



# Governing Body

342nd Session, Geneva, June 2021

## Minutes of the 342nd Session of the Governing Body of the International Labour Office

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1. The 342nd Session of the Governing Body of the International Labour Office was held in Geneva, on Friday, 25 June 2021. Owing to the exceptional circumstances of the coronavirus (COVID-19) pandemic, the session was conducted online.

## ▶ Institutional Section

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### 1. Election of the Officers of the Governing Body for 2021–22

2. **The outgoing Chairperson of the Government group** nominated Ms Anna Jardfelt, Permanent Representative of Sweden to the United Nations Office in Geneva, for the post of Chairperson of the Governing Body for the period 2021–22. A distinguished career diplomat and jurist with broad experience at senior levels in multilateral diplomacy, she had the skills and knowledge to serve as Chairperson, particularly when it came to tripartism and social dialogue.
3. The Employer and Worker Vice-Chairpersons endorsed the candidature.
4. **Speaking on behalf of the Employers' group**, an Employer member from Spain nominated Ms Renate Hornung-Draus as Employer Vice-Chairperson.
5. **Speaking on behalf of the Workers' group**, a Worker member from Japan nominated Ms Catelene Passchier as Worker Vice-Chairperson.

### Decision

6. **The Governing Body elected for the 2021–22 period:**
  - Ms Anna Jardfelt, Ambassador, Permanent Representative of Sweden to the United Nations Office and other international organizations in Geneva, to the post of Chairperson;
  - Ms Renate Hornung-Draus (Employer, Germany) as Employer Vice-Chairperson; and
  - Ms Catelene Passchier (Worker, Netherlands) as Worker Vice-Chairperson.

### Opening remarks

7. **The outgoing Chairperson** said that the ILO had risen to the challenge of holding virtual sessions of the Governing Body. Much had been achieved, with excellent technical arrangements. However, ratifications of international labour standards, including some major Conventions, remained low. The ILO might consider incorporating some flexibility in Conventions to suit the national circumstances of some countries, and updating some older instruments.
8. While globalization, liberalization and changing world demographics had resulted in an increase in international labour migration, migrant workers continued to lack access to social security. Although the ILO had led the attempt to address their needs, insufficient progress had been made; it was time for the Governing Body to discuss and devise a versatile framework to encourage Member States to sign multilateral, regional or bilateral social security agreements to protect migrant workers' rights.
9. Lastly, the proliferation of gig and platform work was transforming the future of work and workers' rights. In some countries, including his own, measures had been taken to

address the resultant challenges for workers. The ILO should take the lead in that regard by devising flexible standards to support the progressive, phased realization of workers' rights. In the context of the COVID-19 pandemic, employers were considering work from home options, a matter already addressed comprehensively in the Home Work Convention (No. 177) and Recommendation (No. 184), 1996. Governments, in consultation with national employers' and workers' representatives, must therefore build comprehensive policies on work from home.

10. **The Director-General** said that the past year had been exceptional and extraordinary for the world of work and for the ILO. The political management of the Governing Body in virtual mode had posed challenges, given the intricate political processes and interactions between the three groups. Good leadership had thus been crucial, and thanks to Mr Chandra's skills in that regard the achievements over the past virtual year stood comparison to a normal year's productivity. Equally importantly, it had been possible to ensure the Organization's institutional continuity. In keeping with the Organization's long-standing tradition, he presented Mr Chandra with the gavel he had used in chairing the Governing Body, as a token of appreciation.

