of quality apprenticeship that took a human-centred approach to the future of work, and placed value on inclusive and high-quality public education and effective lifelong learning for all. It approved the proposals set out in the report for institutional strengthening and information management in vocational training and for applying new methodologies and technologies to vocational training. Comprehensive training proposals should be developed to reinforce linkages between trade union training, and vocational and lifelong training, both in general courses and in specific trade union courses, in particular in training for trainers.
- 969.** Regarding vocational training for equal opportunities and social inclusion, the group supported the blended method, but reiterated the existence of the digital divide in the region. It might prove interesting to explore certain initiatives placing free computers in schools, including the Uruguayan Ceibal Plan, or the Argentinian Conectar Igualdad Plan. Technical assistance was required, as well as the development of new strategies, in line with international standards, to bring vocational training into line with national policies on inclusion and equality, to protect migrant and domestic workers, workers in the informal economy, workers with disabilities and rural workers.
- 970.** Tripartite consultations were vital for synchronizing training with employment services, vocational guidance and active labour market policies, to be able to identify key questions, promote decent work, and address the main changes in the world of work in both the private and public sectors.

971. CINTERFOR should ensure that all progress made in its programmes, and vocational training experience gained by workers' organizations, were shared with vocational training institutes in other regions. The group supported the draft decision.
972. *The Employer spokesperson* said that the ILO, in partnership with governments and the social partners, should promote the acquisition of skills and qualifications by all workers throughout their working lives. The Organization should support CINTERFOR's efforts to contribute to policy priorities in the following areas: productive development; promoting an enabling environment for enterprise; the transition to the formal economy; environmental sustainability; climate change and responding to new and diverse forms of employment. The group was pleased to see that CINTERFOR was working in that direction, linking more closely with the services of the ILO, and developing strategic alliances with international and national development cooperation bodies.
973. ACT/EMP should actively support closer collaboration between employers' organizations and CINTERFOR in the region by providing technical cooperation in the design and implementation of programmes specifically for employers. Existing skills should be mapped, and the skills that would be required by the Latin American and Caribbean labour market over the next ten years identified. A regional mapping exercise on dual education initiatives should be undertaken, highlighting the publications and activities of the Global Apprenticeship Network (GAN) as a successful example of collaboration between business, employers' organizations and international organizations. The CINTERFOR network should actively encourage vocational training institutions to listen to employers' organizations, and to tailor training programmes to their needs. Small and medium-sized enterprises (SMEs) often had difficulty in finding suitable training programmes. Priority should be given to those enterprises, and their training programmes should focus on formalizing the economy and increasing productivity. Public policies should promote training, and skills-certification.
974. While encouraging the Centre to take all opportunities to mobilize resources, through technical cooperation projects, both in the host country and the region, the group called on Uruguay to pay its CINTERFOR contributions for 2019 urgently. The Employers supported the draft decision.
975. *Speaking on behalf of GRULAC*, a Government representative of Uruguay stressed the critical importance of vocational training in a world of work going through profound transformations. GRULAC appreciated the priorities and areas for action identified in the report, and highlighted the special importance of CINTERFOR in promoting inclusion, reducing inequalities, creating opportunities for SMEs and combating informality in the region. The group supported the draft decision.
976. *The Government representative of Uruguay*, speaking in her national capacity, thanked the Employers and Workers for their comments and informed the Employers that the Government was giving its full attention to the question of its CINTERFOR contribution for 2019.
977. *A representative of the Director-General* (Regional Director for Latin America and the Caribbean)) thanked Governing Body members for their contributions. The Office had taken full note of the suggestions made and of the areas of particular concern to constituents.

Decision

978. *The Governing Body approved the income and expenditure estimates of the Inter-American Centre for Knowledge Development in Vocational Training*

(CINTERFOR) extra-budgetary account for 2020–21, as set out in Appendix I of document GB.337/PFA/3.

(GB.337/PFA/3, paragraph 31)

Fourth item on the agenda

Programme and Budget for 2018–19: Regular budget account and Working Capital Fund ([GB.337/PFA/4](#))

979. *A representative of the Director-General (Treasurer and Financial Comptroller) said that since 1 October 2019 contributions for 2019 and prior years amounting to 29,979,324 Swiss francs (CHF) had been received from seven member States, as detailed below:*

Member States	Contribution received for 2019	Contribution received for arrears	Total contributions received in Swiss francs
Argentina		300 000	300 000
Cameroon		29 446	29 446
Croatia	10		10
Madagascar	11 170		11 170
Panama	8 409		8 409
United States		29 625 129	29 625 129
Zambia		5 160	5 160
Total	19 589	29 959 735	29 979 324

980. Including contributions received between 1 October and 28 October 2019, total contributions received in 2019 amounted to CHF263,363,691, comprising CHF218,862,095 for 2019 contributions and CHF44,501,596 for arrears. The balance due as of 28 October 2019 was CHF225,803,766.

981. *The Worker spokesperson* expressed gratitude to those governments that had settled their contributions and welcomed the fact that there had been a slight increase in the number of States doing so since the previous biennium. She invited the governments that had not yet done so to settle their contributions before the end of the year. Her group supported the draft decision.

982. *The Employer spokesperson* noted the information on the position of 2018–19 budgetary income and expenditure and the update on contributions provided by the Office. Although the payment of assessed contributions could be a challenge for certain member States, the Office should continue its efforts to minimize arrears. Urging governments to comply with their financial obligations to the ILO, he expressed support for the draft decision.

983. *Speaking on behalf of the Africa group*, a Government representative of Mauritania expressed deep concern regarding the number of member States in arrears and urged them to resolve the situation as quickly as possible. Delays in the payment of contributions had held back the implementation of the Programme and Budget for 2018–19; they interrupted the delivery of programmes that would benefit constituents and negatively affected projections for future years. His group supported the draft decision.

984. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom expressed regret regarding the reduction in the level of contributions received in comparison to the previous year, noting that the ILO's ability to fulfil its mandate depended on the timely payment of those contributions. Given the wider pressures on UN financing, her group urged all member States to pay their contributions in full as soon as possible. She supported the draft decision.

Decision

985. *The Governing Body delegated its authority under article 16 of the Financial Regulations to the Chairperson who may approve any transfers within the 2018–19 expenditure budget that the Director-General may propose, if needed, prior to the closing of the biennial accounts and subject to the endorsement of such approval by the Governing Body at its next session.*

(GB.337/PFA/4, paragraph 11)

Fifth item on the agenda

Other financial questions

Proceeds from the sale of the ILO Brussels office (GB.337/PFA/5)

986. *The Employer spokesperson* said that the proposals outlined in the document were relevant and cost-effective, in relation to both the ILO budget, as they would increase the Building and Accommodation Fund, and the objectives of the UN reform process. He supported the draft decision.
987. *The Worker spokesperson* said, with regard to the reasoning in the draft decision, that her group saw value in being located more centrally and closer to the EU institutions and constituents' offices. She asked the Office to maintain the visibility of the ILO in the UN House, with open access to its tripartite constituents. She supported the draft decision.
988. *Speaking on behalf of IMEC*, a Government representative of the United Kingdom noted the need for investment in the ILO Brussels office and highlighted the goal regarding common premises set as part of the UN reform process. Her group supported the sale of the ILO Brussels office and its relocation to the UN House, which should allow effective pooling of resources and a more unified UN presence. She supported the draft decision.

Decision

989. *The Governing Body:*
- (a) *recommended that the International Labour Conference at its 109th Session (2020) approve, in accordance with article 11.1 of the Financial Regulations, the transfer of the proceeds from the sale of the ILO-owned premises in Brussels, Belgium, to the Building and Accommodation Fund after deducting an amount of US\$155,000 to cover the cost-sharing charge in UN Common Premises for the ILO Office for the European Union and Benelux countries for 2020–21; and*

(b) proposed to the Conference at the same session a resolution in the following terms:

The General Conference of the International Labour Organization,

Decides that the net proceeds from the sale of the ILO-owned premises located at rue Aimé Smekens, 40, 1030 Schaerbeek, Brussels, Belgium be credited to the Building and Accommodation Fund after deducting an amount of up to US\$155,000 to meet the cost-sharing charge attributed to the ILO for its occupancy of space in the UN House, Brussels during the biennium 2020–21.

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

Audit and Oversight Segment

Sixth item on the agenda

Annual evaluation report 2018–19

([GB.337/PFA/6](#))

990. *The Worker spokesperson* noted with satisfaction that the biennial milestones for independent evaluations, contained in Part I of the report, had been reached. However, the group would like to know why those for internal evaluations had not, and whether that was due to overstretched staff. It was important to strike the correct workload balance between servicing constituents through implementation of programmes, and assessing that work by conducting internal evaluations. Under sub-outcome 1.3, the group wished to know why there were such large differences in numbers between employers', workers' and government representatives trained in evaluating the Decent Work Agenda in the SDG era, as shown in figure 2. In respect of recommendation 1 in paragraph 22 of the report, the group stressed that the agreement of donors was important when clustering evaluations and the donor agreements signed should reflect that clearly. No progress had been made in respect of impact evaluations and the group would appreciate information in that connection. Regarding sub-outcome 2.4, the group supported the self-induction programme to increase evaluators' understanding of the unique added value of the ILO. In addition, it was important to ensure that the ILO's normative mandate and mechanism for social dialogue were integrated into evaluations and project design. The guidance note that the Office had developed in that connection was welcome. The group also appreciated under sub-outcome 2.2 that Protocols 1 and 2 had been revised to include guidance on gender equality and non-discrimination.

991. In respect of Part II of the report, the group was particularly concerned that it was in the areas of quality of project design, constituent involvement and validity of design that scores were the lowest. Moreover, the design and implementation of projects continued to address poverty reduction inadequately. The projects' weak capacity to leverage resources and sustain results over time in the areas of promotion of labour standards and the integration of tripartism were also worrying and the ILO should continue to address this issue. The majority of projects received low to average ratings for performance in implementation and efficiency, and only one quarter of projects achieved a successful rating for monitoring and reporting. The group could agree with the recommendations and support the draft decision.

992. *The Employer spokesperson* said that although Part I of the report showed that progress had been made in integrating a culture of evaluation in the ILO, more could be done. Regarding

outcome 1, the rate of internal evaluations was noted as being low. Therefore, the Office should renew its efforts to strengthen internal evaluations and improve the accountability framework. Regarding topics for high-level evaluations, the tripartism and normative mandate of the ILO should be particularly evaluated. The Employers' had repeatedly stressed the importance of research and knowledge management. However, despite their strategic importance, those areas had never been evaluated. The Knowledge Strategy 2018–21 and the Research Strategy 2020–23 could provide a framework for that evaluation. The group would like to know why far fewer employers' representatives than government or workers' representatives had been trained in evaluating the Decent Work Agenda in the SDG era. Closer coordination with ACT/EMP should resolve that issue.

- 993.** With respect to outcome 2, the group reaffirmed its support for clustering evaluations. The Office should encourage donors to follow that practice, and establish the procedures to allow cluster evaluations to be used. The pilot projects suggested in table 4 of the report seemed appropriate. Project evaluations must be more closely aligned with tripartism and the standard-setting mandate of the ILO. The Organization's development cooperation efforts should include strengthening the capacities of ministries and the social partners and providing them with incentives to engage in tripartism and social dialogue. This is the value of the ILO's contribution to the UN system.
- 994.** Regarding outcome 3, the group was concerned at the reduced use by management of recommendations in evaluations, especially in view of the clear reduction in fully or partially completed recommendations. The recently introduced automated system for management to follow up on recommendations might have contributed to this reduction by depersonalizing the exchanges. Management should take steps to redress that situation.
- 995.** In Part II of the report, figure 10 showed that the quality of project design and involvement of constituents was mediocre. Low participation by constituents resulted in a large number of donor-led projects that failed to respond to constituents' needs. Projects needed to respond to capacity-development needs as the recent high-level evaluation of capacity development showed. Less than half of projects garnered the support of the constituents, calling into question the validity of the projects' design and their capacity to attain the goals of the programme and budget. Figure 11 also presented an unacceptable picture of the poor performance of ILO projects aimed at promoting tripartism and standards. The Office must urgently review project design and approval processes, as well as their follow-up frameworks. Key success factors from the meta-analysis of the evaluations should be better integrated. Closer involvement of the departments concerned, ACT/EMP and ACTRAV, was essential. The results-based management principles of monitoring, feedback and guidance towards objectives should be applied to all ILO projects and programmes.
- 996.** Finally, the Employers stressed the crucial importance of projects under the RBSA. They expressed their satisfaction with the initial engagement with ACT/EMP, ACTRAV and the International Labour Standards Department, which ensured a more solid design, greater validity, sustainable results and a real impact of those projects. RBSA projects should also use formal monitoring and reporting mechanisms.
- 997.** *Speaking on behalf of the Africa group*, a Government representative of Mauritania said that his group welcomed the report, and appreciated its clear structure, with Part I, Implementation of the ILO's evaluation strategy, based on three outcomes, in turn supported by a series of sub-outcomes. The group appreciated that future planned evaluations would include fundamental principles and rights at work, collective bargaining and freedom of association. His group noted the identified problems with efficiency in the ILO's work. His group supported the draft decision.

- 998.** *Speaking on behalf of IMEC*, a Government representative of Finland said that IMEC welcomed the ILO's strengthened commitment to results-based design and management that strengthened the effectiveness of independent evaluation of DWCPs and technical cooperation projects. A strong enabling evaluation culture and independent evaluation function were needed. IMEC supported the establishment of the results-based management task force, and noted that strengthened capacity building, guidance and an enhanced knowledge system had improved the quality of evaluation reports. The group approved of the expansion of the knowledge base and of access to evaluation information, especially through *i-eval* Discovery. IMEC wished to know how many external evaluations had been carried out in 2018, in order to obtain a picture of all evaluations that had taken place. The lessons learned from the external evaluations should be integrated into ILO institutional knowledge.
- 999.** IMEC noted the strengthened evaluation capacity of staff in regions and departments under sub-outcome 1.2, and that 30 additional staff members had been certified as evaluation managers. To encourage growth of the evaluation network, further incentives for staff to participate should be provided. Limited availability of technical backstopping and qualified monitoring and evaluation expertise could impede results-based project design, implementation, performance monitoring systems and evaluation. The group welcomed the achievement of sub-outcome 1.3, but observed that work remained for sub-outcome 1.4, particularly on the SDG's. IMEC applauded the work of the ILO Evaluation Office (EVAL) to promote SDG-sensitive monitoring and evaluation of DWCPs through evaluability assessments, and the co-coordinator role played by EVAL in the UN Evaluation Group's working groups on evaluation and the SDGs. Sub-outcome 1.5 was partially achieved, but required further work. IMEC appreciated the growing recognition of the importance of mainstreaming evaluation and suggested a further increase in full-time monitoring and evaluation staff.
- 1000.** IMEC noted that sub-outcome 2.1 was on track. The group understood that cost reduction was not the only reason for clustering, and recognized that cluster evaluations could help to reduce evaluation fatigue and could add value by drawing meaningful lessons across projects of similar thematic focus, or within countries or defined regions. It was not clear, however, how clustering would increase the independence and credibility of evaluations. On the understanding that the clustering of evaluations was one, but not the only, option, IMEC could support recommendation 1. The group also supported the possible pilots for clustered evaluations within identified typologies as set out in table 4, an approach aligned with the UN development system reform discussions and efforts to strengthen independent system-wide and joint evaluations. IMEC thus also appreciated the role of EVAL in the development of system-wide evaluations, and in piloting the United Nations Sustainable Development Cooperation Framework evaluations in selected countries.
- 1001.** IMEC welcomed the achievements of all three indicators under sub-outcome 2.2, including the updated protocols. Regional evaluation officers should support ILO project staff and partners to ensure that projects were evaluable. Noting the improvement in assessed comparisons of average ratings for the UN System-Wide Action Plan on Gender Equality and Empowerment of Women, she emphasized that evaluations should better consider gender equality and the empowerment of women and welcomed the revised guidance note on gender equality in evaluation. Guidance on the ILO's contribution to the SDGs would be needed. She noted that despite EVAL's efforts no progress had been made under sub-outcome 2.3, though there was scope for improvement, and welcomed the plans to complete the ex-post quality assessment of impact evaluations. IMEC welcomed the increased use of *i-eval* Discovery under sub-outcome 3.1 and recommended that all external evaluations should be included in the database.

