

# Governing Body

341st Session, Geneva, March 2021

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## Decisions adopted by the Governing Body at its 341st Session

### ► Institutional Section

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#### 1. Special arrangements for the 341st Session of the Governing Body of the ILO (March 2021)

The Governing Body decided, by correspondence, to hold its 341st Session under the special arrangements and rules of procedure set out in the appendix to document GB.341/INS/1 in order to facilitate the conduct of the session and to hold its plenary sittings from Monday 15 to Saturday 27 March 2021.

(GB.341/INS/1, paragraph 5)

#### 2. Approval of the minutes of the 340th Session of the Governing Body

The Governing Body approved, by correspondence, the minutes of its 340th Session, as amended.

(GB.341/INS/2, paragraph 2)

#### 3. Agenda of the International Labour Conference

##### 3.1. Agenda of future sessions of the Conference

The Governing Body decided:

- (a) to place on the agenda of the 110th Session (2022) of the Conference an item related to decent work and the social and solidarity economy (general discussion);
- (b) to place on the agenda of the 112th and 113th Sessions (2024–25) of the Conference an item related to occupational safety and health protection against biological hazards (standard-setting – double discussion);
- (c) to request the Office to convene a tripartite meeting of experts on the issue of “decent work in the platform economy” in the course of 2022;

- (d) to request the Office to take into account the guidance provided in preparing the paper for the 343rd Session (November 2021) of the Governing Body; and
- (e) in view of the deferral of the 109th Session of the International Labour Conference and its decision to confirm the inclusion of the recurrent discussion on social protection (social security) on the agenda of the Conference in 2021, to defer accordingly the remaining part of the five-year cycle for recurrent discussions adopted at its 328th Session, and confirm the following sequence:
  - (i) employment in 2022;
  - (ii) social protection (labour protection) in 2023;
  - (iii) fundamental principles and rights at work in 2024.

(GB.341/INS/3/1(Rev.2), paragraph 37, as amended by the Governing Body)

### 3.2. Arrangements for the 109th Session of the Conference (2021)

The Governing Body:

- (a) endorsed the general framework for the 109th Session of the Conference as described in paragraph 3 of document GB.341/INS/3/2, noting in particular the need to have, to the extent possible, similar and decent participation conditions, taking into account different connectivity standards and time zones;
- (b) decided to retain the following items on the agenda of the 109th Session of the Conference in addition to those listed in paragraph 4 of document GB.341/INS/3/2:
  - IV. Inequalities and the world of work (general discussion);
  - V. Recurrent discussion on the strategic objective of social protection (social security);
  - VI. Skills and lifelong learning (general discussion);
- (c) decided to convene the 109th Session of the Conference over three separate periods as follows:
  - (i) A one-day opening sitting will be held on Thursday, 20 May 2021 to elect the Officers of the Conference, appoint its standing and technical committees and approve any adjustments to its Standing Orders and working methods, as may be necessary in view of the virtual format of the Conference;
  - (ii) The Conference will be reconvened from 3 to 19 June 2021 to deal with all agenda items except items IV and VI. During this period, the Conference will establish two working parties to deal with items IV and VI of the Conference agenda over a two-and-a-half week period, on dates to be determined by a Governing Body ballot by correspondence;
  - (iii) The Conference shall be reconvened for a sitting of the plenary to adopt the reports and conclusions of the working parties responsible for items IV and VI and close the 109th Session;
- (d) noted that group meetings and preparatory committee meetings may be held between the opening sitting of the Conference on 20 May 2021 and the formal commencement of its work on 3 June 2021;
- (e) decided that the 342nd Session of the Governing Body would be held on Friday, 25 June 2021, including for the election of the Governing Body officers for the period June 2021–June 2022, and to this effect decided to suspend the provisions of paragraph 2.1.3 of

the Standing Orders of the Governing Body to the extent necessary to permit the election at the 342nd Session of the Officers of the Governing Body to take place before the close of the 109th Session of the Conference;

- (f) requested the Office to finalize as a matter of priority, through tripartite consultations, the special procedures, programme and arrangements for the 109th Session of the Conference, including a detailed outline on the drafting process of the COVID-19 response and its adoption during the session, for adoption by correspondence by the Governing Body no later than April 2021; and
- (g) invited all parties concerned to examine as a matter of priority, through the informal tripartite consultations on the working methods of the Committee on the Application of Standards, for adoption by the Committee, the prioritization of its work and adjustments of its workload, taking into account the discussions that took place in the Governing Body.

(GB.341/INS/3/2, paragraph 11, as amended by the Governing Body)

### **Addendum: Special arrangements and rules of procedure for the 109th Session of the International Labour Conference**

The Governing Body decided by correspondence:

- (a) that the two working parties to deal with items IV and VI of the Conference agenda be held from Thursday, 25 November to Friday, 10 December 2021;
- (b) that the closing sitting of the Conference be held on Saturday, 11 December 2021; and
- (c) to propose to the Conference that it implement at its 109th Session the special arrangements and rules of procedures set out in the appendix to document GB.341/INS/3/2(Add.1) in order to facilitate the conduct of the session.

(GB.341/INS/3/2(Add.1), paragraph 5)

#### **4. COVID-19 and the world of work**

The Governing Body provided guidance on the building blocks for a potential outcome document on a global response for a human-centred recovery as detailed in the appendix of document GB.341/INS/4, and requested the Office to prepare a draft outcome document for consultations.