*(Ms Jardfelt took the Chair.)*

11. **The Chairperson** thanked the outgoing Chairperson and all who had ensured the continued functioning of the Governing Body despite the pandemic. She looked forward to working with her fellow Officers and their groups and make every effort to ensure as inclusive an approach as possible, while preserving the independence of her new role. The challenges ahead included the election of a new Director-General, the accelerated implementation of the ILO Centenary Declaration for the Future of Work in the context of the pandemic recovery, and the resumption of important projects placed "on hold" during the pandemic, namely, the Standards Initiative and the discussions on safe and healthy working conditions.
12. **The Employer Vice-Chairperson** said that she looked forward to working with the incoming Chairperson and Worker Vice-Chairperson, and expressed her group's appreciation to the outgoing Chairperson for his leadership, and for having enabled the Governing Body to safeguard the Organization's continuity.
13. **The Worker Vice-Chairperson** expressed her appreciation to the outgoing Chairperson for steering the Governing Body gracefully through difficult times. She had confidence in the incoming Chairperson's skills to lead the Governing Body through the coming challenges and looked forward to cooperating with her and with the Employer Vice-Chairperson.
14. **The Chairperson of the Government group** commended the outgoing Chairperson for his calm perseverance in leading the Governing Body through a challenging period, and congratulated the incoming Chairperson on her new mandate, wishing her and the Employer and Worker Vice-Chairpersons success.

## 2. **Approval of the minutes of the 341st Session of the Governing Body (GB.342/INS/2)**

### Decision

15. **The Governing Body approved the minutes of its 341st Session, as amended.**  
(GB.342/INS/2, paragraph 2)

### 3. Appointment of Governing Body committees and working parties and of the Board of the International Training Centre of the ILO, Turin (GB.342/INS/3 and GB.342/INS/3(Add.1)(Rev.1))

16. **The Chairperson** noted that, although further nominations had been made that day, the Governing Body still needed to take decisions regarding appointments to some remaining positions. She suggested that additional time could be given for consultations and the endorsement of the nominations still missing could be made by the Officers under delegated authority. All nominations must be made by mid-July 2021.
17. **The Worker spokesperson** said that her group had made its nominations and confirmed its support for the re-election of the Chairperson of the Committee on Freedom of Association for the period 2021–24. She thanked the outgoing Chairperson of the Standards Review Mechanism Tripartite Working Group for his excellent work.
18. **The Employer spokesperson** said that her group had submitted and confirmed its nominations.

#### Decision

##### 19. The Governing Body:

- (a) **reappointed for the 2021–24 period Professor Evance Rabban Kalula as Chairperson of the Committee on Freedom of Association;**
- (b) **appointed for the 2021–24 period the Governing Body members mentioned in the addendum, as members of the Committee on Freedom of Association;**
- (c) **conveyed its appreciation to Mr Jan Farzan (Germany) for the valuable services rendered as Chairperson of the Standards Review Mechanism Tripartite Working Group since 2016;**
- (d) **appointed for the 2021–24 period Ms Thérèse Boutsen (Belgium) as Chairperson of the Standards Review Mechanism Tripartite Working Group;**
- (e) **noted the appointment of members of the Standards Review Mechanism Tripartite Working Group for the same period, made by the three groups and listed in the addendum;**
- (f) **appointed 24 of its members mentioned in the addendum as members of the Board of the International Training Centre of the ILO for the 2021–24 period; and**
- (g) **noted the appointment of the governments mentioned in the addendum as members of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance for the duration of its extended mandate.**

(GB.342/INS/3, paragraph 13)

### 4. Questions arising out of the 109th Session of the International Labour Conference requiring immediate attention

20. **The Employer spokesperson** said that despite the challenges of the virtual format, the Conference had included some important discussions; those on the implementation of the Centenary Declaration and the COVID-19 response had given key guidance on the immediate way out of the pandemic. The call to action on COVID-19 had reiterated the

importance of the private sector for a job-rich recovery and the need for the ILO to promote an enabling environment for entrepreneurship and sustainable enterprises, and that skills and productivity development and strategies to address informality had been recognized as priorities. Those matters should be the Office's top priority. The recurrent discussion on social protection had also been significant; all had sought to achieve balanced consensus on guidance to support the sustainable systems needed to achieve universal social protection. Lastly, discussions of individual cases by the Committee on the Application of Standards had been successful, although speaking time restrictions had hampered real dialogue.