- 1002.** Turning to Part II of the report, she recalled the transformative approach for a validation process of the ILO's performance endorsed by the Governing Body in 2018 and expressed regret that the transition to that system had been slower than anticipated. IMEC welcomed the finding that the pro-poor focus and gender-sensitivity of projects had improved, but noted that other performance criteria had become less successful. The group expressed particular concern that only 5 per cent of "highly successful" projects had explicitly specified poverty effects or applied poverty-targeting measures. The information provided in the report on the implementation and efficiency of management and use of resources was concerning, and work should be undertaken to improve the goal orientation, monitoring and reporting, and internal coordination of projects. Many projects had been overambitious, as indicated by the lack of resources to deliver their outputs. In a sample of assessed RBSA-funded projects, IMEC noted the lower-than-average performance in the achievement and sustainability of immediate objectives, gender-responsiveness and pro-poor focus of interventions. All the findings should be thoroughly analysed and the challenges identified must be addressed. Thus, IMEC supported recommendation 2.
- 1003.** *A representative of the Director-General* (Director, Evaluation Office) said that the progress report showed that good progress had been made on the three strategy outcomes, with 95 per cent of biennial milestones being achieved. The one exception had been impact evaluation, where progress had been slow. External assessments of evaluation reports had demonstrated that quality had improved, including on gender coverage. Independent evaluations were prioritized over internal evaluations, given their importance. However, a training programme on internal evaluation procedures had been introduced, which was leading to gradual improvement. While more could have been done in the area of impact evaluation, the policy focus was on performance evaluations. An impact evaluation was only undertaken if specifically called for and budgeted in the project document because of resource constraints. However, EVAL would ensure the quality of impact evaluations when they were conducted through ex-post assessments.
- 1004.** Concerning the percentages of ILO constituents receiving evaluation training linked to evaluation of the SDGs, he said that there was no special budget for such capacity-building activities and EVAL therefore relied on collaboration with other partners. A number of training courses had been organized with ACTRAV, which included a module on evaluation and the SDGs. Discussions had been initiated with ACT/EMP to run similar courses for representatives of employers' organizations. Similarly, for government representatives, EVAL had worked with the International Training Centre of the ILO, Turin, to incorporate those elements into existing training programmes.
- 1005.** The initial improvements in management response to evaluation recommendations had slightly reduced with the introduction of the new Automated Management Response System and more rigorous criteria for considering recommendations "completed", but he reassured the constituents that the figures would improve.
- 1006.** More could have been done to introduce transformational changes to evaluation practices in the ILO, but this required collaboration with other departments. There had to be an enabling environment for this, which called for a learning culture, good knowledge management, participation in the evaluation process by all line managers, and good project design, incorporating lessons learned from evaluations. Many of those elements were part of the Office's work to improve results-based management.
- 1007.** The purpose of cluster evaluations was to produce more strategic evaluations and better connect the dots between projects; the intention had never been to enhance independence and credibility. Clustering evaluations would not necessarily reduce costs; in fact, costs might increase in some cases. Efficiency could be increased however by pooling evaluation

resources, thus lowering transaction costs. Those changes would not be made overnight, but the process would continue.

- 1008.** Regarding Part II of the report, he said that the same methodology had been used for the previous four biennia. Analysing 26 indicators across a sample of 40 project evaluations the assessment served as a proxy indicator for the ILO's overall performance. Despite varying performance in previous years, there had been a consistent overall trend. While there had been a drop in some areas, for example in efficiency, the ILO had been identified in the study as being value-driven in the use of its resources and overall cost-effective.
- 1009.** With regard to the concerns raised about the pro-poor focus, while only 5 per cent of projects had received a score of "highly successful", a further 25 per cent had received a score of "successful", which showed a positive trend. EVAL would continue to work with the Global Management Team, the Evaluation Advisory Committee and the Office to ensure that evaluation findings were put into effect.

Decision

- 1010.** *The Governing Body endorsed the recommendations of the Annual evaluation report 2018–19 (paragraphs 22 and 73 of document GB.337/PFA/6) for implementation by the ILO and the priorities for the 2019–21 programme of work for evaluations.*

(GB.337/PFA/6, paragraph 74)

Seventh item on the agenda

High-level evaluations of strategies and Decent Work Country Programmes ([GB.337/PFA/7](#))

- 1011.** *The Employer spokesperson*, congratulating EVAL on its independent, balanced and professional work, enquired about EVAL staff numbers. Referring to part I of the high-level independent evaluation of the ILO's strategy and actions towards the formalization of the informal economy, he noted that the evaluation did not cover the ILO's work to foster an enabling environment for enterprises, which was critical to reducing informality. Moreover, the Office should assist in efforts to increase the development and productivity of enterprises, and support informal economic units and micro, small and medium-sized enterprises that were trapped in the informal economy.
- 1012.** On effectiveness, he noted that key finding 4 referred to resource limitations. However, he recalled that discussions in the Governing Body in March 2018 had revealed that the strategic budget allocated to outcome 6 (formalization of the informal economy) for 2016–17 had been US\$51.5 million, but that actual expenditure had been US\$28 million. The unspent US\$23 million indicated poor resource planning and delivery, as recognized in the ILO Programme Implementation Report 2016–17. Given the predictable nature of the regular budget, he wondered how the evaluation had reached the conclusion that resources were limited and why country programmes and global products were significantly underfunded. The Office should work with the constituents beyond social protection, business development services and use of digitalization in its approach to the formalization of the economy by addressing the unfair competition faced by formal enterprises from the informal economy.

- 1013.** Referring to recommendation 2, he said that the recommendation did not clarify how the Office intended to implement private-sector engagement. Under recommendation 4, the Partnerships and Field Support Department (PARDEV) should be the unit responsible for the work to strengthen conceptual and technical capacities to provide services and solutions adapted to the needs of the informal economy, despite capacity development being relevant under all policy outcomes. PARDEV should provide technical support to the social partners on transitioning to formality. The Office response to recommendation 6 indicated that knowledge materials would be developed to enable the social partners to include informal economy workers and economic units. However, informal economy actors were not part of the legal economy and therefore they could not be recognized or included by employers' organizations. He requested the Office to amend its response accordingly, and replace "extend membership" with "reach out" in paragraph 33 of document GB.337/PFA/7.
- 1014.** Turning to part II, he said that PPPs were of critical importance to his group and were capable of enhancing the sustainability of ILO interventions, allowing the Office to better understand the realities faced by enterprises and assisting it in developing more practical approaches. His group disagreed that PPPs were "underutilized"; their unstable nature meant that dependence on them should be avoided, and that the basis for the conclusion that they were "under-exploited" was unclear. He asked whether data existed on what percentage of budgets of other United Nations organizations was provided by PPPs. His group also disagreed that PPPs should be used to make improvements to global supply chains, and it supported the Office's response to the relevant recommendation. The greatest challenge faced by enterprises was national governance, rather than issues in supply chains. Furthermore, supply chains comprised a small fraction of a country's workforce; PPPs should apply to all workers. Business networks were a very effective alternative that maximized impact and required much less marginal effort.
- 1015.** It was deeply regrettable that due diligence processes were undermining the objectives of PPPs. The inefficiency reported in the document was unacceptable, and examination of the under-exploitation of PPPs should scrutinize not only financial matters, but also opportunities lost to Office politics. The referral of decisions on some PPPs to the Director-General was a cause for concern; the Office should be transparent in its rejection of PPPs and establish a clear decision-making process, which must include appropriate deadlines and involve ACT/EMP. To increase sustainability, and given that enterprises' financial contributions under PPPs were relatively small, consideration should be given to a structure that would allow several enterprises to contribute to existing work, and the social partners should be engaged strategically in the design of PPPs. His group disagreed with the call in recommendation 7 for long-term agreements with private partners; PPPs should target specific activities for specified time frames.
- 1016.** Turning to part III, he drew attention to the need for the Office to make DWCPs more relevant by addressing their lack of constituent ownership. He also expressed concern that DWCPs were perceived by some as being donor projects. He asked why the document omitted outcome 10 from the outcomes that were addressed by DWCPs; institutional capacity-building for employers' and workers' organizations should be a priority. The Office should utilize alternative funding, such as the RBSA, which would allow it to deepen its cooperation in countries and on themes for which donor funding was not readily available. He asked how the RBSA was used in southern Africa to advance the priorities of the DWCPs, particularly institutional capacity-building among the social partners. His group supported the recommendations contained in part III of the document, and the related responses from the Office. In particular, he drew attention to recommendation 1, which called for capacity-building for the social partners and consultations with ACT/EMP and ACTRAV.

- 1017.** *The Worker spokesperson*, addressing part I of the document, said that, despite the topic's recognized relevance, the apparent inadequate ownership of Recommendation No. 204 concerning the transition from the informal to the formal economy and shortcomings in its implementation were a cause for concern. Supportive of the document's recommendations on the approach advocated by Recommendation No. 204, her group wished to underscore the importance of regional adaptation in all efforts to formalize the informal economy. It would welcome clarification of the redefined work arrangement proposed in paragraph 37.
- 1018.** Recommendations 2 and 9 were linked, in that they both addressed cooperation with the organizations in the United Nations system, where the ILO must exercise its normative mandate. The General Surveys of 2019, 2020 and 2021 were relevant to the topic of the informal economy and should be taken into account when implementing the ILO strategy and in its interactions with other agencies. The ILO should champion coherence in the UN and multilateral systems to promote workers' rights, and select its partnerships carefully. Recommendation 4, which related to the creation of an environment that enabled enjoyment of the right to organize, collective bargaining and social dialogue and the development of innovative approaches, should be implemented as part of a holistic approach to the transition to the formal economy. The Office should consider undertaking further work on preventing the informalization of formal workers, particularly in global supply chains and the green economy.
- 1019.** Turning to part II, she welcomed the evaluation as shedding light on the PPPs and identifying sustainability as an area of weakness. She sought clarification on who, besides the constituents and ILO officials, had been consulted during the evaluation. Future evaluations of PPPs involving the ILO should consider how they improved performance in industrial relations, and due diligence processes should examine how enterprises made improvements to industrial relations. Her group generally welcomed the response from the Office and fully supported Office rejection of some of the recommendations. However, her group did not agree that the procedures, appraisals and clearance processes relating to PPPs need to be reviewed. They had proved efficient, and the existing consultation process remained relevant, although it was regrettable that enterprises with poor labour records had been allowed to work with the ILO. The ILO should take the lead in the harmonization process for partnership approaches in the United Nations system being undertaken by the United Nations Sustainable Development Group by promoting clear selection criteria that examined enterprises' labour records and respect for trade union rights, in line with the ILO policy and procedure relating to PPPs. Her group opposed PPPs with enterprises that did not respect fundamental human, trade union and labour rights, and it was concerned at the silent privatization of the United Nations system.
- 1020.** She noted that some of the recommendations in part III of the document had been made previously. Consideration must now be given to how future DWCPs could be designed and implemented differently, particularly on resource mobilization, monitoring and accountability, and integration of gender and non-discrimination aspects. That question required more in-depth discussion if concrete improvements were to be made. Her group was concerned at the provision of ILO support to non-traditional partners: clarification of the nature of that support and whether it had affected delivery of the planned outputs might be required. She requested clarification of the implementation of the ILO's normative mandate in southern Africa, and her group's views should be understood in the context of its comments on the Programme and Budget for 2020–21 advocating for the alignment of regional work with the ILO Centenary Declaration for the Future of Work. The call contained in the resolution concerning the second recurrent discussion on social dialogue and tripartism for the mainstreaming of social dialogue and tripartism across all policy outcomes, DWCPs and development cooperation should be understood to promote internal coherence, but also coherence in work with other agencies, particularly in the context of the

SDGs and the United Nations development system reform. Her group supported the draft decision.

- 1021.** *Speaking on behalf of the Africa group*, a Government representative of Senegal said that the efforts made by the ILO to support the formalization of the informal economy, which represented more than half of economic activity in a number of African countries, had raised awareness among member States of the need to act. Recommendation No. 204 and the transition strategy developed by the ILO were particularly important in that regard, and to the achievement of SDG 8. The Africa group therefore welcomed the evaluation's findings and supported, in particular, the recommendations on increased use of digital technology to incentivize formalization and on the importance of statistics and research to track progress on formalization.
- 1022.** The results of the evaluation of the ILO's PPPs were interesting, but delays caused by differing operational cultures and the lack of data on performance and added value were regrettable. Private sector actors in Africa should be fully involved in PPPs and in establishing the nature of those partnerships to ensure that they were strategic and inclusive. The eight recommendations showed the importance of developing the ILO's partnerships with non-state actors to bring added value to achieving the universal aims of the Organization.
- 1023.** In addition to the four member States of the SADC, a number of African countries had benefited from DWCPs because they met a need of social partners for national and international frameworks. Resource limitations and the underfunding of DWCPs was a recurrent issue common to all States. In many countries, DWCPs were ineffective and had scarcely been implemented. The concept of DWCPs should be reviewed and the social partners in the countries invited to take ownership of them and give adequate attention to their implementation. Among the barriers to implementation were unrealistic expectations, over-ambitious goals, limited technical capacities and budgets and insufficient resources. The Africa group remained committed to the measures and strategies developed by the ILO to support member States in achieving the goals of social justice and decent work. The States whose DWCPs had been evaluated should take into account the findings of the evaluation and implement the key recommendations to the extent possible. The most crucial recommendation was to consider a more custom-made approach to designing DWCPs. The Africa group supported the draft decision.
- 1024.** *Speaking on behalf of ASPAG*, a Government representative of Bangladesh noted that more focus was needed on coherence, effectiveness, efficiency and impact in work on formalization of the informal economy. It was important to integrate relevant interventions into the UN Sustainable Development Cooperation Frameworks to formalize the informal economy and prevent the informalization of formal jobs, while allocating needs-based resources at the country level. South-South and triangular cooperation could be instrumental to addressing the informal economy, particularly through knowledge sharing, cooperation and the provision of resources to member States. The Office should continue providing technical assistance to countries of Asia and the Pacific to support national strategies on proper education and skills development to enable the informal workforce to enter formal manufacturing and service jobs. Efforts to support the growth of formal micro, small and medium-sized enterprises should be boosted. Member States should increase efforts to formalize employment, and adverse economic effects should be avoided for those whose only source of livelihood was the informal economy.
- 1025.** PPPs had been found unsatisfactory in terms of coherence, efficiency, impact and sustainability. More systematic, accountable and transparent screening and oversight was needed, especially for partnerships with financial implications. The recommendations and

lessons learned from the evaluation of PPPs should be given due consideration when formulating the new development cooperation strategy.

- 1026.** Some of the challenges identified in the four countries whose DWCP had been evaluated, such as limited technical capacity, budget constraints and the limited management capacities of national steering committees, were also common in many countries in Asia and the Pacific. The Office should address those challenges while continuing to support all country offices and decent work technical support teams in their capacity development activities. Capacity development should also be inclusive of constituents. When integrating the SDGs into the new generation of DWCPs, the principles of gender equality and non-discrimination were of utmost importance. His group looked forward to the application of the new diagnostic instruments to support planning and SDG-sensitive monitoring and evaluation of DWCPs, and to consideration of the recommendations of the three evaluations in ILO programmes and the results framework for 2020–21.
- 1027.** *Speaking on behalf of the EU and its Member States*, a Government representative of Finland said that North Macedonia, Montenegro, Serbia, Albania, Norway, Armenia and Georgia aligned themselves with her statement. She recognized the significance of Recommendation No. 204, given the magnitude and prevalence of the global informal economy. Work on the formalization of the informal economy was underfunded but received RBSA resources, to which EU Member States contributed significantly. In view of the need for greater engagement by all stakeholders, she supported the recommendation to place emphasis on supporting workers' and employers' organizations in building alliances with actors of the informal economy. The recommendations on the inclusion of gender issues, diversity and non-discrimination against vulnerable persons, and a just transition to environmental sustainability in formalization measures were also notable.
- 1028.** With regard to PPPs, she encouraged the Office to work with the social partners to develop the capacity of all constituents to build awareness of innovative finance and its potential to scale up decent work outcomes. The results of the high-level evaluation – particularly with regard to the effective supply chain approach, the diversity of PPPs and the UN common approach to due diligence in that field – would be useful to the discussion of the Development Cooperation Strategy 2020–25 at the following session of the Governing Body.
- 1029.** In the light of the evaluation of DWCPs in four SADC member countries, on which the views of the Africa group were of particular interest, the Office should strengthen efforts to integrate the SDGs into the new generation of DWCPs. She asked to what extent the DWCPs had contributed to the promotion of fundamental principles and rights at work, and highlighted the importance of recommendations 1 (reinforce the capacities of the social partners) and 4 (make additional efforts to promote gender equality and non-discrimination). The EU and its Member States supported the draft decision.
- 1030.** *A Government representative of China* suggested that the Office should focus on the working areas set out in the Centenary Declaration, improve the implementation of the evaluation strategy, determine the themes and targets of evaluations more clearly, and improve the evaluation approach by linking it more effectively with the indicators set out in the results-based framework for 2020–21. More quantified evaluation reports and better monitoring of the implementation of the Programme and Budget for 2020–21 and achievement of the labour-related SDGs were needed.
- 1031.** Recommendation No. 204 played an important role in promoting the formalization of the informal economy, but the lack of horizontal coordination with work in other policy outcome areas needed to be tackled. Formalization should be achieved through comprehensive policy implementation, including on social protection, compliance and sectoral policy. Engagement

with workers in the informal economy was lacking and vulnerable groups required greater attention in the transition to a sustainable economy. The evaluation had not taken into account differences in national circumstances. The Office should seriously consider the recommendations made in the evaluation and integrate formalization of the informal economy into the eight policy outcomes of the Programme and Budget for 2020–21.