(GB.341/INS/4, paragraph 12)

#### **5. Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work**

The Governing Body, by correspondence:

- (a) took note of the information presented in the Annual Review under the follow up to the ILO Declaration on Fundamental Principles and Rights at Work for the period from January to December 2019;
- (b) invited the Office to intensify its support to Member States to ensure timely reporting on all unratified fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930, and to provide technical assistance to address obstacles to ratification; and
- (c) reiterated its support for the mobilization of resources with regard to further assisting Member States in their efforts to respect, promote and realize fundamental principles

and rights at work, including through universal ratification of all fundamental Conventions and of the Protocol of 2014 to the Forced Labour Convention, 1930.

(GB.341/INS/5, paragraph 143 )

## **6. 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**

The Governing Body:

- (a) decided to approve the revised 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 set out in paragraph 44 of document GB.341/INS/6; and
- (b) requested the Director-General to take into account the guidance provided during the discussion in preparing the paper for the 343rd Session (November 2021).

(GB.341/INS/6, paragraph 45)

## **7. Update on United Nations reform**

The Governing Body:

- (a) took note of the current status of the reform of the United Nations development system and the implementation the Office's Plan of Action 2019–20 to maximize the opportunities of the UN development system reform for the ILO and tripartite constituents;
- (b) invited the Director-General to take into consideration the views expressed by the Governing Body in the continued engagement in and implementation of the reform and in supporting tripartite constituents to engage in UN Cooperation Frameworks and common country analysis; and
- (c) requested the Director-General to report on the UN reform process and the measures taken by the Office to the 346th Session (November 2022) and to the 349th Session (November 2023) of the Governing Body.

(GB.341/INS/7, paragraph 53, as amended by the Governing Body)

## **8. Follow-up to the resolution on the ILO Centenary Declaration for the Future of Work: Proposals aimed at promoting greater coherence within the multilateral system**

The Governing Body requested the Director-General to take the necessary action in accordance with its guidance to enhance the ILO's role in the multilateral system by reinforcing its cooperation and developing institutional arrangements with other organizations to promote policy coherence in pursuit of its human-centred approach to the future of work.

(GB.341/INS/8, paragraph 57)

**9. Report of the tripartite working group on full, equal and democratic participation in the ILO's tripartite governance in the spirit of the Centenary Declaration**

The Governing Body took note of the report of the tripartite working group on full, equal and democratic participation in the ILO's tripartite governance and decided to:

- (a) transmit the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance contained in the appendix of document GB.341/INS/9 to the 109th Session of the Conference for possible adoption;
- (b) extend the duration of the tripartite working group for a period of 12 months;
- (c) request the tripartite working group to present a progress report and a final report for its consideration at the 343rd (November 2021) and 344th (March 2022) Sessions, respectively.

(GB.341/INS/9, paragraph 8)

**10. Reply of the Government of the Bolivarian Republic of Venezuela to the report of the Commission of Inquiry appointed to consider the complaint alleging the non-observance 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)**

The Governing Body:

- (a) deplored the Bolivarian Republic of Venezuela's reply dated 10 August 2020 that it does not accept the recommendations of the Commission of Inquiry;
- (b) noted recent developments and urged the Bolivarian Republic of Venezuela to establish and convene, by May 2021, a social dialogue forum, in line with point 4 under paragraph 497 of the Commission of Inquiry's report;
- (c) requested the Office to work with the Bolivarian Republic of Venezuela on recognition and full implementation of the recommendations of the Commission of Inquiry and on the effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country;
- (d) requested the Director-General to inform the members of the Governing Body, by means of a written report, on or before 3 May 2021, regarding measures which the Bolivarian Republic of Venezuela has taken to comply with the recommendations of the Commission of Inquiry, together with details of any technical assistance requested or provided;
- (e) acknowledged the possibility of a resolution at the 109th Session of the International Labour Conference on the developments mentioned in points (b) (c) and (d) if there is a continued lack of progress on the implementation of the recommendations of the Commission of Inquiry;
- (f) decided to include an item on the agenda of its 343rd Session (November 2021) entitled "Consideration of all possible measures, including those foreseen in the ILO Constitution, required to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry within the required timeframe";

- (g) requested the Director-General to present an updated report to its 343rd Session (November 2021) on relevant actions taken, measures referred to in paragraphs (b) and (c), and relevant information on possible measures to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry, including any progress made in implementing those recommendations.

(GB.341/INS/10(Rev.2)), paragraph 10, as amended by the Governing Body)

## **11. Complaint concerning non-observance by Bangladesh of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Labour Inspection Convention, 1947 (No. 81)**

Noting the progress made by the Government with regard to the development of a time-bound road map of actions with tangible outcomes to address all the outstanding issues mentioned in the complaint, with the support of the Office and of the secretariats of the Workers' and Employers' groups, and in full consultation with the social partners concerned, the Governing Body, on the recommendation of its Officers:

- (a) requested the Government to submit the final road map for the information of the Governing Body in June 2021;
- (b) requested the Government to report to the Governing Body on progress made with the timely implementation of the road map at its 343rd Session (November 2021); and
- (c) deferred the decision on further action in respect of the complaint to its 343rd Session (November 2021).