21. Important lessons could be learned from the challenges of the 109th Session of the Conference: firstly, virtual work was not optimal and face-to-face discussions should recommence at the earliest opportunity. Her group would give its views on the way forward for the next Conference session at the 343rd Session of the Governing Body. Adjustments would be necessary to take time zone differences into account and optimize the inclusion and participation of constituents worldwide.
22. **The Worker spokesperson** said her group welcomed the outcomes of the Conference, including the strong resolution on recovery from COVID-19 and the important messages from the recurrent discussion on social protection. The resolution on the situation in Myanmar required urgent follow-up. Her group welcomed its adoption and was heartened that International Labour Conference had stood up for peace, democracy, respect for human rights and civil liberties. She strongly encouraged all constituents to take the necessary actions to implement the resolution, at all levels. While the Governing Body was requested to follow up on the resolution and on its own decisions on the situation at its next session, the matter was urgent and needed action sooner. Her group was profoundly concerned about the escalation of violence against the population, particularly attacks against trade union members and their families.
23. **Speaking on behalf of the Africa group**, a Government representative of Morocco said that despite the restrictions imposed by COVID-19 and the postponement of the 109th Session of the Conference, the Organization had maintained its pace of work and adapted well to the context. The level of participation in the virtual Conference and the quality of the work indicated the importance that constituents attached to the Organization's work.
24. At the World of Work Summit, governments, employers and workers had shared views on the response to the devastating impact of the pandemic and the action necessary to build a better future and world of work. The Conference had adopted a global call to action outlining clearly the measures needed for a successful and rapid recovery from the pandemic, focused on action by governments and the social partners, as well as the international community and multilateral organizations. Disparities between developed and developing countries in overcoming the pandemic and in access to vaccines reflected the urgent need for international cooperation. The Africa group welcomed the contributions to and outcome of the recurrent discussion on social protection and the proposal to explore the possibility of introducing an International Social Protection Day. The conclusions adopted by the Conference would form the basis of an ambitious programme for the achievement of universal social protection, in line with the Centenary Declaration and the Abidjan Declaration on advancing social justice.
25. The Africa group was also pleased to note the adoption of the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance, in the spirit of the Centenary Declaration and the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986. The

resolution aimed to eliminate obstacles to ratification by rendering article 7(3)(b)(i) of the 1986 Amendment obsolete, which would boost the ratification process and the cooperative discussion already under way. His group again called on all constituents to make better use of the tripartite working group on full, equal and democratic participation in the ILO's tripartite governance as a forum for targeted dialogue and the development of specific proposals, recalling that political will was required to produce results.

26. **Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of Canada commended the efforts made to ensure the success of the first virtual session of the Conference and welcomed the adoption of the resolution on recovery from the COVID-19 crisis, as well as the framework for action towards universal, adequate, comprehensive and sustainable social protection systems. IMEC also welcomed the emergency resolution on Myanmar, and commended the successful work of the Committee on the Application of Standards, which had highlighted the importance of all stakeholders promoting employment and decent work in a rapidly changing world of work.
27. With regard to the logistics of the virtual session, user-friendly Committee web pages, timely provision of zoom links, the electronic voting system and the Office information sessions in advance of voting had been particularly appreciated. Despite the best time management efforts, extended sittings had posed a challenge. For the second segment of the Conference, sufficient time should be given between the release of draft conclusions and the submission of amendments, to allow proper consideration and consultations. She encouraged all participants to prepare fully and maximize the use of limited meeting time. Lastly, she requested that the programme of future World of Work Summits and other high-level events should be published well in advance to facilitate the broadest possible participation. IMEC looked forward to follow-up discussions on the outcomes of the Conference committees at the November session of the Governing Body.
28. **The Chairperson** said that the Office had taken note of all comments. A detailed document on the functioning of the 109th Session of the Conference would be circulated to Governing Body members for consideration at its next session, when a full debrief would also take place.