- 1032.** PPPs were a critical part of the ILO’s future development and an important source of extrabudgetary voluntary donations, but huge untapped potential remained. The Office should seriously consider the recommendations made in the evaluation report and make more efforts on the categorization, design, access, operation, oversight and application of programme results. Transparency should be improved to boost the influence and visibility of the ILO in the private sector around the world.
- 1033.** He expressed appreciation for the efforts of the Office to assist countries in southern Africa with DWCPs and encouraged it to learn from the past, enhance communication and coordination with tripartite constituents in the region and continue to provide the region with technical assistance. He supported the draft decision.
- 1034.** *A Government representative of Mexico* noted that DWCPs should be aimed at achieving measurable progress on decent work with the involvement of the tripartite constituents through cooperation, development and building partnerships, taking account of country-specific circumstances. In Mexico, a tripartite memorandum of understanding had been signed during the Director-General’s 2019 visit to the country, which had prioritized decent work, social protection, international labour standards and tripartite social dialogue. The information on past experience and good practices in the independent evaluation of the four DWCPs would assist Mexico in implementing its own programme.
- 1035.** *A representative of the Director-General* (Deputy Director-General for Policy) said that the Office would continue to work with commitment on preventing informality and on transitioning to the formal economy. The relevant outcomes for the 2020–21 biennium were more cross-cutting than in the current biennium and drew on all the expertise of the Office. The intention was to build on achievements under the current outcome to support the transition of informal economy workers and economic units to the formal economy. Experts would be identified across the Office, both at headquarters and in the field, to take responsibility for and coordinate work on outcomes that concerned the informal economy.
- 1036.** *A representative of the Director-General* (Chief, Inclusive Labour Markets, Labour Relations and Working Conditions Branch) welcomed the comments and guidance provided and noted that they would be taken into account. He clarified that the Office took into consideration the need to increase productivity of enterprises to facilitate their operation in the formal economy and to support those trapped in informality in the Programme and Budget for 2020–21, notably in outcome 4, including output 4.3 dedicated to the formalization of enterprises. That was a huge challenge, as more than half of the people in employment in the world work in informal economic units. Recommendation 4 on strengthening capacities for formalization would be implemented through the incorporation of this thematic area under several of the next policy outcomes, as well as through events held at the Turin Centre, such as the Academy on the Transition to the Formal Economy, which had been well assessed by past tripartite participants. He had taken note of the comments on representation of actors of the informal economy, and recalled that paragraph 33 of Recommendation No. 204 stated that “[e]mployers’ and workers’ organizations should, where appropriate, extend membership and services to workers and economic units in the informal economy”, and the Conclusions concerning the second recurrent discussion on social dialogue and tripartism stated in point 5(a) that the Office should “[s]trengthen the capacity of the most representative organizations of employers and workers to include in their ranks, according to national practice, representatives of

membership-based representative organizations of workers and economic units from the informal economy to enable them to engage effectively in tripartite and bipartite social dialogue ...”.

- 1037.** *Another representative of the Director-General* (Director, Partnerships and Field Support Department) welcomed the comments, which would be instrumental contributions to the further development of the Development Cooperation Strategy for 2020–25 and the operationalization of the Programme and Budget for 2020–21. Consideration of the many different categories of partnerships with non-state actors meant that the evaluation had contained a number of generalizations. Partnerships that included a financial contribution to the Office were, as any financial partnership, subject to the rules and procedures and measurement methods of development cooperation programmes. Beyond the financial partnerships, engagement with the private sector was also crucial to especially promoting decent work in their business practices. Partnerships sometimes involved financial contributions to the ILO but could also be of a different nature of engagement. In relation to the question on other UN agencies’ income deriving from the private sector engagement, one example was the World Health Organization which received voluntary contributions of around US\$2 billion, of which 28 per cent was funding originating from so-called non-state actors, which was a category that included foundations and other non-state actors in addition to the private sector. The Office noted that it had played an active role in the Strategic Results Group on Partnerships of the UN Sustainable Development Group since its inception, specifically in a task team dealing with PPPs. In this task team the ILO had been able to promote the unique nature of the ILO and its mandate as well as advocating that common approaches to PPPs for the UN reflect the specific concerns and interests of the ILO constituents, in particular the social partners. The Office thanked the social partners for their inputs to these efforts. Similar engagement from the social partners in such future processes would also be needed.
- 1038.** *Another representative of the Director-General* (Regional Director for Africa) said that the Office had taken good note of the comments to help to improve DWCPs in Africa and other regions, particularly in the context of UN reform. Resources were a key concern for the implementation of the DWCPs. Some member States in the region made budgetary allocations to fund DWCP outcomes. Despite the existence of such good practices, this was uneven. One innovative method of funding from the regular budget involved aligning the outcomes of DWCPs and the programme and budget outcomes and creating synergy in coordinating the two processes. A pilot initiative on the use of RBSA funding was under way, but that would remain a limited source. Opportunities to secure extrabudgetary funding from development partners to target all DWCPs or components thereof was under discussion.
- 1039.** Further to the independent high-level evaluation of the ILO’s capacity-development efforts,⁴ there was an effort to strengthen capacity-building for social partner institutions to ensure the necessary capacities at the national level. Capacity-building to promote gender equality was another area of ongoing work for the Office. Social partners’ engagement in the development of DWCPs had improved, but was not adequate with regard to implementation and monitoring. A results-based management task force had been established to deepen the “results culture” within the Office and among ILO constituents and thereby contribute to effective ownership throughout the DWCP process. Much had changed since 2010, when some of the DWCPs had been developed. Good practices from the region and elsewhere would help with the development of the new generation of DWCPs.

⁴ GB.334/PFA/7.

- 1040.** *Another representative of the Director-General* (Director, Evaluation Office), responded to questions on the evaluation methodology that had been raised. In response to a question of the Employers' group he explained the evaluation findings that the outcome on formalization of the informal economy was under-resourced because not all of the resources initially pledged by technical units had ultimately been delivered. In response to a question from the Workers' group, he said that the full evaluation report contained details on all stakeholders consulted for the evaluation of PPPs: 164 stakeholders had been interviewed, of whom 40 were constituents, 28 were non-state actors involved in PPPs, five were donors and 91 were field and headquarters staff members.
- 1041.** *The Employer spokesperson* welcomed the responses given by the Office and noted that many of the concerns raised could be discussed at the March 2020 session of the Governing Body. He reiterated his comment that the development of a strong regulatory framework for business was the best way to combat informality, and requested the Office to redouble its efforts in that respect. His group supported the draft decision.

Decision

- 1042.** *The Governing Body requested the Director-General to take into consideration the recommendations of the three high-level independent evaluations presented in document GB.337/PFA/7 (paragraphs 28–36, 67–74 and 119–124) and to ensure their appropriate implementation.*

(GB.337/PFA/7, paragraph 132)

Eighth item on the agenda

Matters relating to the Joint Inspection Unit (JIU): Reports of the JIU (GB.337/PFA/8(Rev.1))

- 1043.** *The Worker spokesperson* stressed the importance of preserving the ILO's tripartite and normative mandate across the UN system, in relation to the review of donor reporting requirements. With regard to private sector partnership arrangements in the context of the 2030 Agenda, any further follow-up to the recommendations should be guided by the Governing Body discussions not only of the report of the independent high-level evaluation of the ILO's PPPs, 2008–18 but also of the ILO Development Cooperation Strategy for 2020–25. The Organization should not be rushed into any follow-up until tripartite consensus could be achieved. She welcomed the Office's proposed pursuit of effective and efficient measures to address conflicts of interest, including through active participation in relevant inter-agency forums. With regard to the review of the internship programmes, she acknowledged the ILO's role in sharing its advanced experiences with other UN entities and agreed with the concerns raised by the members of the UN System Chief Executives Board for Coordination (CEB) about some of the proposed benchmarks. There should indeed be further discussion on good practices going forward. With regard to the review of whistleblower policies and practices, she agreed that there needed to be differentiated implementation of the good practices based on each organization's context. On the matter of improving efficiency and effectiveness in administrative support services by enhancing inter-agency cooperation, she stressed the importance of not compromising the tripartite structure of the ILO. It was important to take into account the issues raised by the members of the CEB relating to the ambitious time frames and the fact that common approaches did not always result in savings in moving forward. The Staff Union should also be consulted. Lastly, on the question of enhancing accessibility for persons with disabilities, she fully

supported the ILO's leading role in developing the United Nations system-wide framework for disability inclusion.

- 1044.** *The Employer spokesperson* noted that the Office had implemented most of the relevant recommendations made in the seven reports covered in the document. With regard to the review of donor reporting requirements, he agreed that UN system-wide harmonization needed to be done without compromising organization and donor requirements, emphasizing in particular that the reporting should respect the tripartite nature of the Organization. With regard to the report on private sector partnership arrangements, he said that recommendation 3 was a particular concern, since it pointed to brokering partnerships with the private sector "assisted by the United Nations Global Compact". However, at the ILO, such partnerships would need to be discussed with representative business organizations in a given country. Although the Office had already noted in one of the reference documents that the specific needs of different organizations with respect to private sector engagement would vary depending on their mission and mandate, he requested that the Office strengthen its response by stressing the role of employers' organizations. Those organizations supported updating collaboration frameworks and creating a shift in focus towards stimulating partnership rather than simply offering protection from risk. With regard to recommendation 5 on whistle-blower policies and practices, the Employers' group commended the Office for further improving on reporting misconduct. Since the multilateral system was under increasing scrutiny, it was ever more important for the ILO and its officials to uphold the highest standards. The ILO Ethics Office should be empowered as an independent function and given adequate resources. He supported the draft outcome.
- 1045.** *Speaking on behalf of the Africa group*, a Government representative of Chad said that the report of the JIU showed that a standardized, joint report to the whole UN system strengthened the exchange of information on matters of substance and enabled more informed decision-making. The group supported the draft outcome and requested that the Office ensure that the JIU report recommendations and findings were followed up.
- 1046.** *Speaking on behalf of IMEC*, a Government representative of Canada commended the work of the JIU, which was indispensable for the implementation of the 2030 Agenda and the UN reform. She requested clarification from the Office regarding the exclusion from the ILO follow-up reference documents of some of the JIU reports that had been published in 2018 and that had contained recommendations for both the Office and the Governing Body. The Office should ensure that it regularly updated its implementation actions on the JIU Web-Based Tracking System so that constituents could track the ILO's follow-up status on JIU recommendations. IMEC welcomed the generally positive conclusions on the work of the ILO in recently concluded JIU reviews and the willingness of the Office to engage in further exchanges with other UN agencies, and highlighted the reference to the ILO as an example of modelling best practice concerning internship programmes. In the interests of accountability and transparency, IMEC would welcome the inclusion of the JIU's reports on the UN System-wide Action Plan on Gender Equality and the Empowerment of Women (UN-SWAP) and on audit and oversight committees in the UN system, as well as relevant forthcoming system-wide reports, in future ILO documents. IMEC appreciated the Office's good practice of reporting on the JIU recommendations of the previous three years and its constructive approach to the recommendations. Although the responses provided by the Office to all JIU recommendations were generally welcomed, it was not appropriate for the Office to respond to, or decide on the acceptance of, recommendations addressed to the Governing Body before consulting it. The Office was asked to clarify its decision, in line with that of the CEB, not to accept certain recommendations of the review of mechanisms and policies addressing conflict of interest in the UN system, despite the fact that some other organizations had accepted them. IMEC disagreed with the Office's decision not to accept recommendation 4, addressed to the legislative bodies of the organizations, of the JIU review of whistle-blower policies and practices in the UN system organizations. It noted with

concern that the JIU had reported that the ILO did not have a structurally independent ethics function and requested that the Office, in consultation with the Independent Oversight Advisory Committee (IOAC), undertake a review of its oversight functions. The ILO should strive to be at the forefront of the UN system of implementing best practices in relation to whistle-blower protection policies and oversight functions. The ILO was encouraged to continue proposing and rating the relevance of topics envisaged for inclusion in the JIU programme of work.

- 1047.** *A representative of the JIU*, invited to speak by the Chairperson, said that the ILO's rate of acceptance of JIU recommendations had increased, and was relatively high and above the JIU's benchmark. Under its strategic framework for 2020–29, the JIU would focus on changes that had been implemented based on its reports and therefore commended the ILO's high level of implementation of accepted recommendations, which was evidence of a learning culture, and the inclusion in the reference documents of intended impacts and CEB recommendations. The JIU valued its collaboration with the ILO in developing its strategic framework for 2020–29, and through the use of ILO work for benchmarking as reflected in a few reviews that it had recently undertaken, notably on internship programmes and change management, as well as on projects such as the ILO's customization of the JIU's benchmarking framework for results-based management.
- 1048.** *A representative of the Director-General* (Director of the Strategic Programming and Management Department) noted that the JIU reports on UN-SWAP and on strengthening the policy research uptake in service of the 2030 Agenda had been received after the internal deadline for inclusion in the current report and would be covered in the 2020 report on matters relating to the JIU. The Office had not accepted recommendation 4 of the review of whistle-blower policies and practices because current ILO practice, involving annual reporting by the internal auditor and Head of Oversight to the Governing Body, differed from, but was also more highly regulated than, the system proposed by the recommendation. Regarding the review of mechanisms and policies addressing conflict of interest in the UN system, recommendation 3 had not been accepted because the ILO already employed the good practice of passing all relevant information through an external auditor and the IOAC. Recommendation 4 had not been accepted because the rules and regulations, which all ILO staff were obliged to follow, already included a non-disclosure clause and so no additional clause was necessary in contractual agreements. The Office always bore in mind the need, as recalled by the Employers' and Workers' groups, that the follow-up of JIU recommendations should never compromise the Organization's tripartite values and structure, such as in the case of PPPs, where the Office was careful not to follow a system-wide one-size-fits-all approach. The Office was currently updating the ILO's whistle-blower policy in order to strengthen protections and procedures throughout. With regard to the implementation of the UN Disability Inclusion Strategy, focal points had been appointed and an Office-wide performance report was being prepared.