(GB.341/INS/11(Rev.1), paragraph 9)

## **12. Reports of the Committee on Freedom of Association**

### **12.1. 393rd Report of the Committee on Freedom of Association**

The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–53, and adopted the recommendations made in paragraphs: 79 (Case No. 3320: Argentina); 123 (Cases Nos 2761 and 3074: Colombia); 157 (Case No. 3112: Colombia); 266 (Case No. 3316: Colombia); 286 (Case No. 3371: Republic of Korea); 317 (Case No. 3312: Costa Rica); 354 (Case No. 3271: Cuba); 366 (Case No. 2923: El Salvador); 374 (Case No. 3258: El Salvador); 391 (Case No. 3330: El Salvador); 415 (Case No. 3350: El Salvador); 433 (Case No. 3347: Ecuador); 454 (Case No. 3367: Ecuador); 477 (Cases Nos 2967 and 3089: Guatemala); 501 (Case No. 3179: Guatemala); 512 (Case No. 3249: Haiti); 571 (Case No. 3337: Jordan); 580 (Case No. 3275: Madagascar); 599 (Case No. 3018: Pakistan); 640 (Case No. 3323: Romania); and adopted the 393rd Report of its Committee on Freedom of Association as a whole.

(GB.341/INS/12/1)

### **12.2. 394th Report of the Committee on Freedom of Association – Measures taken by the Government of the Republic of Belarus to implement the recommendations of the Commission of Inquiry**

The Governing Body approved the Committee's recommendations of the Committee as set out in paragraph 60 of document GB.341/INS/12/2.

(GB.341/INS/12/2)

## **Addendum: Presentation of the Committee on Freedom of Association annual report for the year 2020**

The Governing Body took note of the fourth annual report which covers the year 2020.  
(GB.341/INS/12/1(Add.1), paragraph 4)

### **13. Report of the Director-General**

#### **13.1. Regular report**

The Governing Body:

- (a) took note of the information contained in document GB.341/INS/13/1 regarding obituaries, membership of the Organization, progress in international labour legislation, internal administration and publications and documents;
- (b) paid tribute to the memory of Mr Peter Tomek and invited the Director-General to convey its condolences to the family of Mr Tomek, to the Federation of Austrian Industries, and to the International Organisation of Employers (IOE);
- (c) paid tribute to the memory of Mr Kjeld Jakobsen and invited the Director-General to convey its condolences to the family of Mr Jakobsen, to the Central Única dos Trabalhadores of Brazil, and to the International Trade Union Confederation (ITUC);
- (d) paid tribute to the memory of Mr Makhosi C. Vilakati and invited the Director-General to convey its condolences to the family of Mr Vilakati and to the Government of the Kingdom of Eswatini;
- (e) paid tribute to the memory of Mr Julio Roberto Gomez Esguerra and invited the Director-General to convey its condolences to the family of Mr Gomez Esguerra and to the General Confederation of Labour of Colombia.

(GB.341/INS/13/1, paragraph 32)

#### **13.2. First Supplementary Report: Report of the Technical Meeting on achieving decent work in global supply chains (Geneva, 25–28 February 2020)**

The Governing Body, in seeking the implementation of the 2016 International Labour Conference resolution concerning decent work in global supply chains and the ILO programme of action on decent work in global supply chains, adopted the two-step process outlined below.

- (1) The Office will be tasked to conduct an in-depth review to clearly identify if there are any gaps in the current body of normative and non-normative measures, including means of implementation and other measures, to facilitate a discussion on options to ensure decent work in supply chains, including at sectoral level, where appropriate. The review to be delivered and shared with the constituents by November 2021 should provide the basis for a review by a tripartite working group of a manageable size and observing regional balance, to be established by November 2021.
- (2) This working group will further develop, with the support of the Office, the building blocks for a comprehensive strategy on achieving decent work in supply chains, taking into account the 2019 ILO Centenary Declaration for the Future of Work, the One-ILO approach, and relevant outcomes of the 109th Session (2021) of the Conference, and will present its report to the Governing Body for discussion at its 344th Session (March 2022) with a view to deciding on appropriate follow-up action.

- (3) Decisions of the working group shall be taken by consensus. Representatives shall make every effort to reach an agreement that is generally accepted, so that a decision can be adopted without formal objections. Where it is not possible to reach consensus on a specific issue, the divergent views shall be set out in its report to the Governing Body.

(GB.341/INS/13/2, paragraph 28, as amended by the Governing Body)

### 13.3. Second Supplementary Report: Documents submitted for information only

The Governing Body took note, by correspondence, of the information contained in the following documents:

- Work plan on the strengthening of the supervisory system: Proposals on further steps to ensure legal certainty and information on other action points in the work plan (GB.341/INS/INF/1)
- Addendum to the 2020 Report of the Committee of Experts on the Application of Conventions and Recommendations (Geneva, 25 November–12 December 2020) (GB.341/INS/INF/3)
- Report on the status of pending representations submitted under article 24 of the ILO Constitution (GB.341/INS/INF/4)
- Approved symposia, seminars, workshops and similar meetings (GB.341/INS/INF/5)
- Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (GB.341/INS/INF/6)
- Progress on coordinated action taken by United Nations organizations and the social partners to follow-up on the Resolution concerning maritime labour issues and the COVID-19 pandemic (GB.341/INS/INF/7)
- Preparations for the V Global Conference on Child Labour (GB.341/POL/INF/1)
- Programme and Budget for 2020–21:
  - Position of accounts as at 31 December 2020 (GB.341/PFA/INF/1/1)
  - Collection of contributions from 1 January 2021 to date (GB.341/PFA/INF/1/2)
- Progress report on the implementation of the Information Technology Strategy 2018–21 (GB.341/PFA/INF/2)
- Follow-up to the report of the Chief Internal Auditor for the year ended 31 December 2019 (GB.341/PFA/INF/3)
- External audit plan (GB.341/PFA/INF/4)
- Composition and structure of the staff at 31 December 2020 (GB.341/PFA/INF/5)
- Decisions of the United Nations General Assembly on the report of the International Civil Service Commission (GB.341/PFA/INF/6)
- Decisions of the United Nations General Assembly on the report of the 67th Session of the United Nations Joint Staff Pension Board (2020) (GB.341/PFA/INF/7)



- Matters relating to the Administrative Tribunal of the ILO: Report of the United Nations Secretary-General on the jurisdictional set-up of the United Nations common system (GB.341/PFA/INF/8)

(GB.341/INS/13/3, paragraph 3)

#### **13.4. Third Supplementary report: Report of the Committee set up to examine the representation alleging non-observance by Nepal of the Indigenous and Tribal Peoples Convention 1989 (No. 169)**

The Governing Body declared that the representation had been withdrawn and closed the case.

(GB.341/INS/13/4, paragraph 9)

#### **13.5. Fourth supplementary report: Reports of the two Committees set up to examine the representation alleging non-observance by Turkey of the Freedom of Association and Protection of the Right to Organise Convention 1948 (No. 87) and the Termination of Employment Convention 1982 (No. 158)**

The Governing Body:

- (a) on the recommendation of the Committee set up to examine the representation alleging non-observance by Turkey of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87):
  - (i) approved the report of the Committee in Appendix I of document GB.341/INS/13/5;
  - (ii) requested the Government to take into account in the context of the application of Convention No. 87, the observations made in paragraphs 17–31 of the Committee's conclusions and in particular, in paragraph 31, wherein the Committee urged the Government that a full, independent and impartial review be made with regard to all those workers who suffered from reprisals and retaliatory acts for their membership in the dissolved unions;
  - (iii) invited the Government to provide information in that respect for examination by the Committee of Experts on the Application of Conventions and Recommendations (CEACR); and
  - (iv) made the report publicly available and closed the representation procedure.
- (b) on the recommendation of the Committee set up to examine the representation alleging non-observance by Turkey of the Termination of Employment Convention, 1982 (No. 158):
  - (i) approved the report of the Committee in Appendix II of document GB.341/INS/13/5;
  - (ii) requested the Government to take into account, in the context of the application of Convention No. 158, the observations made in paragraphs 34 and 35 of the Committee's conclusions;
  - (iii) invited the Government to provide information in that respect for examination and further monitoring, as appropriate, by the CEACR; and
  - (iv) made the report publicly available and closed the representation procedure.

(GB.341/INS/13/5, paragraph 9)

## 14. Reports of the Officers of the Governing Body

### 14.1. First report: Follow-up to the representation alleging non-observance by Chile of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

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

Noting that the Committee of Experts on the Application of Conventions and Recommendations (CEACR) had welcomed the information communicated by the Government as well as the measures taken to give effect to the recommendations made in the context of the representation presented by the College of Teachers of Chile AG, and trusting that the Government would continue to provide the information requested by the CEACR on the application of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) in the context of the regular reporting cycle, the Governing Body, on the recommendation of its Officers, decided:

- (a) that the establishment of a tripartite committee was not necessary; and
- (b) to close the representation procedure.

(GB.341/INS/14/1, paragraph 9)

### 14.2. Second report: Representation alleging non-observance by Ecuador of the Indigenous and Tribal Peoples Convention, 1989 (No. 169)

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

In the light of the information contained in document GB.341/INS/14/2, 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.341/INS/14/2, paragraph 5)

### 14.3. Third report: Representation alleging non-observance by Uruguay of the Protection of Wages Convention, 1949 (No. 95), and the Social Security (Minimum Standards) Convention, 1952 (No. 102)

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

In the light of the information contained in document GB.341/INS/14/3, 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.341/INS/14/3, paragraph 5)

### 14.4. Fourth Report: Representation alleging non-observance by Chile of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

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

In the light of the information contained in document GB.341/INS/14/4, 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.341/INS/14/4, paragraph 5)

**14.5. Fifth report: Representation alleging non-observance by Poland of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Collective Bargaining Convention, 1981 (No. 154)**

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

In the light of the information contained in document GB.341/INS/14/5, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable with regard to Conventions Nos 87 and 98 and, as it relates to Conventions dealing with trade union rights, to refer it to the Committee on Freedom of Association for examination in accordance with articles 24 and 25 of the Constitution of the ILO.