## 5. Update on the situation in Myanmar and on additional measures to promote the restoration of workers' rights (GB.342/INS/5)

29. **The Deputy-Director-General for Management and Reform** provided an update, as there had been further developments since the report had been issued, and indeed since the recent discussion of the situation at the Conference. The numbers of deaths and detentions were increasing, and there were reports of extrajudicial killings, torture and enforced disappearances. In addition to attacks against the press and arrests of journalists on criminal charges, 11 news outlets had been closed down. The number of persons displaced by armed conflict had increased substantially. Action against trade unionists by the military authorities had escalated; the passports of 28 members of the Confederation of Trade Unions of Myanmar (CTUM) Executive Board had been confiscated and warrants for the arrest of ten members issued, on charges including treason. The home and office of the General Secretary of the Myanmar Industry, Craft and Services Trade Union Federation had been searched and the Federation's office raided.



30. ILO staff members in Myanmar were safe, but faced a difficult situation. The Yangon office continued to deliver development cooperation activities to the community, advocate for the protection of labour rights, and offer support to employers' and workers' organizations focusing on COVID-19 responses, occupational safety and health training and technical support on migrant worker protection. Interaction with the Ministry of Labour since 1 February 2021 had been strictly in line with United Nations guidance. Social partners in Myanmar were regularly updated about developments at the Governing Body and the Conference. Freedom of association complaints connected with the civil disobedience movement and complaints on forced labour were growing. The ILO continued to promote online training on labour standards and related issues to build capacity to advocate for labour rights. Since May 2021, the military authorities had granted access to the ILO's frozen bank account solely to pay staff salaries. They had indicated that the extension of the Liaison Officer's visa would depend on the ILO's recognition of the State Administration Council as the legitimate Government of Myanmar, which was incompatible with the 1947 Convention on the Privileges and Immunities of the Specialized Agencies.
31. Since the closure of the first segment of the Conference, the Office had received communications from the Ministry of Labour and the Permanent Mission of Myanmar to the United Nations Office at Geneva which objected to the non-accreditation of the Myanmar delegation, communicated to the de facto authorities at the time of the Credentials Committee decisions; complained about the election of the CTUM members as representatives of the International Trade Union Confederation to the Conference and the election of the Assistant General Secretary of the CTUM as a Worker deputy member of the Governing Body; and accused the Office of violating the principles of sovereign equality and peaceful relations enshrined in the Charter of the United Nations.
32. In its replies, the Office had pointed out that the practice of transmitting competing credentials to the Credentials Committee for its consideration was well established and that it had no authority to accredit any delegates while the question was pending; furthermore there was no provision in the ILO Constitution or the Standing Orders of the Conference for challenging the conclusions of the Credentials Committee. It had further indicated that the International Trade Union Confederation, as an international organization enjoying consultative status with the ILO, was solely responsible for appointing its representatives, and that Governing Body elections were handled exclusively by the three electoral colleges in accordance with the principle of autonomy of the groups. Moreover, the Office had underscored that it expected the competent authorities to take prompt action to approve the visa extension request of the ILO Liaison Officer.
33. The Governing Body would follow up on the Conference resolution during its discussion at its 343rd Session. In order to ensure proper referencing of the Conference resolution, the Governing Body might consider adding the words "and noting the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the Conference at its 109th Session in 2021" to the chapeau of the draft decision, after the words "in the light of the above developments".
34. **The Chairperson** informed the Governing Body that the Government of the United States had proposed an amendment to the draft decision so that the first part of subparagraph (b) would read "expressed profound concern over ongoing practices of the military authorities including the large-scale use of lethal violence and the use of forced labour, as well as the harassment, ongoing intimidation, arrests and detentions of trade unionists and others for exercising their human rights", and to insert in

subparagraph (g) the words “and expressed appreciation for” before “the efforts of the ILO Liaison Office”.