Outcome

- 1049.** *The Governing Body noted the information provided in documents GB.337/PFA/8(Rev.1), GB.337/PFA/8/REF/1 and GB.337/PFA/8/REF/2, and provided guidance to the Office.*

(GB.337/PFA/8(Rev.1), paragraph 28)

Personnel Segment

Tenth item on the agenda

Statement by the staff representative

1050. The statement by the staff representative is reproduced in Appendix II.

Eleventh item on the agenda

Composition and structure of the ILO staff: Action plan for improving the diversity of the ILO workforce ([GB.337/PFA/11](#))

1051. *The Worker spokesperson* reiterated her group's support for diversity among ILO staff, including progress towards gender equality in the Professional and higher categories. However, it was necessary to look beyond geographical and gender diversity and consider the recruitment of people with worker and employer backgrounds; the Office's proposal to encourage applicants with experience relevant to the three constituent groups in vacancy announcements was therefore welcome. As hiring persons with disabilities was also an important element of enhancing diversity and inclusion, she reiterated her request for an overview of the number of people with disabilities recruited by the ILO.
1052. Any measures aiming at increasing diversity must respect the principle of obtaining a staff of the highest standards of competence, efficiency and integrity, including in the proposed consultative process to review the current specification of minimum requirements in generic job descriptions. The Office should engage the Staff Union in discussions, keeping in mind the collective agreement on a procedure for recruitment and selection, and on the implementation of the proposed action plan. She supported the draft decision.
1053. *The Employer spokesperson* requested clarification from the Office on the meaning of the term "under-represented countries" in the document.
1054. *A representative of the Director-General* (Director, Human Resources Development Department) explained that, the system of desirable range used by UN entities for ensuring equitable geographical distribution was introduced in the United Nations Secretariat in 1948 to calculate for each member State a range of regular budget professional posts within which it would be considered adequately represented. Geographical representation was calculated by the ILO on the basis of two factors: the assessed budgetary contributions factor and the membership factor. Those factors were used to calculate the indicative range for the number of posts to be nominally allocated to each member State. Some countries would therefore be classed as "under-represented" if they were below the median value of those desirable ranges.
1055. *The Employer spokesperson* said that the previous discussion at the Governing Body had involved multiple amendments to reflect the need to enhance both the diversity of professional experience of staff and the skills base to reflect the ILO's tripartite nature. However, none of the seven proposed initiatives envisaged any concrete steps to broaden the talent pool to include individuals with diverse skill sets and experience relevant to constituents. The document had also not sufficiently responded to his group's request for

information on the composition of the ILO staff, including statistics on the professional backgrounds of officials at the P5 level and above. Increased efforts were also required to achieve gender parity at those levels. The document had not addressed how to increase the recruitment of staff with experience of working with constituents. The issue of diversity among ILO staff must include the question of professional backgrounds and constituent-relevant experience to ensure that the ILO could understand and serve its constituents and benefit from diverse ways of thinking. The ILO was often perceived, including by senior UN officials, as representing only one constituent group. Human resources strategies should primarily aim at providing tripartite constituents with technical excellence delivered by competent staff with the capability to cater to constituents' various needs.

- 1056.** Under initiative 1 (extending outreach), no information had been provided on staff skill sets. The Office needed to be aware of shortcomings in its experience and skills base to ensure that recruitment for the small window of 25 per cent of vacancies normally filled by external candidates was done in a targeted manner. To that end, the Office could carry out a staff survey on skills and experience, analyse the “field of study” category in the employee profile in ILO People, or add a new category to the profile with a standardized list of professional experience. In line with the Centenary Declaration, the Office would require more expertise on lifelong learning, technology and productivity. Outreach efforts must take account of skill sets in greater demand by constituents.
- 1057.** He asked the Office to clarify whether its reference to “employers’ organizations” under initiative 1 meant the International Organisation of Employers, which would then reach its member organizations. On initiative 3 (review of generic job requirements), the Office’s proposal to recognize the potential value of substantial and relevant work experience, particularly of tripartite constituents, did not need to be qualified. However, requirements such as extensive experience in international organizations were unnecessary barriers to diversity, since they favoured well-connected candidates and those living in proximity to international organizations, and excluded others with great potential. The Office should aim to ensure that the ILO was globally inclusive. Furthermore, the systematic prioritization of internal mobility must not inadvertently deter external candidates from applying for ILO vacancies. The Office should therefore adopt innovative approaches to encourage candidates with a range of profiles, including business experience. For certain posts, such as field office directors, experience of working with tripartite constituents should be mandatory. He requested the Office to follow up on that strong request at the following session of the Governing Body.
- 1058.** Efforts to improve geographical diversity were greatly constrained by UN system rules that established representation in accordance with budgetary contributions. As the leading entity in the UN system on the world of work, the ILO should, however, seek to set a precedent for the hiring practices of other UN organizations. The current method of determining geographical representation should be reviewed, as it failed to take account of distribution of skills: if one country had a high concentration of highly skilled workers in a particular area but was already adequately represented, the Office would not benefit from those skills.
- 1059.** As to the statement in paragraph 5 of the document that “certain measures, if so desired, may require adjustments to the Staff Regulations”, he reiterated his group’s belief that the promotion of geographical, gender and professional diversity should not come at the expense of the established merit-based approach to recruitment, given the importance of having staff with the right skills and experience. Article 4.2(a) of the Staff Regulations reflected key considerations to be made when filling vacancies.
- 1060.** His group proposed amending the draft decision to read:

- (a) instructed the Office to further elaborate on the comprehensive and time-bound action plan for improving gender parity and geographical diversity and ensuring that the necessary breadth of skills and experience of ILO staff, which include experience relevant to the three constituents, are taken into account to effectively deliver on the mandate of the Organization.
- (b) requested the Office to submit a revised action plan with strengthened measures on enhancing constituents' relevant skills and experience of ILO staff at the 338th Session (March 2020) of the Governing Body; and
- (c) requested the Director-General to present an update on the Human Resources Strategy 2018–21 for its review at the 340th Session (October–November 2020) of the Governing Body.

1061. *Speaking on behalf of ASPAG*, a Government representative of Japan welcomed the action plan, as the Asia and the Pacific region was considerably under-represented, and called on the Office to implement all measures in the plan. Gender equality should be pursued alongside and within the context of geographical diversity, supported by the principles of merit-based selection. The proposed improvements to the hiring process, such as extended outreach and training on unconscious bias, should begin immediately. Targeted recruitment of young entry-level candidates could improve the situation, but a strategy to balance the workforce at higher-levels was also needed.

1062. She fully supported the proposed review of generic job requirements. Requirements should be limited to those genuinely needed for a particular position, and systemic barriers should be removed. The requirement for extensive international experience disadvantaged certain groups of candidates with fewer opportunities. As language requirements were often an obstacle to candidates from her region, knowledge of only one ILO working language should be sufficient.

1063. ASPAG supported the positive action approach, facilitated by any necessary amendments to the Staff Regulations, to accelerate efforts to address geographical under-representation, as merit resided in all parts of the world. As part of initiative 7, she requested the Office to provide detailed information on the formula used to calculate the desirable ranges of national representation and how it was applied to posts allocated to each country. Since 75 per cent of ILO vacancies were filled by internal candidates, the action plan should address forms of ILO employment other than regular budget posts, such as staff serving in development cooperation projects. Her group supported the draft decision.

1064. *Speaking on behalf of GRULAC*, a Government representative of Uruguay welcomed the proposed action plan to improve gender parity and geographical diversity, the establishment of the task force on geographical diversity and the seven proposed initiatives. Under initiative 1 (extending outreach), the Office should draw on good practices used by other agencies, including regional and national measures. In relation to gender and age, it was notable that, according to figures previously provided,⁵ there were more women than men in the 35 and under and 36–45 age brackets among Professional and higher category staff, but more men than women for the same staff categories in higher age brackets. However, the sharp increase in the number of staff members in the Professional and higher categories due to reach the mandatory age of separation in 2021–22 – a large proportion of whom were men – would provide an excellent opportunity to improve geographical representation and gender balance.

⁵ GB.335/PFA/11, chart VIII(b).

- 1065.** Regarding initiative 7 (establish an annual ILO gender parity and geographical diversity outlook report), work should be done to revise how diversity was assessed in relation to the desirable ranges of national representation, which was determined for regular budget positions at the Professional and higher categories on the basis of each member State's rate of contribution to the regular budget; it would be appropriate for the representation of all regional groups to grow in similar proportions on the basis of new recruits to the Organization, avoiding the major imbalance between regions that had existed for the past two decades.
- 1066.** Although she recognized that the scope for improving gender parity and increasing geographical diversity would be limited over the next five years, she urged it to continue its efforts to overcome barriers to diversity. Short- and medium-term improvements would not occur spontaneously, but through deliberate, planned efforts. Her group supported the draft decision.
- 1067.** *Speaking on behalf of the Africa group*, a Government representative of Uganda said that the issue of staff diversity had been discussed at previous sessions of the Governing Body. At its 335th Session, the Governing Body had requested the Office to present at its 337th Session a comprehensive and time-bound action plan for improving gender and geographical diversity and ensuring that the necessary breadth of skills and experience of ILO staff, which included experience relevant to the three constituent groups, was taken into account, to effectively deliver on the mandate of the Organization. It had also specified that the plan should indicate the gender and geographical distribution of regular staff by category and grade to facilitate the evaluation of the established targets of the Human Resources Strategy 2018–21; and had encouraged the Office to widely disseminate job postings to constituents to encourage a wide pool of applicants. However, the document presented in response to that decision did not meet expectations, as it failed to indicate the gender and geographical distribution of regular staff by category and grade, and did not provide a comprehensive, time-bound action plan for improving geographical diversity. His group was therefore unable to engage in productive discussions on the matter and asked for the agenda item to be suspended until the Office had provided the information requested.
- 1068.** *Speaking on behalf of the Eastern European group*, a Government representative of Poland noted the efforts of the Office to improve diversity, notably in relation to geographical representation, but expressed concern that many countries from her region remained unrepresented or under-represented. Insufficient progress had been made towards achieving better representation at all levels, including in senior positions. It was critically important to ensure that the staff composition of the ILO was equitable and that it could tap skills and talents in each region. Regional balance needed to be attained at every level, at headquarters and in the field.
- 1069.** In addition to the geographical statistics provided in the document, tables showing changes in staff numbers from member States in the various representation categories over time would be useful. Her group had no objections to the proposed action plan, which was the first step towards achieving equitable geographical representation. She therefore urged the Office to continue its work on policies and actions to improve recruitment from unrepresented and under-represented countries. Such work should notably encompass selection policies and targets for progress, accompanied by an effective and transparent monitoring and reporting process. Her group would continue to engage constructively with the Office on the subject.
- 1070.** *Speaking on behalf of the Governments of Canada, Sweden, the United Kingdom, Turkey, Belgium, Iceland, Denmark, France, Norway, Finland, Germany, Austria, Australia, Ireland, the United States, Israel, Netherlands and Switzerland*, a Government representative of Canada said that the proposed action plan raised a number of questions.

The lack of gender balance at senior levels of the Organization was a matter for concern as the ILO should be a leader in that respect and maintain efforts to ensure gender parity throughout the Organization. She asked whether attention was being paid to the attrition of women at senior levels and requested further details on the exact ratios at all levels and trends over time. In addition, she wished to know how the proposed action plan correlated to the ILO Action Plan for Gender Equality 2018–21 tabled for discussion by the Governing Body at its 338th Session, and how it incorporated the recommendations of the UN System-wide Strategy on Gender Parity. In view of the Office's conclusion that the current context significantly limited its scope to improve gender parity and increase geographical diversity over the next five years and raised challenges in terms of maintaining the status quo, the proposed action plan required strengthening in order to achieve the stated goal of overcoming barriers in the manner specified. She noted that the information provided on geographical diversity was not gender disaggregated; the categories were not mutually exclusive.

- 1071.** She welcomed the proposals to advertise vacancies more broadly and to make use of the Junior Professional Officer Programme, which certain countries had opened to non-nationals. All staffing processes should be transparent and competitive and direct appointments should be limited; she concurred that recruitment should be done in a deliberate, clearly articulated, transparent and legally sound manner. While the increase in the mandatory age of separation clearly presented challenges due to high retention levels, she asked whether there was movement at other levels that could create new opportunities. In addition, the document did not clearly address how internal and inter-agency mobility could create more opportunities; more information should be provided on how the proposed action plan would interact with internal recruitment and mobility processes.
- 1072.** Staff should be selected on the basis of merit and competence through a fair, transparent process, as was recognized across the UN system and codified in the founding documents of multiple UN organizations. However, she concurred that the Office should implement recruitment and outreach strategies to increase representation from member States that were less than adequately represented, and improve gender balance. She therefore supported the Office's efforts to modernize generic job descriptions and address unconscious bias in selection panels. On the other hand, any proposals that undermined the provisions of article 4.2(a)(i) of the ILO Staff Regulations, which identified competence, efficiency and integrity as being of paramount importance in filling vacancies, would raise concerns; the Office should provide assurances that it would not weaken those provisions and provide further details on changes to the Staff Regulations or other relevant regulatory texts that it deemed necessary. She therefore asked the Office to consult the Governing Body before making any changes to the regulatory framework, and to include any relevant discussions on the ILO Action Plan for Gender Equality 2018–21 in the action plan.
- 1073.** *A Government representative of Nepal*, highlighting the importance of efficient and effective management of human resources, said that a more geographically representative ILO would be better able to fulfil its mandate. Although the Asia and the Pacific region was currently under-represented among ILO staff, the proposed action plan would improve geographical diversity in line with the ILO Human Resources Strategy 2018–21. He commended the establishment of the internal task force and expressed support for the seven initiatives outlined in the document, which should help improve issues of representation in the Organization. Particular attention should be paid to ensuring that additional language requirements were not a barrier to recruiting competent staff from the Asia and the Pacific region. He urged the Office to implement the proposed action plan in a timely manner and take measures to guarantee the representation of unrepresented and under-represented countries. His Government supported the draft decision.

- 1074.** *A Government representative of China* welcomed the Office's efforts to improve gender balance and geographical diversity and noted the progress made. However, the enhancement of geographical diversity continued to be a concern; staff numbers should reflect member States' contribution to the regular budget. He called upon the Office to analyse the reasons behind its failure to recruit more candidates from under-represented countries, and propose practical ways to resolve the issue.
- 1075.** His Government supported the proposed action plan, but considered that the Office should take a number of additional steps. Outreach activities under initiative 1 should focus more on under-represented constituents, and allocate additional resources to them. Direct promotional activities organized by the ILO in under-represented States to provide more information on its organizational culture and systems of the ILO would generate interest among potential candidates, particularly younger candidates, and help them develop relevant skills that would increase the likelihood of their recruitment.
- 1076.** He supported the proposal to establish talent pipelines for National Professional Officers, General Service category staff, staff serving in development cooperation projects and Junior Professional Officers under initiative 2. In addition, he encouraged the Office to offer better training and career guidance for those groups, and a friendly policy environment. Efforts should also be made to improve the retention rate for Junior Professional Officers. The plans to review generic job requirements under initiative 3 should involve consultation with all stakeholders, while work on targeted recruitment under initiative 4 should also include higher-level positions. He welcomed the proposed annual report on staff composition and structure and expressed support for the draft decision.
- 1077.** *A Government representative of the Islamic Republic of Iran* agreed that it was vital for the success of the ILO that its staff should be recruited to secure the highest standards of efficiency and competence while ensuring equitable geographical distribution. Given that member States from his region were under-represented among ILO staff, the seven initiatives outlined were of significant importance and required effective implementation. It was of crucial importance that the proposed action plan addressed other forms of ILO employment in addition to vacancies accounted for under the regular budget and further data mining was performed to improve the information available. More specific steps to improve diversity should include the removal of systemic barriers, for instance by clarifying and reducing international experience requirements, and efforts to ensure that application deadlines were reasonable, especially for internships, which required special attention. His Government supported the proposed action plan and draft decision.
- 1078.** *The representative of the Director-General* (Director, Human Resources Development Department) underscored that the document was not intended to call into question the emphasis placed on merit in the filling of vacancies. Article 4.2(a)(i) of the Staff Regulations was clear on that point; although it also referred to age, gender and geographical basis, those elements were considered secondary to competence, efficiency and integrity. The Office had simply wished to express its desire, in response to previous requests from the Governing Body, to attract candidates from all the regions. It was a worthy goal but could not be achieved overnight. Many investments had been made to that end, including in collaboration with workers' and employers' organizations and governments; all constituents had a role to play.
- 1079.** Referring to comments on the adequacy of the data provided, notably from the Africa group, he explained that initiative 7 was intended as a starting point for more detailed reporting in the future. Some of the information requested, such as the distribution of staff by grade and gender, had already been provided at the 335th Session of the Governing Body; the document under discussion was intended to provide a closer focus on certain issues and should be read in parallel with previous documents. He confirmed that the proposed action

plan also took into account the ILO Action Plan for Gender Equality 2018–21, the UN System-Wide Strategy on Gender Parity and the Human Resources Strategy 2018–21; in the interests of efficiency, the Office would not repeat information already provided in other documents.