(GB.341/INS/14/5, paragraph 5)

**14.6. Sixth report: Representation alleging non-observance by Guinea of the Labour Inspection Convention, 1947 (No. 81), the Protection of Wages Convention, 1949 (No. 95) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)**

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

In the light of the information contained in document GB.341/INS/14/6, 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.341/INS/14/6, paragraph 5)

**14.7. Seventh report: Representation alleging non-observance by Peru of the Hours of Work (Industry) Convention, 1919 (No. 1)**

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

In the light of the information contained in document GB.341/INS/14/7, and taking into consideration the recommendations of its Officers, the Governing Body decided that the representation was receivable and that it would be examined by the tripartite committee set up to examine the representation alleging non-observance by Peru of Convention No. 1 declared receivable in November 2020.

(GB.341/INS/14/7, paragraph 6)

**15. Calendar of actions to be taken regarding the election of the Director-General**

The Governing Body:

(a) approved the following timetable for the appointment of the Director-General:

1 July 2021: The Chairperson of the Governing Body calls for candidatures;

1 October 2021: Last date for the reception of candidatures;

14–15 March 2022 (344th Session of the Governing Body): The Governing Body conducts candidate(s) hearings;

25 March 2022 (344th Session of the Governing Body): The Governing Body conducts the ballot for the election of the Director-General;

1 October 2022: The term of office of the Director-General commences; and

- (b) requested the Office to prepare for its 342nd Session (June 2021) options to provide for additional opportunities for interaction with candidates before the regular hearings in private sitting.

(GB.341/INS/15, paragraph 9, as amended by the Governing Body)

## **16. Composition, agenda and programme of standing bodies and meetings**

The Governing Body, upon the recommendation of its Officers, decided by correspondence:

- (a) to approve the appointment of Dr Bakuza (United Republic of Tanzania) and Dr Howe (Barbados), and the renewal of the appointments of Ms Chisholm (South Africa), Ms Vaillant (Uruguay) and Ms Vavrus (United States) to the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART);
- (b) to authorize the Director-General to invite the International Council of Nurses and the World Council of Churches to participate as observers at the 109th Session of the International Labour Conference and to endorse the proposals made in relation to the invitation of intergovernmental and international non-governmental organizations as observers to the following official meetings listed in Appendix II to document GB.341/INS/16(Rev.1): Technical meeting on the impact of digitalization in the finance sector; Meeting of experts to revise the 1992 code of practice on safety and health in construction; and Meeting of experts to discuss and adopt a code of practice on safety and health in textiles, clothing, leather and footwear;
- (c) to approve the holding of the Workers' Symposium on the date proposed, with the format and composition to be determined at the 342nd Session (June 2021) of the Governing Body;
- (d) to approve the establishment of a tripartite committee to consider further improvements to the approved methodology of SDG indicator 8.8.2 on labour rights, and the date and composition of its meeting;
- (e) to approve the holding of a meeting of experts for the tripartite validation of the technical guidelines on general principles of labour inspection on the dates proposed;
- (f) to renew the nominations of Mr Mike Gaunt and Mr Tasos Zodiates to represent the Employers and Workers respectively for the work of the Office in the Radiation Safety Standards Committee during its term 2021–23;
- (g) to take note of the programme of meetings as approved by its Officers, subject to regular review depending on the evolution of the COVID-19 pandemic.

(GB.341/INS/16(Rev.1), paragraph 31)

## **17. 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)**

The Governing Body:

- (a) endorsed the statements of the Director-General on 10 and 23 February 2021 calling for the restoration of democratic order and civilian rule in Myanmar, for workers, including civil servants, and employers to be able to exercise their right to peaceful assembly, and for a halt to the intimidation of workers;

- (b) expressed profound concern about developments particularly since 1 February and called on the military authorities to respect the will of the people, respect democratic institutions and processes, and restore the democratically elected Government;
- (c) expressed its grave concern about the arrest, intimidation, threats, and acts of violence against trade unionists, as well as the declaration that 16 labour organizations were illegal, and called on the military authorities to immediately cease such activities, and to release from detention and drop any charges against trade unionists who have peacefully participated in protest activities;
- (d) expressed its grave concern about measures or orders issued curtailing freedom of expression and freedom of peaceful assembly, recalling that freedom of peaceful assembly and freedom of opinion and expression are essential for the exercise of freedom of association. It called for the immediate repeal of such measures or orders and for guarantees of the freedom of the social partners to undertake their functions without threat of intimidation or harm;
- (e) reaffirmed that all Member States have an obligation to apply fully, in law and in practice, the Conventions that they have voluntarily ratified and that Myanmar therefore has an obligation to comply fully with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). It urged Myanmar to uphold its obligations under Convention No. 87 and to ensure that workers and employers are able to exercise their freedom of association rights in a climate of freedom and security, free from violence, arbitrary arrest, and detention;
- (f) called for the Civil Services Personnel Law, the Settlement of Labour Disputes Law, and the Labour Organization Law to be amended without delay, once the democratically elected government has been restored, consistent with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- (g) urged Myanmar to respect and protect the status of the ILO Liaison Office in Myanmar (ILO–Yangon) and all ILO staff in Myanmar and to refrain from undue interference in its operations in keeping with the principles of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947;
- (h) requested the Office to report to the Governing Body on what additional measures the ILO can take to promote a restoration of worker rights; and
- (i) requested the Director-General to report to the 342nd Session (June 2021) of the Governing Body on developments in Myanmar.