- 35. A Government representative of the United States of America**, speaking also on behalf of the United Kingdom of Great Britain and Northern Ireland, said that the military's assault on democracy was an assault on the ILO's core values. The situation was deteriorating rapidly. His country condemned the acts of violence being perpetrated against the people, supported those who stood up for rights and democracy, and applauded employers who fought for the workers in their employ. The proposed amendments to the draft decision were intended to clarify the language in subparagraph (b) and express appreciation for the work of the Liaison Office in subparagraph (g).
- 36. The Worker spokesperson** said that the detailed report and further update confirmed that the situation in Myanmar had deteriorated. Protests against the imposition of military rule continued. In response, violent attacks and intimidation of civilians had increased and many had been killed. Lethal attacks targeting homes, businesses and facilities, including healthcare facilities, continued, as did house-to-house searches. Severe restrictions on freedom of expression and information continued, including internet cuts to prevent citizens from sharing information. Arbitrary arrests and detentions were rampant, including of family members of opponents of the military authorities. Civilian spaces were targeted with explosives to intimidate and control the population. Airstrikes against civilians were ongoing in the ethnic minority states. The military authorities were responsible for the rapidly deteriorating human rights and humanitarian situation, and the economic disruption and its impact on the population.
- 37.** Reports of forced labour and the worsening economic, health and security situation for workers in industrial zones were deeply concerning. Workers in rural areas faced dire conditions, including crop seizures by the military. The military was targeting civil servants, including teachers, for their participation in the civil disobedience movement and protests. The ILO Liaison Office had received an alarming number of complaints concerning violations of human and trade union rights since the military takeover. The Workers' group urged the Office to continue to hold the perpetrators of violations and abuses to account, including those in command.
- 38.** The fact that the military authorities continued to freeze the bank account of the Liaison Office was an insult to the Governing Body's decision urging them to respect and protect its status.<sup>1</sup> They must immediately ensure that the Liaison Office had full access to its accounts, in line with the Convention on the Privileges and Immunities of the Specialized Agencies. Her group remained extremely concerned about the surveillance and targeting of trade unions and attacks against them, which had resulted in their leaders going into hiding or being killed, including a recently elected member of the Governing Body. Besides the impact on the safety and security of trade union leaders and their families, the circumstances seriously affected the situation of workers in Myanmar, where trade unionists could no longer access mechanisms for dispute resolution.
- 39.** The Conference had adopted a strong resolution on the situation. A return to democracy and respect for human rights, civil liberties and fundamental labour rights was essential. Greater commitment and more effective action to put pressure on the military authorities in Myanmar were therefore needed. Recalling United Nations General Assembly resolution A/RES/75/287 on the situation in Myanmar, and the third round of

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<sup>1</sup> See [GB.341/INS/PV](#), para. 558.

sanctions imposed by the European Union targeting those responsible for undermining democracy and the rule of law and for serious human rights violations in Myanmar, she urged Member States to support the National Unity Government, which had been elected democratically in November 2020. The Workers' group supported the draft decision and the proposed amendments.

40. **The Employer spokesperson** expressed profound concern at the most recent update on the situation in Myanmar, including the loss of a further 100 lives since the previous week. During the session of the Conference, the Employers' group had worked to craft a strong resolution calling on Myanmar to restore civilian rule and immediately cease attacks, threats and intimidation against all those exercising their fundamental right to peaceful assembly and protest. Employers in Myanmar were unable to freely conduct their activities. Workplaces were being targeted and bombed, affecting business continuity and impacting on jobs, livelihoods and living standards.
41. The Employers' group appreciated the work done by the ILO Liaison Office in Myanmar to support workers' and employers' organizations in that challenging context, including efforts to ensure COVID-19 prevention measures in the workplace. The report to be presented to the Governing Body at its next session should provide an update on the situation of ILO staff members in Myanmar, describing the support and protection available to them. It should also address long-standing concerns, including forced labour, forced recruitment, child labour and labour rights. It should describe the situation in different regions and cities and provide information on complaints procedures and legislative amendments. Information on how attacks had affected business operations would also be useful. The draft decision currently before the Governing Body was consistent with the decision adopted in March 2021. The Employers' group supported it, and the amendment proposed by the United States.
42. **Speaking on behalf of the European Union and its Member States**, a Government representative of Portugal said that Montenegro, Albania, Iceland, Norway and Georgia aligned themselves with his statement. He noted with profound regret the recent deterioration of the situation in Myanmar, and the military regime's failure to stop arrests, intimidation, threats and acts of violence against trade unionists and others supporting the return of Myanmar to its democratic path. The resolution adopted by the International Labour Conference demonstrated tripartite commitment to protecting human and labour rights in Myanmar. The role of the ILO and its constituents in advancing and complementing endeavours to secure a peaceful return to democracy, with respect for the world of work and social protection, could not be overstated. Noting with concern that together, the coup and the COVID-19 pandemic could push an estimated 12 million people into poverty, he reiterated the EU's solidarity with the people of Myanmar.
43. The EU and its Member States strongly condemned military and police repression against peaceful demonstrators and deplored the fact that over 800 deaths had been reported to date. Of greatest concern were the impacts of the coup on children, and the reports of sexual violence against women in detention. All violence must end, and perpetrators must be held accountable; restraint and respect for international law and human rights, including labour rights, were critical. Arbitrary detentions and torture should cease, and all those detained in connection with the coup, including the President and the State Counsellor, should be released immediately and unconditionally. Myanmar must uphold its obligations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and allow workers' and employers' organizations to exercise their rights in a climate of freedom and security.