- 1080.** Regarding specific targets, he reiterated that progress had been made with respect to gender parity in the Professional category grades P1 to P4, although further efforts were needed at the P5 level and above. Overall, women accounted for more than half of the workforce, but targeted action was needed to improve their representation in senior positions. In relation to geographical representation, he recognized that the current data, which was based on those employed under the regular budget, was inadequate, which was why initiative 7 made provision for broadening the scope of reporting to encompass the wider population of the ILO staff; that would provide a better overview of diversity in the Organization. Initiatives 1 and 3 also aimed to ensure that professional background was better taken into account.
- 1081.** He emphasized that any changes to the internal framework, such as the ILO Staff Regulations, would be carried out in consultation with the Staff Union. Indeed, any significant changes to the Regulations would have to be approved by the Governing Body. The Office had sought to remain faithful to the Governing Body decision that had called for an action plan. In the light of the Centenary Declaration and of other challenges, including budget restrictions, investment in human resources was more important than ever. It was time for the Organization to take action and ensure that it could hold its own in a highly competitive environment.
- 1082.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) said, in response to the Employers' query regarding ensuring the necessary breadth of skills within the ILO workforce, that the Business Innovations Unit and the Human Resources Development Department had commenced joint work on mapping the ILO's future skills needs. In response to the query from the Government representative of Canada regarding the relationship of the strategy with the ILO's internal mobility approach, he noted that levels of attrition not related to retirement were low but that internal mobility was used wherever possible to address gender and geographical diversity issues.
- 1083.** He recognized the need to take urgent action in some areas and expressed appreciation for the guidance provided by the discussion with the Governing Body which, with its strong common view and commitment to supporting the Office would help it address the significant challenge of improving diversity within the ILO.
- 1084.** In response to the query from the Africa group regarding the subsequent report referred to in the decision taken on the issue of diversity at the 335th Session of the Governing Body, he noted that this called for the statistical reports on both gender and geographical distribution issued annually in March to be used in future to report on the impact of the proposed action plan. The subsequent report is due to be submitted to the 340th Session of the Governing Body.
- 1085.** Further stages were envisaged for the action plan, including widening the focus to encompass other dimensions of diversity, but would depend on changes to current regulatory policies and procedures, and some may require the approval of the Governing Body. It was important for the Organization to be ready to implement further changes in the medium-term, when rates of attrition increased once the immediate impact of the change in mandatory retirement age has abated.
- 1086.** The internal task force on geographical diversity was itself diverse and also included representation from various departments. Its members had provided valuable input based both on their own careers and their experience as members of selection panels.

- 1087.** The Office requested the approval of the Governing Body for the draft decision so that it could take concerted action immediately, with a view to returning to the Governing Body at its 340th Session for guidance and approval on the further development of the action plan and associated formal actions.
- 1088.** *Speaking on behalf of the Africa group*, a Government representative of Uganda expressed concern regarding the lack of disaggregation of information by geographical area in the document. He recalled that the decision taken on the issue of diversity at the 335th Session of the Governing Body had required the Office to “indicate the ... geographical distribution of regular staff by category and grade”. The group could not fully evaluate the action plan until such information had been provided.
- 1089.** *The Worker spokesperson* said that her group could support the draft decision only on the understanding that the action plan would be developed further in the future and that there would be regular reporting on the issue. She did not support the amendment proposed by the Employers’ group.
- 1090.** *A Government representative of Bangladesh* expressed his support for the amendment proposed by the Employers’ group.
- 1091.** *The representative of the Director-General* (Deputy Director-General for Management and Reform) said, in response to the Africa group, that the decision taken by the Governing Body on the issue of diversity at its 335th Session had requested the Office to present a comprehensive, time-bound action plan at its 337th Session and a subsequent report, at a later session, which would be the 340th Session in October–November 2020, covering gender and geographical distribution of the ILO staff.
- 1092.** *Speaking on behalf of the Africa group*, a Government representative of Uganda noted that since the chapeau to subparagraph (a) of the decision taken on the issue of diversity at the 335th Session of the Governing Body referred specifically to the 337th Session, it followed that all actions listed in that subparagraph should be delivered at that session. He asked the Office to provide the missing information, which should be easy to compile, to the Governing Body during the current session so that a decision could be taken.
- 1093.** *The Employer spokesperson* said that in the absence of support from the Workers’ group for his proposed amendment, he supported the request of the Africa group for a suspension on the agenda item until the required information could be provided.
- 1094.** *Speaking on behalf of the Africa group*, a Government representative of Uganda said that following informal consultations with the Office, his group was proposing an amendment to the draft decision that would address the point of contention raised earlier in the meeting while also fulfilling the requirements of the decision in document GB.335/PFA/11. Subparagraph (c) would now read “requested the Director-General to present to the 338th Session of the Governing Body information regarding gender and geographical distribution of regular staff by category and grade in line with the Governing Body decision in document GB.335/PFA/11”.
- 1095.** *The Employer spokesperson* suggested that the wording of subparagraph (a) of the draft decision should be amended to read “endorsed the action plan for improving gender parity and geographical diversity and ensuring that the necessary breadth of skills and experience of ILO staff, which included experience relevant to the three constituent groups, was taken into account, to effectively deliver on the mandate of the Organization, taking into account that certain measures might be subject to processes of internal social dialogue”.

1096. *The Worker spokesperson* said that her group accepted the amendment to the draft decision as proposed by the Africa group and asked the Employer spokesperson for the reasoning behind his group's proposed amendment.
1097. *The Employer spokesperson* replied that his group's amendment introduced a reference to experience with tripartite constituents into the draft decision and should be acceptable to all constituents since the new wording had been lifted from the Governing Body's decision in document GB.335/PFA/11.
1098. *The Chairperson* invited the Africa group to comment on the amendment proposed by the Employers' group.
1099. *Speaking on behalf of the Africa group*, a Government representative of Uganda said that both the original draft decision as proposed by the Office and the amendment proposed by the Employers' group were valid, but that he understood the Worker spokesperson's hesitancy to accept the new proposals without time to consider and comprehend them.
1100. *The Chairperson* suggested that discussion of the item should be adjourned until the following day to allow time for informal consultations.
1101. *The Worker spokesperson* said that she had clarified the language of the amendment to the draft decision in paragraph 29(a) proposed by the Employers' group by reordering some of the text. She understood that the Employers proposed amending subparagraph (a) to read:
- ... endorsed the action plan as set out in document GB.337/PFA/11 for improving gender parity and geographical diversity within the ILO workforce and for ensuring that the necessary breadth of skills and experience of ILO staff, which include experience relevant to the three constituents, are taken into account to effectively deliver on the mandate of the Organization, taking into account that certain measures might be subject to processes of internal social dialogue;
1102. *The Employer spokesperson* said that the new language reflected most of what he had requested. However, he further proposed that the words "and for ensuring" should be deleted and replaced with "while requesting the Office for improved measures to ensure".
1103. *The Worker spokesperson* said that rather than further amending the language of the proposed amendment, which had originally been proposed by the Employers' group, it should be recalled that the proposal had not yet been accepted by the Governments.
1104. *Speaking on behalf of GRULAC*, a Government representative of Uruguay said that her group would prefer to keep the draft decision as originally proposed in the document. Although her group was prepared to be flexible in order to reach consensus, it would prefer not to include the additional subparagraph (c) proposed by the Africa group.
1105. *Speaking on behalf of the Eastern European group*, a Government representative of Poland said that the decision as originally drafted, without additional subparagraph (c), would be the best option.
1106. *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that having given due consideration to the amendments and sub-amendments proposed, his group would prefer to retain the draft decision as originally proposed.
1107. *Speaking on behalf of the Africa group*, a Government representative of Uganda said that subparagraphs (b) and (c) had already been agreed as amended; the ongoing question related to subparagraph (a). It was not good practice to go back on what had been agreed. He

therefore requested to include subparagraph (c), as previously proposed. With regard to subparagraph (a), he supported the amendment proposed by the Employers' group, while recognizing that the Workers' group had raised a valid point.

- 1108.** *Speaking on behalf of IMEC*, a Government representative of Canada said that her group preferred original subparagraph (a). However, it was supportive of and prepared to be flexible concerning the Africa group's amendment of subparagraph (c).
- 1109.** *Speaking on behalf of GRULAC*, a Government representative of Uruguay said that, in view of the support expressed by other groups for subparagraph (c), her group could be flexible.
- 1110.** *Speaking on behalf of the Eastern European group*, a Government representative of Poland said that her group could accept the inclusion of subparagraph (c) in the interest of consensus.
- 1111.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran indicated that, in order to move the discussion forward, his group could accept subparagraph (c).
- 1112.** *The Employer spokesperson* withdrew his group's sub-amendment and expressed support for the draft decision as amended by the Africa group and with the amendment proposed by his own group and reformulated by the Workers' group, even though that rewording did not fully reflect the decision from the March session.
- 1113.** *The Chairperson* suspended the discussion to allow for informal consultations.
- 1114.** *The Worker spokesperson* said that, having achieved the clarity her group desired by reformulating subparagraph (a) as amended by the Employers' group, and having already accepted draft subparagraph (c) as proposed by the Africa group, the Workers' group was in a position to adopt the amended draft decision. In reference to those groups that preferred to retain the original draft decision together with subparagraph (c), she observed that the action plan would be further developed and constituents must take care not to micromanage the Office during that process.
- 1115.** *Speaking on behalf of the Eastern European group*, a Government representative of Poland thanked the Office for its efforts to improve gender and geographical diversity in the ILO workforce. Regarding the statistical part of future reports on the composition and structure of the ILO staff, she said that the preparation of specific tables providing the level of representation of member States, based on the existing system of geographical distribution, would help to achieve workforce diversity targets and further improve data on the composition of staff.

Decision

1116. The Governing Body:

- (a)** *endorsed the action plan as set out in document GB.337/PFA/11 for improving gender parity and geographical diversity within the ILO workforce and for ensuring that the necessary breadth of skills and experience of ILO staff, which include experience relevant to the three constituents, are taken into account to effectively deliver on the mandate of the Organization, taking into account that certain measures might be subject to processes of internal social dialogue;*

- (b) *requested the Director-General to take into account the guidance provided by the Governing Body in implementing the action plan and to present an update on the Human Resources Strategy 2018–21 for its review at the 340th Session (October–November 2020) of the Governing Body; and*
- (c) *requested the Director-General to present to the 338th Session (March 2020) of the Governing Body, information regarding gender and geographical distribution of regular staff by category and grade in line with the decision adopted by the Governing Body at its 335th Session (March 2019) concerning document GB.335/PFA/11.*

(GB.337/PFA/11, paragraph 29, as amended by the Governing Body)

Thirteenth item on the agenda

Matters relating to the Administrative Tribunal of the ILO

Recognition and withdrawal of the recognition of the Tribunal's jurisdiction by other international organizations ([GB.337/PFA/13/1](#))

1117. *The Employer spokesperson* welcomed the requests from the Global Green Growth Institute and the International Cocoa Organization for the Governing Body's approval of their recognition of the Tribunal's jurisdiction and noted the withdrawal of recognition by the International Fund for Agricultural Development (IFAD). He expressed concern, however, about the grounds cited by IFAD for its withdrawal, including that the standard of proof did not adequately protect against misconduct and was not the most appropriate for international organizations' investigations. He invited the Office to examine those grounds in preparing draft amendments to the Statute of the Tribunal.
1118. On the understanding that no additional costs would be incurred by the Tribunal as a result of the decision, his group supported the draft decision.
1119. *The Worker spokesperson* noted with satisfaction the requests of those organizations for approval of their recognition of the Tribunal's jurisdiction, which were a welcome sign of their trust in its work, and took note of the reasons given by IFAD for its withdrawal. However, she reiterated her support for the opinion of the Tribunal's judges that the withdrawal of recognition of a tribunal's jurisdiction because an organization disagreed with its case law was contrary to the rule of law and weakened the independence and impartiality both of the tribunal from which that organization was withdrawing and that which it wished to join. She sought clarification from the Office regarding the position of IFAD's staff association in relation to the decision to withdraw. Her group noted with satisfaction that IFAD would remain under the jurisdiction of the Tribunal until 31 March 2020 so that all claims already submitted to IFAD's internal justice system could be appealed before the Tribunal. The Workers' group supported the draft decision.
1120. *Speaking on behalf of IMEC*, a Government representative of the United States proposed an amendment to the draft decision that would bring it into line with previous discussions on withdrawal provisions at the 335th Session of the Governing Body. As the Governing Body

was solely required to take note of an organization's decision to withdraw for that denunciation to be considered binding, he proposed that subparagraph (b) of the draft decision should be amended to read "took note that IFAD will no longer be subject to the competence of the Tribunal with effect from 1 April 2020; and"; that subparagraph (c) should be deleted; and that subparagraph (d) should become new subparagraph (c).

- 1121.** *A representative of the Director-General (Legal Adviser)* said that the legal office at IFAD had made clear that they wanted to proceed with their withdrawal in accordance with the rules and not create any bad precedent. They had proposed the effective date of 31 March 2020 following extensive consultations with IFAD's staff association and at its specific request to ensure that any pending grievances would be referred to the Administrative Tribunal of the ILO and not the United Nations Appeals Tribunal. It was, however, for the Governing Body to decide the effective date of withdrawal.
- 1122.** *The Worker spokesperson* said that she preferred the original wording of the draft decision, since it responded to a specific request from IFAD and was the same language used for previous withdrawing organizations.
- 1123.** *The Employer spokesperson* agreed that the original language was more precise and therefore supported the draft decision as originally proposed.
- 1124.** *Speaking on behalf of IMEC*, a Government representative of the United States asked for the Office's views on his proposed amendments.
- 1125.** *The representative of the Director-General (Legal Adviser)* confirmed that the language in the draft decision was the same with that used in the previous five cases of withdrawal.
- 1126.** *Speaking on behalf of IMEC*, a Government representative of the United States asked whether it would be acceptable simply to replace the word "confirmed" with the words "took note" in subparagraph (c).
- 1127.** *The Worker spokesperson* said that she would prefer to retain the original text, since the Governing Body was in reality taking a decision.
- 1128.** *The Employer spokesperson* agreed that the original text was preferable. Every word was important.
- 1129.** *Speaking on behalf of IMEC*, a Government representative of the United States said that in view of the discussion at the previous session of the Governing Body regarding its lack of authority over the governing bodies of other entities under the jurisdiction of the Administrative Tribunal of the ILO, it was his view that the Governing Body was not able to confirm a withdrawal and should merely take note of it. According to the current Statute, withdrawal from the jurisdiction of the Administrative Tribunal was the prerogative of the organization concerned.

Decision

- 1130. *The Governing Body:***
- (a) *approved the recognition of the Tribunal's jurisdiction by the Global Green Growth Institute (GGGI) and the International Cocoa Organization (ICCO), with effect from the date of such approval;***

- (b) *took note of the decision of the International Fund for Agricultural Development (IFAD) to discontinue its recognition of the jurisdiction of the Administrative Tribunal as from 1 April 2020;*
- (c) *confirmed that IFAD will no longer be subject to the competence of the Tribunal with effect from 1 April 2020; and*
- (d) *requested the Director-General to follow up with IFAD regarding the payment of any outstanding costs.*

(GB.337/PFA/13/1, paragraph 15)

Matters relating to the Administrative Tribunal of the ILO

Proposed amendments to the Statute of the Tribunal ([GB.337/PFA/13/2](#))

- 1131.** *A representative of the Director-General (Deputy Director-General for Management and Reform) introduced the document.*
- 1132.** *The Worker spokesperson noted the various elements that were taken into account in practice when selecting and appointing judges for the Administrative Tribunal, as laid out in the document. The Governing Body should ensure that there was consideration of the representation of different legal traditions on the Tribunal, which did not necessarily correspond to geographical region. She noted that the current composition reflected the presence of various regions. Gender should also be taken into account. Specific references to fair geographical representation, gender composition and maximum number of terms of office were not necessarily needed in the Statute, provided that the other important criteria were taken into account and that any amendments on those issues also included amendments related to the withdrawal of organizations.*
- 1133.** *Recalling the views that her group had expressed during the discussion of the proposed amendments at the 335th Session of the Governing Body, she also noted that the Administrative Tribunal of the ILO had originally been established as part of the League of Nations, which should be taken into consideration when looking at the formal requirements for accession and withdrawal. Given that the Governing Body approved an organization's recognition of the jurisdiction of the Tribunal, it should not simply "note" but confirm and determine the date of its withdrawal. In view of the recent trend of organizations withdrawing due to disagreements with the Tribunal's case law, it was worth noting that some other international administrative tribunals were less stringent, notably with regard to reinstatement. Her group strongly agreed that such withdrawals could be perceived as "forum shopping", which weakened the appearance of independence and impartiality of both the tribunal from which the organization wished to withdraw and the one it wished to join.*
- 1134.** *Her group had been surprised to see the reasons given in the document for postponing consideration of the amendments to the Statute. Although they welcomed the meeting between the President of the Tribunal and the legal advisers and staff representative bodies of member organizations, that did not prevent the Governing Body from adopting amendments to the Statute on a proper withdrawal procedure. With regard to the organizations that had expressed the view that the withdrawal procedure should be*

established outside the Statute bilaterally with each organization, she recalled that the Office had undertaken several rounds of consultations and taken most of their concerns into account before submitting the amendments. Also, according to the Statute, the ILO was not required to consult with other parties on amendments, it was the sole responsibility of the Governing Body and the Conference. While such consultations were welcome in the spirit of collaboration, they should not delay the process any further.