(GB.341/INS/17(Add.1), paragraph 38, as amended by the Governing Body)

## ► Policy Development Section

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### Employment and Social Protection Segment

#### 1. Follow-up to the Strategy on indigenous people's rights for inclusive and sustainable development, including implementation of the strategic plan for engagement with the United Nations system bodies and relevant regional organizations regarding the Indigenous and Tribal Peoples' Convention, 1989 (No. 169)

The Governing Body:

- (a) advised the Office with regard to the way forward in implementing the strategy for action concerning indigenous and tribal peoples; and
- (b) requested the Director-General to take into consideration the strategy and the guidance given in the discussion in the implementation of the programme and budget and in facilitating extra-budgetary resources.

(GB.341/POL/1(Rev.1), paragraph 36)

#### 2. Decent work and productivity

The Governing Body requested the Office to take into account the guidance provided during the discussion on decent work and productivity at its 341st Session (March 2021), in the implementation of the ILO's programme and in the follow-up to the ILO Centenary Declaration for the Future of Work.

(GB.341/POL/2, paragraph 60)

### Social Dialogue Segment

#### 3. Sectoral meetings in 2021 and proposals for sectoral work for 2022–23

The Governing Body, by correspondence:

- (a) endorsed the proposals contained in Appendices I and II to document GB.341/POL/3(Rev.1) relating to the dates, official title and composition of the global sectoral meetings in 2021;
- (b) decided, for the forthcoming technical meeting on education listed in Appendix II to document GB.341/POL/3(Rev.1), to request the Office to select as Chairperson an independent person with expertise on the matters covered by the agenda and to notify the meeting accordingly, and for the meetings on urban transport services and aquaculture, to appoint one of its members as Chairperson;
- (c) authorized the publication on the ILO website of the updated versions of the Guidelines for flag State inspections under the Maritime Labour Convention, 2006, as amended, and the Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006, as amended, referred to in section II of document GB.341/POL/3(Rev.1); and
- (d) endorsed the programme of global sectoral meetings and other sectoral work for the biennium 2022–23 set out in Appendix III to document GB.341/POL/3(Rev.1), as recommended by the sectoral advisory bodies, subject to the approval by the

International Labour Conference at its 109th Session (June 2021) of the corresponding allocations in the Programme and Budget for 2022–23.

(GB.341/POL/3(Rev.1), paragraph 22)

## Development Cooperation Segment

### 4. ILO Development Cooperation Strategy for 2020–25: Implementation Plan

The Governing Body endorsed the implementation plan proposed in document GB.341/POL/4 and requested the Director-General to consider the Governing Body's guidance when carrying out the plan.

(GB.341/POL/4, paragraph 15)

## Multinational Enterprises Segment

### 5. Promotional activities with regard to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and related developments outside the ILO

The Governing Body requested the Director-General to take into account the guidance provided when exploring options to further strengthen the visibility of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and its implementation by ILO Member States, regional and international organizations and enterprises, and to provide an update on these promotional activities at a future session of the Governing Body.

(GB.341/POL/5, paragraph 44)

## ► Legal Issues and International Labour Standards Section

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## Legal Issues Segment

### 1. Comprehensive review of the Standing Orders of the Conference: draft consolidated text

The Governing Body decided, by correspondence, to transmit to the Conference the consolidated text of the amended Standing Orders of the International Labour Conference in the appendix of document GB.341/LILS/1 for adoption at its 109th Session (June 2021).

(GB.341/LILS/1, paragraph 22)

## International Labour Standards and Human Rights Segment

### 2. Proposed form for reports requested under article 19(5)(e) and 19(6)(d) of the Constitution in 2022 on the instruments concerning equality of opportunity and treatment

The Governing Body, by correspondence:

- (a) requested governments to submit reports for 2022, under article 19 of the ILO Constitution, 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), as well as the Maternity Protection Convention, 2000 (No. 183), and Recommendation (No. 191); and

- (b) approved the report form concerning these instruments set out in the appendix to document GB.341/LILS/2.

(GB.341/LILS/2(Rev.1), paragraph 4)

### **3. Proposed form for reports on the application of ratified Conventions (article 22 of the Constitution): The Violence and Harassment Convention, 2019 (No. 190)**

The Governing Body, by correspondence, approved the report form for the Violence and Harassment Convention, 2019 (No. 190) set out in the appendix to document GB.341/LILS/3(Rev.1).

(GB.341/LILS/3(Rev.1), paragraph 2)

### **4. Proposed amendments to the form for reports to be requested under article 22 of the ILO Constitution in relation to the Maritime Labour Convention, 2006, as amended (MLC, 2006)**

The Governing Body approved, by correspondence, the proposed changes to be inserted in the report form for the Maritime Labour Convention, 2006, as amended (MLC, 2006), to be used as the basis for the preparation of reports due under article 22 of the ILO Constitution.

(GB.341/LILS/4, paragraph 9)

### **5. Second evaluation of the functioning of the Standards Review Mechanism Tripartite Working Group**

In undertaking its second evaluation of the functioning of the Standards Review Mechanism Tripartite Working Group (SRM TWG), the Governing Body noted the information provided by the Officers of the SRM TWG and:

- (a) expressed its gratitude to the SRM TWG for its ongoing work to ensure a clear, robust and up-to-date body of international labour standards;
- (b) reiterated the importance of the SRM TWG and accordingly stressed the need for follow-up by Member States, social partners as well as by the Office to its recommendations as adopted by the Governing Body; and
- (c) requested the SRM TWG to take its guidance into account in continuing its work and that it continue to be kept informed of the functioning of the SRM TWG so as to allow it to undertake a further evaluation no later than March 2022.