- 1135.** There had been consensus during the previous discussion on a number of issues, but, due to lack of time, the questions of whether an organization needed to provide reasons for its withdrawal and whether there should be an independent review of the functioning of the Tribunal had remained pending and the discussion deferred to the present session. In the document, however, the Office was proposing to keep the Governing Body informed of any agreed next steps in the consultation process, which was not in line with what had been decided. Waiting for agreed next steps to emerge from the consultations gave a de facto veto power to organizations that had already been consulted extensively on a matter that was ultimately the sole formal responsibility of the ILO. In addition, the legal basis for an independent review of the functioning of the Tribunal was unclear as the Tribunal functioned very well.
- 1136.** The proposed amendments aimed to codify existing practice and did not create any new legal obligations. They sought to introduce a transparent procedure and prevent any undermining of the independence and impartiality of the Tribunal. She therefore proposed amending the draft decision to read: “The Governing Body requested the Office to submit draft amendments to the Statute of the Tribunal at the 338th Session (March 2020) of the Governing Body, taking into account the guidance provided during the discussion”.
- 1137.** *The Employer spokesperson* said that the Office had a difficult task in balancing the management of a legal body under its supervision while respecting its independence and impartiality. He asked for more details about why 27 organizations had requested that the withdrawal process be established outside the Statute and, if possible, their proposals.
- 1138.** All member organizations having accepted the jurisdiction of the Tribunal were obliged to respect the independent authority and impartiality of its rulings and should not change their views if they received an unfavourable ruling. They were free to recognize the jurisdiction of the Tribunal and free to withdraw from it. The Employers’ group therefore believed that the withdrawal procedure needed to be well-defined and flexible, and not be a barrier to joining. Providing reasons for withdrawal should not be obligatory but part of an understanding to share best practices and good governance in a spirit of transparency.
- 1139.** His group would prefer to wait for the outcome of the Tribunal’s consultations rather than to undertake an independent review. The Office should keep the Governing Body informed.
- 1140.** There should be a formal alignment with other administrative tribunals on the question of eligibility criteria for judges. His group had no objection to a balanced geographical representation and gender equality on the Tribunal, but skills and professional experience should be the primary requirement. Term limits for judges seemed to be a good practice. He requested the Office to prepare proposed amendments of article III of the Statute for the 338th Session of the Governing Body and supported the amendment proposed by the Workers’ group.
- 1141.** *Speaking on behalf of the Africa group*, a Government representative of Rwanda said that he appreciated the Office’s reflection on the proposals to amend article III of the Statute with regard to terms of office, fair geographical representation and gender composition of judges on the Tribunal. He requested further information about the views of the representatives of

the member organizations on those proposals. He supported the amendment proposed made by the Workers' group.

- 1142.** *Speaking on behalf of GRULAC*, a Government representative of Uruguay said that it was not in the interest of legal certainty to amend the Statute to address the potential withdrawal of organizations. However, it would be a good idea for the Tribunal to carry out a review of its procedures in order to make improvements in line with best practices.
- 1143.** *Speaking on behalf of IMEC*, a Government representative of the United States said that he appreciated the information about the regional representation and balance of judges, however gender balance would require more effort. He recalled his group's previous requests for a critical reflection on the potential reasons for previous withdrawals and for an independent review on the functioning of the Tribunal.
- 1144.** The tendency to impugn the motives of organizations seeking to withdraw by suggesting that they were "forum shopping" was a concern. Organizations should be able to withdraw regardless of motive. The organizations that had been consulted on the proposed amendments had raised important issues and had legitimate reasons to oppose changes that would limit their freedom to withdraw from the Tribunal should their governing bodies decide to do so. He requested more information about their suggestions for improving the functioning of the Tribunal in line with international best practices.
- 1145.** IMEC was concerned that there had been instances when the Administrative Tribunal of the ILO had applied an overly stringent standard of proof in cases of sexual harassment, exploitation and abuse. Such a practice could lead to the reinstatement of staff who had been dismissed on such charges. The UN Secretary-General's zero-tolerance policy on sexual harassment should be fully implemented throughout the UN system. That was particularly important at the ILO given the recent adoption of its Violence and Harassment Convention, 2019 (No. 190), and Recommendation, 2019 (No. 206).
- 1146.** Noting that the document had highlighted several areas in which the Tribunal was not aligned with best practices, it was time for an independent review of its functioning, following the model of the study commissioned by the UN General Assembly in its 2005 resolution on reviewing its own internal justice system. Therefore, he agreed with the draft decision but proposed adding another sentence to read:
- ... called on the Director-General to commission an independent review of the functioning of the Tribunal, including its procedures and its jurisprudence, having regard to internationally recognized best practices, conducted by a body that would include appropriate experts from the fields of international administrative law and internal justice within the UN system, as well as a person with senior management and administrative experience in an international organization.
- 1147.** *A Government representative of India* said that, since article III of the Statute contained no explicit provision regarding the renewal of terms, the same judges were repeatedly being reappointed, in violation of the letter and spirit of the Statute. To help appoint more candidates from unrepresented and underrepresented African, Asian-Pacific and GRULAC nations, the ILO should pay the same attention to geographical distribution and gender balance as the UN Dispute Tribunal and the UN Appeals Tribunal. The issue of geographical representation should invariably be included in any ILO discussion on the principles of equitable distribution, and the Statute of the Tribunal should provide for a transparent and consultative nomination and appointment mechanism. The ILO should promote gender equality and diversification in the Tribunal, in the same way as it did in its other spheres of activity.

- 1148.** India proposed amending article III, paragraph 1, of the Statute of the Administrative Tribunal of the ILO by adding, “from all geographical regions,” after the word “nationalities”, and article III, paragraph 2, by adding “The judges are entitled for only one additional term of three years”. India requested the Director-General to engage actively with member States to devise an open nomination process, and to share detailed information on the outcome of that process with the Governing Body.
- 1149.** *The representative of the Director-General (Legal Adviser)*, responding to points raised, said that the organizations opposed to the proposed amendments had argued either that the Governing Body or the International Labour Conference should not be able to amend the Statute without their prior consent, or that the withdrawal should not be covered in the Statute itself but in a separate agreement, or that any new withdrawal process would be tantamount to imposing retroactively conditions that they had not agreed at the time of their admission to membership of the Tribunal. In response to the concern regarding limitations on organizations’ freedom to withdraw, he said that the Office was simply proposing an orderly withdrawal process that mirrored the admission process, hence its suggestion to include the relevant wording immediately after the phrase referring to admission. Concerning the various suggestions for amending article III to take account of gender distribution and limit the number of terms of office that judges could serve, the Office agreed that the statutes of the UN Dispute Tribunal and the UN Appeals Tribunal, as the most recently adopted of their kind, could offer useful guidance. Referring to the 2005 General Assembly resolution cited by IMEC, he observed that its proposed redesigning of entire UN internal justice, intended to correct a system found to be “slow, cumbersome and costly” (A/RES/59/283, p. 2), had involved six months of work by an expert panel, after which the new two-tier justice system came into effect in 2009. A subsequent assessment review of the new system in 2015 had taken more than a year and cost more than US\$1 million.
- 1150.** In response to the comment by the Government representative of India that consecutive reappointments of Tribunal judges violated the letter and the spirit of the Statute, he noted that in fact the Statute imposed no limit on the number of terms of office.
- 1151.** *The Worker spokesperson* said that it was not appropriate for the Tribunal to consult other organizations about possible amendments to its Statute and report back to the Governing Body, as others had suggested, and she did not believe that was what the Tribunal had in mind. Rather, the Tribunal was reaching out to its wider environment to listen, learn and obtain feedback, and gain a better understanding of its functions. That process was ongoing, but should not affect the current efforts to seek an orderly withdrawal procedure. She agreed with the Legal Adviser that the only intention of the secretariat’s proposed amendment was to allow the orderly withdrawal of organizations that had freely expressed their intention to withdraw. Regarding proposals that the Tribunal align itself with best practice, she recalled that the UN had taken good note of ILO practices when reorganizing its own tribunal because, while not perfect, they were widely acknowledged as the best available. Concerning the remarks by IMEC regarding the application of the UN Secretary-General’s zero-tolerance policy on sexual harassment and the standard of proof applied in the ILO Tribunal context, she warned against engaging in complicated debates that were better handled by judges on a case-by-case basis. It was impractical and completely inappropriate to conduct an independent review of the Tribunal’s functions, given the overriding importance of not impinging on judiciary independence and the Tribunal’s already high standing and credibility within the UN system, as described by the Legal Adviser. She did not consider that the ILO membership had so little trust in the Tribunal that it would demand such a thorough review of its procedures and processes. While there was need to maintain the transparency and ensure the questioning of all judiciaries, the appropriate response should come from within the body itself and not through the kind of review proposed by IMEC.

- 1152.** *The Employer spokesperson* commended the Tribunal on its proactive approach in embarking on consultations, since it could not be both judge and jury when it came to its own jurisdictional management. His group therefore welcomed the consultations that had started, and expected the Office to assess the reports that emerged and present the Governing Body with its conclusions at its next session. Had the consultations not already begun, it might have been feasible to follow the course proposed by IMEC, but too much time would be lost in trying to establish terms of reference and find experts in time to report to the next session. His group therefore recommended adoption of the amendment put forward by the Workers' group.
- 1153.** *Speaking on behalf of IMEC*, a Government representative of the United States said that it was not his group's intention to initiate a review as wide-ranging and costly as that undertaken by the UN. He recalled that the agencies consulting with the Tribunal had suggested a review of its practices, and asked the Legal Adviser to confirm whether he had advised IMEC during the previous Governing Body session that it would be appropriate to undertake an independent investigation of the Tribunal. IMEC was concerned that the Tribunal should not be placed on a pedestal that allowed it to escape scrutiny by the Governing Body as to its functioning and how it could be improved.
- 1154.** *The representative of the Director-General (Legal Adviser)*, referring to an earlier comment by the Worker spokesperson, agreed that, strictly speaking, there was no legal obligation to consult other organizations under the Statute before adopting an amendment. However, that was the practice, exemplified by the procedures followed in 2016 when the Conference had adopted the repeal of article XII of the Statute. On the issue of best practice, he recalled that five years prior to the UN reform of 2009, the UN Joint Inspection Unit had identified three major differences between the then UN Administrative Tribunal and the ILO Tribunal, subsequently recommending to the General Assembly that it keep under review the issue of selection and appointment of members of the UN Administrative Tribunal with a view to bringing those practices into conformity with the Statute and practices of the ILO Tribunal, and that it amend the UN Administrative Tribunal Statute in line with the practices of the ILO Tribunal concerning issues of specific performance and compensation limitations. The latter two recommendations had still not been implemented, and it was sometimes said that they acted as an incentive for administrations to join the UN Appeals Tribunal instead of remaining with the ILO Tribunal. In reply to the comments of IMEC, he said that he had not been proposing a profound redesign of the Tribunal's judicial practices along the lines of the UN reform, but providing information for comparison. He explained that he had never advised IMEC that it would be appropriate to undertake an independent investigation of the Tribunal but that, in a private conversation with another IMEC spokesperson at the 335th Session, he had merely expressed the view, generally speaking, that it was healthy to review operating practices of institutions from time to time. He recalled the spokesperson from the Africa group stating at the same session that national parliaments reviewed the functioning of the judicial system from time to time, even though the judiciary was independent. He stood by that viewpoint, which he believed was shared by a number of regional groups in the Governing Body.
- 1155.** *The Worker spokesperson* observed that there seemed to be significant support for an orderly amendment procedure that did not obstruct the freedom of an organization to withdraw. The Office should therefore prepare the proposed amendments, which were not complicated. As to the possibility of including modern language on giving due regard to geographical distribution and gender balance in the composition of the Tribunal, example could be drawn from the Statute of the UN Tribunals, on the understanding that competency and experience in the higher judiciary would remain important selection criteria. She considered that the discussion on improving the functioning of the Tribunal could be left for the future, given that the Tribunal had engaged in a consultation with member organizations and their staff representative bodies in this regard.

1156. *Speaking on behalf of IMEC*, a Government representative of the United States asked whether it was the case that the agencies in discussion with the Tribunal President had proposed a review of the Tribunal.
1157. *A representative of the Director-General* (Legal Adviser) replied that the questions of withdrawal from or review of the Tribunal had not been raised during the meeting with member organizations held on 21 October during the Tribunal's 129th Session, on the grounds that it was a matter for the ILO Governing Body. However, the letter of 19 September from 27 international organizations opposing the possible amendments to the Statute expressly mentioned the need for an independent review of the functioning of the Tribunal.

Decision

1158. *The Governing Body requested the Office to submit draft amendments to the Statute of the Tribunal at the 338th Session (March 2020) of the Governing Body, taking into account the guidance provided during the discussion.*

(GB.337/PFA/13/2, paragraph 17, as amended by the Governing Body)

Fourteenth item on the agenda

Other personnel matters: Appointment to the ILO Staff Pension Committee (United Nations Joint Staff Pension Board) ([GB.337/PFA/14/1\(Rev.1\)](#))

Decision

1159. *The Governing Body provisionally appointed Mr Fabrice Merle as Employer titular member of the ILO Staff Pension Committee and Mr Ramin Behzad as Government titular member for the term of office from 9 October 2019 to 8 October 2022, on the understanding that those appointments would be confirmed by the International Labour Conference at its 109th Session (2020).*

(GB.337/PFA/14/1(Rev.1), paragraph 8)

Appendix I

Opening remarks by the Director-General (Monday, 28 October 2019)

Welcome to this 337th Session of the ILO Governing Body, which meets as the ILO's Centenary year draws towards its close.

This circumstance provides a specific and important context for the discussions we will have over the next two weeks and I think it is useful for us to reflect upon it as we begin our work.

By common consent, we have made a considerable success of this unique Centenary. The decisions made by this Governing Body to focus above all on the future of work, and through a demanding and ambitious process of preparation starting with national tripartite dialogues, then with our Global Commission, and then through the negotiations at this year's Conference, to adopt a Declaration for the Future of Work, have been amply vindicated.

The result is that the ILO can move forward from its Centenary with confidence and momentum, and this is good news for us all.

Good news, because the ILO has gained enormously in visibility this year.

Good news, because the ILO has gained too from the extraordinary engagement of its constituents which I have seen directly in so many member States.

Good news, because we have received strong political support from the highest levels for our mandate and our activities. This was expressed by the messages delivered by no less than 34 Heads of State and Government to the Centenary Conference, and has been echoed in many other venues, and in our worker and employer constituencies.

But what is even more important, what matters most, is that the Centenary has offered the ILO the opportunity to assert its leadership, its mandate, its expertise and its values in what are some of the most pressing substantive policy issues of our time; those that concern the future of work, and therefore the future of our societies, of us all. And we have taken that opportunity.

In this regard, let me draw the Governing Body's attention to the resolution adopted by the UN General Assembly on 16 September 2019 concerning the ILO Centenary Declaration. It says a lot in a short space, beginning with an expression of appreciation of the historic role of the ILO and its tripartite constituents, and going on to welcome the Declaration and encourage its implementation. In particular, it asks all UN funds, programmes, specialized agencies and financial institutions to consider the integration of the Declaration's policy contents as part of the UN Sustainable Development Cooperation Framework in order to inform the work of UN Country Teams. It goes on to encourage member States in applying the principles of the Declaration at the national level.

There is more, but the point I want to highlight is that the Declaration has opened up remarkable new opportunities for the ILO internationally – and we are all aware of the significance of that in the light of our many discussions on UN reform here – and nationally.

The question, then, is whether we will be able to take these opportunities – and this above all else is what this Governing Body must keep in mind as it tackles the agenda before us. The real challenges of our Centenary do not end when this year ends. Rather they begin now and will be with us throughout the years ahead. There are high expectations of us, and by extension the capacities of tripartism and of multilateralism are under scrutiny. Such are the responsibilities which come with the opportunities generated by the success of our

Centenary. And I might add that we made a very good start last Friday with a productive meeting of the Board of the Turin Centre.

For these reasons, let me focus for a moment on the issues before the Governing Body which result directly or indirectly from the Centenary Declaration and the Centenary Conference.

The most substantive is the programme of work for 2020–21 to which I will return in a moment. But there is much else.

In the negotiations on the Declaration there was no agreement on the idea which had been raised of elevating safety and health at work to the status of a fundamental principle and right at work. But the accompanying resolution adopted by the Conference instructed the Governing Body to consider as soon as possible proposals in this regard. And so we have before us a time-defined road map for doing that, which could culminate in an outcome document for the Conference in 2021. We should not underestimate the complexities – political and technical – associated with this matter. Nor indeed the seriousness of the world of work realities involved. Each year some 2.7 million people die because of the work they do or have done.

The Declaration itself, expresses the desire to democratize the governance of the ILO by ensuring fair representation of all regions and establishing the principle of equality among member States, with the accompanying resolution mandating Governing Body action to definitively democratize the functioning and composition of our governing bodies.

These provisions take up issues which have been under longstanding review here, specifically in relation to the ratification of the 1986 Amendment to the ILO Constitution, on which the regular progress report is presented to the Governing Body session. In the light of the Conference decisions, the question is what more might be done in respect of the 1986 Amendment and what else might be done to achieve the agreed objectives. The suggestion is that a tripartite working group be established to examine these matters, reporting back to the Governing Body one year from now.

In addition to the Centenary Declaration, and hardly less significantly, the Conference adopted a new Convention – the first since 2011 – concerning the elimination of violence and harassment at work, with an accompanying Recommendation. Since the Conference, I have been struck by the remarkable resonance the adoption of these instruments has had – among our tripartite constituents, and beyond. Its significance is recognized by all – and people want to see it quickly and widely ratified and implemented. And this is why the promotional strategy before this session merits your particular attention as the basis of the national and international action which is in such demand.

Let me now revert to the proposed ILO programme of work and results framework 2020–21, which I take the opportunity to commend formally for your adoption. We will all recall that on this occasion we have followed an exceptional procedure for adoption of the programme and budget. Put simply, the budget was adopted by the Conference in June, while finalization of the substantive programme was held over until now precisely to allow for it to be informed by the outcome of the Centenary Conference.

And the key point I need to make follows directly from this. It is that the backbone of the proposed programme, in the shape of the eight policy outcomes, has been formulated very deliberately to translate the provisions of the Centenary Declaration into operational action. This lies at the heart of maintaining the momentum of the Centenary and realizing the opportunities of which I have already spoken.

So it is that the outcomes reflect the investments which are contained in the Human-Centred Approach to the Future of Work set out in the Declaration: in people's capacities equipping them to navigate future work transitions successfully; in the institutions of work to ensure socially acceptable labour market outcomes; and in the sustainable jobs of the future for decent work for all.

Policy outcomes 1 and 2 are the necessary foundations of the whole programme, promoting the capacities of the ILO's tripartite constituents and then their interaction in effective social dialogue, and providing the body of relevant international labour standards supported by authoritative supervision, which are the essential normative basis of everything our values-led Organization does.

Outcomes 3 and 4 focus on how to shape the economic, social and environmental transitions which are and will be fundamental to the future of work and on promoting sustainable enterprises, always with a view to the achievement of full employment and decent work for all.

Outcomes 5 and 6 bring in the imperative of skills acquisition and lifelong learning so crucial to enabling people to benefit from the opportunities of change at work, while renewing the agenda for gender equality so that all are empowered equally with none left behind.

And Outcomes 7 and 8, tackle the key challenges of promoting adequate and effective protection to all in a transforming and increasingly diversified work setting so that change can be navigated in truly human conditions of work, and in a context of comprehensive human security.

With regard to resource allocations, you will see that the document before you presents the proposed distribution of the agreed strategic budget between policy outcomes and integrates regular budget allocations with those expected from extra-budgetary sources. We have sought a satisfactory balance between the policy outcomes and have invested particularly in those on skills and on gender in the light of the provisions of the Centenary Declaration.

This proposed programme of work is an agenda for action which addresses the opportunities and challenges of the future of work. It is the start of a journey which must continue beyond the next two years. It combines continuity with change, because there are things the ILO must always do, and because there are new realities which it must address and change. It is an agenda for social justice and decent work adapted to today's realities and those of tomorrow.

It will be noted too that these policy outcomes absorb the cross-cutting policy drivers of the past biennium (on standards, non-discrimination, social dialogue, and environmental sustainability) and at the same time build directly upon the seven Centenary Initiatives which have proven so important, I think, in pivoting the ILO towards the crucial issues of the future. Of course the substantive content of the initiatives will continue to figure centrally in ILO work. Standards is a notable example. So is the way in which the End of Poverty Initiative has served to align the ILO's programme with delivery of the UN 2030 Agenda for Sustainable Development, an alignment which is enhanced in the proposed programme as set out very clearly in its Appendix II.

Indeed, the overall results framework presented includes significant innovations in line with the ILO's continuing commitment to relevance, impact, and accountability. The intention is to better track and measure achievement through a "theory of change" for decent work, operating at three levels: the impact level, which addresses the longer perspective of advancing social justice through decent work; the outcome level, which homes in on the medium-term building blocks; and the output level, which is about the ILO's own interventions in the course of the biennium. This three-tiered approach to the realities of bringing change and improvement to people's lives is well-fitted to enhance monitoring and reporting to you, our constituents, on what the ILO has done, and to what effect.

Our commitments in this regard are closely related to our corresponding responsibility to continue to strive for optimal efficiency and quality in our work and for transparent and equitable governance. As before, the three proposed enabling outcomes have been formulated so as to build on what has been achieved to date and to do better still. These are issues where there is no definitive point of arrival; continued improvement remains the

watchword, allied to the need to adapt according to emerging needs. I would draw the Governing Body's attention also to the important linkages between these enabling outcomes and other items on its agenda; for example, the research agenda, improvement in the functioning of the Conference and various human resource items.

I very much hope that the Governing Body will see the merits of the proposed programme of work as appropriate follow-up to our Centenary. But we need to be conscious too of the need to supplement its implementation with further innovative approaches. We will return to the matter of international policy coherence and the reinforcement of the institutional arrangements between the ILO and other international organizations next March. In addition, I have been struck, as I said at the beginning of my remarks, by the extraordinary level of interest in future of work matters that the Centenary has generated outside the ILO's tripartite constituency. One consequence of this is that we have new and exciting possibilities to explore and establish innovative partnerships – with companies, with foundations, with the academic community in the international system. I am not convinced however that our current processes or reflexes are entirely conducive to exploiting fully such opportunities, and this too is a matter to which we might usefully return.

The fact that a budget was adopted in June does not dispense me entirely from addressing all matters of a strictly financial nature. As the Governing Body has instructed, the source of savings to finance the ILO's contribution to the UN resident coordinator system is set out in paragraph 301 of Information Annex 1, while the financial implications of the ILO Administrative Tribunal judgment concerning the Geneva post-adjustment index is dealt with in a separate document before the Governing Body. In this latter case, because the proposal is to absorb through savings the costs concerned, no adjustments to the programme are proposed.

There is, of course, a considerable volume of business before the Governing Body which I have not addressed directly and do not propose to cover in any comprehensive manner now.

Suffice to say that we have a quite large number of country-specific items on our agenda: Guatemala, Qatar, Myanmar, are among them. We will also have the annual report on the ILO's programme of development cooperation for the occupied Arab territories. And in addition, I would recall that the Commission of Inquiry established last year to consider the Article 26 complaint against Venezuela adopted its report in September, and it was then communicated by me to the Government on the 27th of that month. The Constitution stipulates that the Government has three months to inform the Director-General whether or not it accepts the report's recommendations. So I trust that we will be in a position to return to this matter at our next session with the benefit of that reply.

In addition to these important and sensitive matters, which, as I have the habit of saying, need to be dealt with through a proper combination of principle and perseverance, we will also be dealing with other important matters which have, in some cases, been before the Governing Body for quite a long time, predating the ILO's Centenary. I think here about the ongoing work on global supply chains; the integrated strategy on decent work deficits in the tobacco industry; our efforts to improve diversity in the composition of ILO staff; and of course the standards review mechanism.

These items have taken on the characteristics of old acquaintances; we are familiar with them, we know their strong and weak points, we know what we like about them and what irritates us; and of course we care about them.

But just as for the more recent issues flowing from the Centenary, it is incumbent on us all to seek agreed outcomes through respectful dialogue and compromise, because here too we are under scrutiny, expectations are high, and we need to show how multilateralism and tripartism, uniquely combined in this house can and do deliver.

In this spirit, I am convinced that this Governing Body, under your direction, will navigate this most significant juncture in the ILO's history with great success. But even

though, as I have recalled, the Centenary is drawing towards its close, this session does not mark its final act. That honour falls rather to the 14th African Regional Meeting which will convene in Abidjan in December and let me say to all African members and to you Mr President that I look forward greatly to participating in that very fitting culmination to a great year.

Appendix II

Statement by the Chairperson of the Staff Union to the Programme, Financial and Administrative Section of the Governing Body (30 October 2019)

It is my honour to deliver this address as President-elect of the ILO Staff Union, representing almost 70 per cent of the ILO staff at headquarters and in the field.

This Centenary year of our Organization is drawing to a close, although several major events are still scheduled to take place between now and December. What a year it has been! With its global presence, in the elegant chambers of great leaders and at the United Nations General Assembly, even going so far as to organize an open day just a fortnight ago, the ILO has thrown off its usual reserve to promote its activities and its role, namely that of advancing social justice and promoting decent work. Through the adoption of the ILO Centenary Declaration for the Future of Work and a long-awaited international Convention on eliminating violence and harassment in the world of work, it has demonstrated that it remains, and will continue to remain, a key actor in efforts to address the political, economic, social and climate-related challenges of the future.

This is, of course, the collective work of the Organization, in which everyone has had a role to play. I think I may say that the staff have been proud to participate in this Centenary adventure, demonstrating their skills so that the ILO can really shine, and all without begrudging this task, which has come at the cost of many hours of overtime, both at headquarters and in the field. This is not about claiming a debt, but merely calling for recognition of the members of staff that I represent to ensure that the decisions taken in this room over the coming days are not taken at their expense. It has been an exciting year, but a tough one too. My colleagues have shown enthusiasm, but are now worn out. They have worked miracles this year to make the Centenary a success, despite the fact that, for many years, they have been operating under a regime of veiled austerity in order to meet the expectations of constituents. This way of working has major costs in terms of burnout, health and absenteeism, which is on the rise within the Organization. The ILO must make sure that it has the means to achieve the ambitions imposed by its constituents – which it exists to serve – without sacrificing its staff to make savings.

This leads me naturally to the first documents presented at this session, documents [GB.337/PFA/1/2](#) and [GB.337/PFA/INF/2](#). They are still under discussion, and I have been paying close attention to those discussions, which deal with a matter of such importance that the Staff Union cannot pass over it.

The common thread of these documents is Judgment No. 4134 of the Administrative Tribunal of the ILO (ILOAT) in respect of the decisions of the International Civil Service Commission (ICSC) regarding the revised post adjustment index for Geneva, which was delivered on 3 July 2019. As a preliminary remark, the Staff Union wishes to welcome the fact that the administration, since the decision was announced, has spared no effort in ensuring that it is implemented within the deadlines set out and in accordance with the commitments made.

The Staff Union notes, however, and not without a certain degree of surprise, that there are several references in document GB.337/PFA/1/2 on the financial implications of the judgment to “unforeseen expenditure” in relation to the future consequences for the ILO’s budget. It is not often that the Staff Union ventures into the murky waters of budget forecasts, for fear of getting lost in the specialist terminology, but our reading of this document raises several questions.

First of all, looking at paragraph 6 of the document, I would like to ask why the cost-saving measures mentioned, which would have an impact on staff working conditions, are

not being dealt with through internal social dialogue as a matter of course. In this respect, to avoid the same pitfalls that always arise in relation to the lack of internal social dialogue, the Staff Union demands, once and for all, that – just as all staff are required to follow endless courses on governance or standards of conduct, or yet more information technology security training linked to risk management – all staff at grade P5 and above, both at headquarters and in the field, complete mandatory training on collective bargaining and social dialogue, or otherwise being considered a known, additional risk for the Organization. The fact that the future decision of the ILOAT was not identified as a risk leads the staff representatives to ask whether the Organization’s internal risk management system serves any real purpose. Why, in March 2019, was provision not made for a worst-case budget scenario for the Organization, together with corrective action if it proved to be incorrect? For a long time to come, the staff representatives will be wondering how the ILO could, and can still, allow the imposition of inconsequential decisions – not to say non-decisions – that have serious repercussions on its budget and its labour relations, and which ultimately harm the same people every time: the men and women of this Organization, who, in the interest of serving constituents, have never lowered their high standards, often to the detriment of their own health.

It is time to set the record straight regarding the decision of the ILOAT and its consequences: before turning to the Administrative Tribunal, ILO staff had fought courageously for two years, alongside the unions of other organizations, to ensure that the values and principles defended by the United Nations were also respected by its technical body charged with determining employment conditions. They demanded – loud and clear, in the highest decision-making bodies – a reform of the ICSC, in order to respond to this need for transparency and rigour. They wanted a method for determining salaries, at both headquarters duty stations and in the field, which gave stable, predictable and transparent results, which are the guarantee of good governance. All these legitimate requests remained unanswered. And now that justice has finally been delivered, it has been scandalously challenged within the United Nations microcosm, as was observed during the ICSC session in Vienna this summer. The Staff Union is, in addition, particularly concerned by the current turn of events in New York, at the Fifth Committee of the General Assembly. Spurred on by the most absurd interpretation of the judgment in question, some are busying themselves with changing the rules that do not suit them, while others are seeking to discredit an Administrative Tribunal whose reputation and independence are widely recognized. As a reminder, the General Assembly is not a body for appealing the decisions handed down by administrative tribunals. Respect for the due process of law must guide the actions of all protagonists. As the ILOAT recalled in Judgment No. 4134: “[The General Assembly] must have regard to the purpose for which the whole scheme of post adjustments was established, namely to give effect to the Noblemaire principle ... That purpose is not to create economies by reducing salary costs”

In the face of such blindness, which I hope is not deliberate, and in this Centenary year, I will quote once again Albert Thomas, one of the founding fathers of the ILO, who, during a speech delivered in 1921 to the International Association for Social Progress, said: “Do not give the world the impression that human intelligence ... can be deficient and incapable of organizing society in accordance with justice! ... Justice commands, justice must triumph.”

The Staff Union also takes note of the document on the headquarters building renovation ([GB.337/PFA/2](#)), and wishes once again to draw the attention of the Governing Body to the fact that phase 2 of the renovation does not only concern the meeting rooms, but also all the lower floors of the building, where a large number of colleagues work, and where the safety and health standards are now not the same as those for staff relocated in the brand new offices on the floors above. To preserve fairness, the Staff Union calls for phase 2 work to begin without delay, so that all staff members may quickly be treated equally. The document mentions rental of office space to another organization. In that connection, the staff representatives want an upfront assurance that the space currently made available to

ILO staff is sufficient not only to accommodate labour force projections, but also to allow temporary lodging of colleagues throughout phase 2 of the renovation.

With respect to the renovation of ILO premises other than the headquarters building, the Staff Union welcomes the prompt and unambiguous preventive measures taken recently by the Director-General, with the aid of all concerned, to ensure the safety and health at work, until such a time as no doubts remain, of our colleagues working in the Bangkok Regional Office. We heard today that the same preventive measures will be applied by the other United Nations organizations occupying the same building. Reform of the UN system, to which the ILO adheres, must also include flawless coordination at the highest level, in cases where the workers of the system are at immediate risk. These latest events suggest that such coordination is possible. The Staff Union is also pleased to note the recent preventive measures taken in Beirut and Santiago in the face of social and political unrest. All staff members, irrespective of their place of work, must benefit from the same conditions of safety, health and security at work.