(GB.341/LILS/5, paragraph 3, as amended by the Governing Body)

### **6. Procedure for the appointment of members of the Committee of Experts on the Application of Conventions and Recommendations**

The Governing Body took note of the information provided by the Office in document GB.341/LILS/6 and requested the Office to prepare a document for its 343rd Session (November 2021) taking into account the discussion held.

(GB.341/LILS/6, paragraph 21, as amended by the Governing Body)



## ► Programme, Financial and Administrative Section

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### Programme, Financial and Administrative Segment

#### 1. The Director-General's Programme and Budget proposals for 2022–23

The Governing Body recommended to the International Labour Conference at its 109th Session (June 2021):

- (a) to approve a provisional programme level of US\$803,548,920 estimated at the 2020–21 budget rate of exchange of CHF1 to the US dollar, the final exchange rate and the corresponding US dollar level of the budget and Swiss franc assessment to be determined by the Conference; and
- (b) to adopt the following resolution:

The General Conference of the International Labour Organization,

In virtue of the Financial Regulations, adopts for the 78th financial period, ending 31 December 2023, the budget of expenditure of the International Labour Organization amounting to US\$ ..... and the budget of income amounting to US\$ ..... which, at the budget rate of exchange of CHF..... to the US dollar, amounts to CHF..... , and resolves that the budget of income, denominated in Swiss francs, shall be allocated among Member States in accordance with the scale of contributions recommended by the Finance Committee of Government Representatives.

(GB.341/PFA/1, paragraph 248)

#### 2. Implications of COVID-19 for delivery of the Programme and Budget 2020–21

The Governing Body took note of the information provided in document GB.341/PFA/2 and requested the Director-General to:

- (a) take into account the guidance provided in steering the Office's work and response to the ongoing COVID-19 crisis; and
- (b) communicate further information regarding the implications of COVID-19 for delivery of the Programme and Budget for 2020–21 through the Programme Implementation Report to be presented at its 344th Session (March 2022).

(GB.341/PFA/2, paragraph 25)

#### 3. Update on the headquarters building renovation project

The Governing Body, by correspondence:

- (a) approved the proposed final scope and took note that the estimated budget of phase 2 of the project will be in line with the resources available from the sale of the land;
- (b) requested the Office to present the final budget of phase 2 during the next Governing Body session; and
- (c) authorized the Director-General to finalize an agreement with a main contractor for the phase 2 works within the funds available from the sale of the land.

(GB.341/PFA/3(Rev.1), paragraph 21)

#### **4. Delegation of authority under article 18 of the Standing Orders of the International Labour Conference**

The Governing Body, by correspondence, decided to delegate to its Officers, for the period of the 109th Session of the International Labour Conference (June 2021), the authority to carry out its responsibilities under article 18 of the Standing Orders of the Conference in relation to proposals involving expenditure in the 77th financial period ending 31 December 2021.

(GB.341/PFA/4, paragraph 3)

#### **5. Programme and Budget for 2018–19: Regular budget account and Working Capital Fund as at 31 December 2019**

*(The consideration of this item was deferred to the 341st bis Session (21 May 2021).)*

#### **6. Programme and Budget for 2018–19: Financial report and audited consolidated financial statements for the year ended 31 December 2019**

The Governing Body, by correspondence, took note of the External Auditor's report and forwarded the consolidated financial statements for the year ended 31 December 2019 and the External Auditor's report thereon to the International Labour Conference for consideration and adoption at its 109th Session.

(GB.341/PFA/6, paragraph 4)

#### **7. Scale of assessments of contributions to the budget for 2022**

The Governing Body, in accordance with the established practice of harmonizing the rates of assessment of ILO Member States with their rates of assessment in the United Nations, and on the recommendation of the Government group, decided by correspondence:

- (a) to base the ILO scale of assessment for 2022 on the UN scale for 2019–21; and
- (b) to propose to the International Labour Conference the adoption of the draft scale of assessment for 2022 as set out in the appendix to document GB.341/PFA/7, subject to such adjustments as might be necessary following any further change in the membership of the Organization before the Conference is called upon to adopt the recommended scale.

(GB.341/PFA/7, paragraph 4)

### **Audit and Oversight Segment**

#### **8. Report of the Independent Oversight Advisory Committee**

The Governing Body, by correspondence, took note of the annual report of the Independent Oversight Advisory Committee contained in Appendix I to document GB.341/PFA/8 and approved the revised terms of reference set forth in Appendix II to that document.

(GB.341/PFA/8, paragraph 5)

#### **9. Report of the Chief Internal Auditor for the year ended 31 December 2020**

The Governing Body took note, by correspondence, of the report of the Chief Internal Auditor for the year ended 31 December 2020.

(GB.341/PFA/9, paragraph 4)

## 10. Matters relating to the Joint Inspection Unit

The Governing Body, by correspondence, took note of the information contained in documents GB.341/PFA/10, GB.341/PFA/10/REF/1 and GB.341/PFA/10/REF/2 and provided guidance to the Office.