The Staff Union would now like to share its views with the Governing Body concerning document [GB.337/PFA/11](#): Composition and structure of the ILO staff: Action plan for improving the diversity of the ILO workforce. To recall, the Staff Union has already negotiated measures with a view to promoting greater diversity at the Office and strongly supports any additional improvements. However, we need to deal with this issue frankly: what is the ultimate aim of the exercise? To allow certain member States to get their money's worth in the form of a sufficient number of their own nationals on the staff, or to attain a true north-south diversity, diversity of ethnicity, language, gender, sexual orientation and of professional and social background, backed up by a genuine will to promote inclusion? The staff representatives, confronted daily with the problem of diversity through their participation on various internal joint bodies, believe that the question goes far beyond geographical representation linked to a passport or to financial contributions paid by member States. While supporting wholeheartedly the need for improvement, the Staff Union rejects the restrictive, mercantile vision of the problem proposed today, which shelves a more ambitious vision aimed at obtaining a workforce that is above all competent, but also varied from all points of view, giving value to the ILO's tripartite DNA. Other considerations should also be brought to your attention. The measures presented in the appendix concern only regular budget staff, while more than 40 per cent of current staff are employed on technical cooperation projects. These projects are funded by donors who are supposed to ensure diversity of recruitment, but who do not at present do so. The administration is also completely free to fill certain posts by direct appointment. Mechanisms are already in place to ensure that ILO staff truly reflect the full range of diversity. Why have those mechanisms not been put to good use? And lastly, how effective can the proposed measures be, given the extension of the retirement age to 65 and if other documents before the present session contain proposals such as a recruitment freeze?

As you will have understood, the Staff Union finds this document problematical. ILO constituents are being asked to adopt an action plan that the Union sees as no more than the bare bones of an action plan, which only covers part of the staff, is not inclusive and does not take the full measure of the problem. It appears to have been written somewhat hastily, and yet includes a precise timetable, despite the information in paragraph 4 that consultations with the staff representatives are ongoing.

Improving diversity within the ILO deserves better than this and it requires time. Diversity cannot be had to order, nor can it be bought.

The Staff Union would like to comment lastly on the document concerning proposed amendments to the Statute of the Tribunal ([GB.337/PFA/13/2](#)). The Union wants to reaffirm how important it is for international officials to be able to rely on an effective and independent system of administrative justice. It also wants staff associations and unions to have a say when their organization decides suddenly to withdraw from the jurisdiction of the ILO Administrative Tribunal. The Union took part in the long-awaited day of consultations

organized by the Tribunal and mentioned in paragraph 14 of the document. On that occasion, it was able to transmit orally and in writing all its concerns relating to the functioning of the Tribunal. It therefore dearly hopes that the meeting was not simply a box-ticking exercise and that the Union's own concerns and requests for amendments to the Statute of the Tribunal, and those of other representatives of staff associations and federations from organizations under the Tribunal's jurisdiction, will be taken into account, so that the ILO Administrative Tribunal will long be able to acquit itself in the best possible way of the high function to which it is called.

My statement is now at an end, but I should not wish to close without thanking you for allowing me the time to lay before you the positions or concerns of the staff. That possibility is not unique in the United Nations system, but the ILO Staff Union remains the most active and is the oldest staff association. Lest one centenary should obscure another, I have the pleasure to inform you that 2020 will mark the centenary of the ILO Staff Union. Our centenary will highlight the men and women who have contributed greatly to making the ILO known and valued within the United Nations system. It will also highlight the ILO's model of internal social dialogue – which may not always be effective but nonetheless remains a model, to which the staff is attached – in the hope that it may become a reality across the entire United Nations common system.

So, see you all in 2020! Thank you for your attention.

Appendix III

Response of the Director-General to the debate on the Programme of work and strategic framework for 2020–21 (Monday, 4 November 2019)

It is now my task to respond to last week's debate on the proposals for the ILO's Programme of Work for 2020–21, as presented by me in document PFA 1/1. That task is greatly facilitated, Mr President, by your own summary of the discussion last Tuesday, when you noted that there was general support in the Governing Body for the proposals. Indeed, the record shows explicitly that all Government groups and the Workers' group were ready then to support the draft decision, and with it the programme of work and the results framework presented.

Nevertheless, there were strong objections from the Employers' group, both to the content of that programme and to the manner of its preparation, and there were a considerable number of comments and questions from others concerning resource allocations, budgetary processes and the results framework, and these all require responses.

So let me address a number of issues now, and then pass the floor, with your permission, Chair, to my colleagues, Deputy Director-General Mr Greg Vines, and the Director of PROGRAM, Mr Mohui Jiang, who will address some of the more specific matters that were raised.

My first point, and I think it is the essential one, is that the crucial requirement of the programme for the next two years is that it faithfully translate and operationalize the content of the Centenary Declaration, the value of which, I note, is embraced with increased enthusiasm by all constituents.

I think it is recognized by everybody that this operationalization of the Declaration will, inevitably, be the work of more than just one biennium. But we do need to get off now on the right foot, and, with the exception that I have already referred to, it is clear from last week's debate that the proposed set of eight policy outcomes provides, to the satisfaction of this Governing Body, that required direction. They are recognized as a faithful translation of the Declaration into action. That is what matters, above all else, and for this reason, I do not propose any modification to these eight outcomes, and no additions to them.

This requires me to address more precisely two objections that were raised in respect of them.

The first is that they improperly include issues which should not be there at all, simply because there is no reference to them in the Centenary Declaration. To quote the Employer spokesperson, "The Programme and Budget has no place for issues not referenced in the Declaration, such as, for example, multinational enterprises" (MNEs). And he went on to argue that this ran the risk of diluting the focus and the value added of what we proposed to do.

This point is important, because we are indeed searching for better focus, prioritization and impact, and we see the Declaration as an instrument for this. But as I said in my introduction, the proposed programme of work is – and, I believe, should be – a judicious combination of change and continuity, because there are things that the ILO has always done and must continue to do.

This search for balance can lead us to "conundrums", to use an expression much used last week, and these conundrums can be challenging. Indeed, having argued on Monday that MNEs had no place in the programme, we heard the Employers' group stating, with no less eloquence, last Thursday precisely what the ILO should be doing in respect of MNEs. And we have still to get to the question of global supply chains. The point I make here is that when we look a little bit more closely at the issues involved, these conundrums do not really

lend themselves to hard and fast binary solutions. I trust, therefore, that the Governing Body will recognize that what is proposed in respect of multinational enterprises – which, by the way, are manifesting increasing interest in the work of the ILO – results from a balanced appreciation of our responsibilities, rather than any “ideological fascination” which the Employer spokesperson attributed to the Office.

The second objection relates to the distribution of resources among the different policy outcomes, because concerns were expressed that there is too much unevenness between them. But in fact, we have made particular efforts to invest regular budget resources in those outcomes at the bottom end of the resource scale. I mentioned this in respect of outcome 5 on skills and outcome 6 on gender, in my initial introduction. The result of those efforts is that this programme would represent more equity between outcomes than there is now or that there has been in the past. Although clearly outcome 1 on strong tripartite constituents stands ahead of the rest in terms of resource allocations, I cannot see support for transferring resources from it to the benefit of others. I again revert to the point that this biennium should be considered the beginning of a process, and that resource allocations are likely to evolve accordingly over time.

When it comes to extrabudgetary resources, where greater unevenness still in estimated receipts is evident, I do have to make the obvious point that the Office is not in a position to decide alone the purpose for which funds are made available by our development partners. Nevertheless, we will exert our best efforts in resource mobilization to meet funding shortfalls, and the Governing Body will have the opportunity to return to this when we discuss the ILO development cooperation strategy at our next Governing Body meeting. There is, in any case, good reason to hope – and this is a positive point – that the momentum created by the Centenary Declaration for emerging priorities will help us move forward in these regards.

A further objection which I must address was raised, again by the Employers’ group, in relation to process rather than substance. It was said that the preparation of the proposed programme was not a consultative process, and that its content suffered as a consequence. So let me place the facts before the Governing Body.

Informal consultations were initiated with the group secretariats on 28 June – one week after the end of the International Labour Conference – on the possible scope of policy outcomes. A round of formal consultations with the three groups followed, from 15 to 17 July. Then, on 1 August, a summary of draft policy outcomes was sent for comment. Further informal consultations with the groups on the summary were organized from 2 to 6 August. And upon the publication of the proposed programme of work on 16 September, a further informal round was organized for 8 October. I am sorry to load all of these dates upon you, but the point is that whatever shortcomings the proposals may contain, they are not for want of consultation. This was an intensive process of preparation, with intensive consultation and with equal opportunities for all. It was sincerely undertaken and I think it was fruitful.

Before moving on to some more specific points of substance, allow me to address some issues concerning the budgetary process behind the proposed programme, in the light of some of the comments that were made on the relationship between the strategic and the operational budgets in particular. Here, perhaps, some longer-term perspectives can help to cast light on the direction of travel that our Organization has been pursuing, in fact for several biennia now.

Because the programme and budget approval process we have been undertaking this year is in fact the latest step in a long journey, initiated by my predecessor under the guidance and direction of the Governing Body, to have the ILO budget presentation reflect emerging best practice. Strategic budgeting was introduced as a first step towards full results-based budgeting, and eventually results-based management, which is recognized as best practice in the public sector and is prevalent now across the UN system.

We know we have not got there yet, but we have come a long way, and I believe we must persist. So the many offers from Government members in particular of this Governing Body to work with us and assist us in further improvements are indeed very welcome. Your comments and advice have been well noted and we will soon have the opportunity to advance further when we start the programme and budget process for 2022–23 in just a few months. It is encouraging that past progress has been recognized regularly, and our assurance to you is of our continuing commitment to strive to meet fully your governance expectations of us.

It is in this context that the Governing Body – rightly, I think – focuses its review and its guidance on strategies and governance matters, attributing to the Office its responsibility to implement and to operationalize your strategic decisions. My colleagues and I do this through the allocation of approved strategic budget resources to the operational levels of outputs and organizational units. Subsequently, our implementation performance is reported to you at the end of each biennium in the programme implementation report.

I was encouraged to hear many interventions last week which, directly or indirectly, recognize this appropriate separation of complementary roles, as well as the improvements being made. I want to say that I think that it is important that we continue to respect this separation as the basis of good governance and accountability. I would like to assure the Governing Body once again that the specific guidance and suggestions that have been offered will help us greatly as we implement the proposed programme of work.

The Governing Body will be aware that the budget adopted by the Conference in June is fully consistent with this strategic approach. Moreover, the new results framework with its three tiers of planning with indicators to track progress, embodying a theory of change, constitutes a step change in accountability of the Office to the constituents.

It responds as well to a whole series of past decisions and guidance: the 2016 Conference resolution on Advancing Social Justice through Decent Work, for example, and successive External Auditors' reports – the Multilateral Organisation Performance Assessment Network (MOPAN) Institutional Assessment Report among them. So it is surely right, is it not, that we press forward along the path that we have decided upon, and not take the type of U-turn that would take us away from best practice and back towards some of the shortcomings of the past.

This said, and in order to promote the fullest sharing of knowledge, an information note has been distributed in the room just now, and it addresses further the link between strategic and operational budgeting.

At this point, Mr Chair, I would like to ask our Deputy Director-General, Mr Vines, and the Director of PROGRAM, Mr Jiang, to take the floor briefly to respond on some specific points and questions which were posed by members of the Governing Body last week, and also to introduce the information note. Following that, I will myself make some further comments. With your permission, Sir.

[Statements by Mr Vines and Mr Jiang]

Following those very comprehensive explanations, let me move towards a conclusion with just a few more comments on a number of matters concerning some specific policy outcomes.

I will start with proposed outcome 1, which is all about strong tripartite constituents and influential and inclusive social dialogue, to which more resources are allocated than any other, and for good reason, because its critical importance is, I think, recognized by us all. Here, the objection, voiced with some force by the Employers, is that putting together outputs for workers and for employers, for labour administration and for social dialogue in one outcome is inappropriate and contrary to undertakings previously given.

I want to put it to you that neither contention actually stands up to reasonable examination. During the Conference, and prior to approval of the 2020–21 budget, or indeed the approval of the Centenary Declaration, the Employers did seek assurances from me that

employers' activities would not be adversely affected by the savings that we were obliged to identify in the Policy Portfolio to cover increased contributions to the UN resident coordinator system, and that these activities would remain self-standing within whatever new format was to be adopted and that they would not be "mainstreamed". These assurances were given and they have been honoured in my proposals.

Certainly, there is no argument in respect of resource volume, I think – although the Employer spokesperson has subsequently asked not only that the resources concerned be protected, but that they actually be increased. But my understanding is that, notwithstanding what is clearly said in output 1.1, it continues to be felt that its location in the broader outcome 1 is evidence of a deal broken, and a promise not kept.

Frankly, this is puzzling, in the sense that separating output 1.1 as a separate outcome, for example, would have no material effect that I, or indeed the Employers' group, have been able to identify. It has been argued that outcome 1 as proposed would create confusion, and if the reference there is to ILO staff, then I can provide the necessary reassurance. It has also been argued that it would relegate the role of employers' organizations solely to that of a partner in social dialogue and nothing more. And yet, that is not at all what is said in output 1.1, nor in outcome 1. Certainly these concerns have not been echoed by the Workers' group, which might be considered, objectively, to share the same interests. Nevertheless, the Workers did highlight one point with regard to outcome 1, where they highlighted that language used in outputs 1.2 and 1.4 and an accompanying indicator appear to conflate collective bargaining with social dialogue and other forms of workplace cooperation. As my colleague Mr Jiang has recognized, it has to be made clear that collective bargaining should be properly distinguished as a fundamental right, and treated accordingly. In similar terms, I would agree with the Workers that it is the basic requirement of labour legislation that it secure full respect of all fundamental principles and rights at work, and that this purpose cannot be qualified in any way by other considerations. Let me say unequivocally that this is the principle that will guide all relevant ILO technical work.

Finally, let me come back to two major thematic areas which were the subject of considerable comment, namely skills and lifelong learning, which is taken up in outcome 5, and the issue of productivity, which, while closely linked to outcome 4, has broader implications.

On the former, there was strong support for the establishment of this new outcome across the Governing Body, but I did detect some frustration that the level of resources devoted to it, and the levels of ambition in the relevant indicators, were not higher. In that regard, let me acknowledge the great importance attributed to skills and lifelong learning in the Declaration, and the need for the ILO to progressively develop further its activities – quantitatively as well as qualitatively – as we go forward. This biennium, again, is a beginning.

In this regard, let me note the decision which the Governing Body has just taken to place a general discussion item on skills and lifelong learning on the agenda of next year's session of the Conference. It seems to me that this provides an ideal and early opportunity to move quickly and decisively in the direction that we want. And let us not forget that this will be followed up in 2021 by the first year of the standard-setting item on apprenticeships. These are important signposts for the way forward, and indicate that the strategic approach to Conference agenda-setting is yielding its benefits.

Finally, I have been most attentive, Mr President, to what has been said in respect of productivity. The Employers' group has made clear that this is a "huge priority" for it and has called for a "comprehensive strategy" to address it, in the light of what is said in the Centenary Declaration. Clearly these are not concerns exclusive to any one group.

Having thought a bit about the questions involved – and I think there are many of them and that they are complex – I do think it is necessary for a deeper consideration of the role of the ILO in respect of productivity – what we should be doing, and what we should not be

doing – so that our distinctive role is properly circumscribed and elaborated within the parameters of the ILO’s mandate.

For this reason, let me give the Governing Body early notice that I will devote my own report, the Director-General’s Report to the next session of the Conference – one of the few things I get to decide by myself – to the issue of productivity and decent work. I think that by addressing issues of strategic importance to the ILO in a timely manner, these reports have demonstrated their worth in recent years and helped to move the Organization in helpful directions. I hope we can keep up this practice with the issue of productivity next year at the Conference.

On the basis of these comprehensive responses – I think you will agree – and the clarifications provided, I trust that the Governing Body will now be in a position to approve the programme of work that has been proposed.

Thank you for your attention.