(GB.341/PFA/10, paragraph 30)

## Personnel Segment

### 13. Report of the Board of the Special Payments Fund

The Governing Body took note, by correspondence, of the report of the Board of Trustees of the Special Payments Fund contained in the appendix to document GB.341/PFA/13 and approved the proposed amendments to the terms of reference and rules for administration of the Special Payments Fund as set out in the annex to the report, effective 1 April 2021.

(GB.341/PFA/13, paragraph 4)

### 14. Appointment to the ILO Staff Pension Committee (United Nations Joint Staff Pension Board)

The Governing Body decided, by correspondence, to submit the following resolution to the International Labour Conference at its 109th Session (June 2021):

The General Conference of the International Labour Organization,  
Appoints to the ILO Staff Pension Committee (United Nations Joint Staff Pension Board) until 8 October 2022 the following members and alternate members:

Members

Mr J.C. Pomareda Muñoz (Government)

Mr F. Merle (Employers)

Mr L. Cirigliano (Workers)

Alternate members

Mr L. Abbé-Decarroux (Employers)

Mr C. Pardini (Workers)

(GB.341/PFA/14(Rev.1), paragraph 7)

## 15. Matters relating to the Administrative Tribunal of the ILO

### 15.1. Proposed amendments to the Statute of the Tribunal

The Governing Body, taking into account the guidance provided during the Governing Body discussions at the 335th and 337th Sessions on the proposed amendments to the Statute of the ILO Administrative Tribunal, and having duly consulted the Tribunal as well as the organizations having recognized its jurisdiction and their staff associations, decided, by correspondence:

- (a) to approve the draft resolution appended to document GB.341/PFA/15/1 concerning amendments to the Tribunal's Statute and to its Annex, for possible adoption by the International Labour Conference at its 109th Session (2021) relating to:
  - (i) the procedure according to which an international organization that has recognized the jurisdiction of the Tribunal may revoke its declaration of acceptance;

- (ii) the eligibility criteria for judges, the geographical distribution and gender balance in the composition of the Tribunal, and the term of office of judges;
  - (iii) the extension of the appointment of judges in the event that the Conference does not meet prior to the expiry of their term; and
- (b) to defer consideration of the advisability of undertaking an independent review of the functioning of the Tribunal in light of the review of the jurisdictional set-up of the United Nations common system undertaken by the UN Secretary-General pursuant to General Assembly resolution 74/255B and welcomed the Office's cooperation in this review.

(GB.341/PFA/15/1, paragraph 53)

## 15.2. Composition of the Tribunal

The Governing Body, on the recommendation of its Officers, decided, by correspondence, to propose to the International Labour Conference to adopt one of the following draft resolutions, depending on whether the Conference has previously adopted the amendments to article III of the Statute of the Administrative Tribunal of the ILO and the transitional measures for the implementation of amended article III proposed in document GB.341/PFA/15/1:

- (i) if the amendments are adopted:

The General Conference of the International Labour Organization,

Decides, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, as amended on [...] June 2021, and the transitional measures adopted for its implementation,

- (a) to convey its deep appreciation to Mr Giuseppe Barbagallo (Italy), Ms Fatoumata Diakité (Côte d'Ivoire), Ms Dolores Hansen (Canada) and Mr Yves Kreins (Belgium) for the valuable services they have rendered to the work of the Administrative Tribunal of the International Labour Organization;
- (b) to appoint Ms Rosanna De Nictolis (Italy), Mr Clément Gascon (Canada), Mr Jacques Jaumotte (Belgium) and Ms Hongyu Shen (China) as judges of the Tribunal for a period of five years each;
- (c) to renew the appointment of Mr Michael Moore (Australia) and Sir Hugh Rawlins (Saint Kitts and Nevis) as judges of the Tribunal for one further non-renewable term of seven years each.

Or

- (ii) if the amendments are not adopted:

The General Conference of the International Labour Organization,

Decides, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization,

- (a) to convey its deep appreciation to Mr Giuseppe Barbagallo (Italy), Ms Fatoumata Diakité (Côte d'Ivoire), Ms Dolores Hansen (Canada) and Mr Yves Kreins (Belgium) for the valuable services they have rendered to the work of the Administrative Tribunal of the International Labour Organization;

- (b) to appoint Ms Rosanna De Nictolis (Italy), Mr Clément Gascon (Canada), Mr Jacques Jaumotte (Belgium) and Ms Hongyu Shen (China) as judges of the Tribunal for a term of three years each;
- (c) to renew the appointment of Mr Michael Moore (Australia) and Sir Hugh Rawlins (Saint Kitts and Nevis) as judges of the Tribunal for another term of three years each.

(GB.341/PFA/15/2, paragraph 8)

## **16. Update on the Human Resources Strategy 2018–21**

The Governing Body requested the Office to take into account the guidance provided in the further implementation of the Human Resources Strategy 2018–21 and in the preparation of the Human Resources Strategy 2022–25, so as to ensure a workforce of the highest standards of competence, efficiency and integrity, with due regard being given to the action plan for improving the diversity of the ILO workforce (GB.337/PFA/11), including in terms of gender, geographical diversity, also addressing under-representation, experience relevant to the three constituent groups, and opportunities for youth and for young professionals.

(GB.341/PFA/16, paragraph 42, as amended by the Governing Body)