44. Ongoing severe restrictions on human rights, including freedom of information and expression, association and assembly, which also impeded the work of workers' and employers' organizations, were particularly regrettable. The military authority's prohibition of satellite dishes was worrying; unimpeded telecommunications, including internet accessibility, must be ensured. Safe and free humanitarian access must be guaranteed to support all those in need. The difficulties faced by the ILO Liaison Office were particularly regrettable; the protected status of international missions in Yangon must be guaranteed.
45. The EU and its Member States would work with all those willing to support democracy, the rule of law and good governance, to ensure respect of human rights, including labour rights, and fundamental freedoms in Myanmar. He supported the draft decision, including the proposed amendments.
46. **A Government representative of the Russian Federation** expressed concern regarding the escalation of violence in Myanmar and the resulting numbers of dead and injured. While sharing the concerns about the unacceptable disproportionate use of force against demonstrators and the restrictions of citizens' right to peaceful protest, his Government was also deeply worried by the growing radicalization of the anti-government movement. All parties in Myanmar must show restraint and take the swiftest possible steps to bring an end to the violence and to facilitate dialogue. The international community must support efforts to that end, while upholding the principles of non-interference in internal affairs, neutrality and non-censorship. Given the foregoing, his Government did not think that the adoption of a decision by the Governing Body would facilitate the return to normality in Myanmar, or an improvement in the situation for the social partners.
47. **A Government representative of Canada** reiterated her Government's continued condemnation and concern regarding the military authority's grievous action towards workers and employers in Myanmar, and expressed Canada's support for the ILO's response. Canada categorically rejected the measures taken by the Myanmar military regime that unjustly restricted freedoms of expression and peaceful assembly, and reiterated its previous calls for an immediate halt to such repression. Continued threats, intimidation, attacks, arbitrary detention, torture and killing of trade unionists and employers by the military regime directly undermined ILO Convention No. 87. The importance of the ILO's work in Myanmar was both clear and incontrovertible. Her Government fully supported the resolution adopted by the International Labour Conference, and supported the draft decision currently before the Governing Body, with the proposed amendments. She welcomed the ILO's commitment to remain seized of the matter, and to continue consideration of the situation in Myanmar at the Governing Body's next session in November 2021.
48. **A Government representative of China** said that de-escalation of tensions was in the common interests of all parties in Myanmar. The Governing Body must uphold the principle of respect for the sovereignty of ILO Member States and play a constructive role in promoting dialogue between all parties in Myanmar to create favourable conditions for protecting the rights and interests of workers and employers. The Government of China encouraged the ILO secretariat to strengthen communication and consultation with the authorities in Myanmar to overcome the difficulties faced by the ILO Liaison Office, and supported the ILO's efforts to continue to provide technical assistance to Myanmar, and promote relevant development cooperation projects to enhance Myanmar's capacity to implement ILO Conventions.

49. **A Government representative of Japan** expressed concern regarding the situation in Myanmar and said that his Government urged the military to cease violence against civilians, immediately release all those detained, and restore Myanmar's democratic political systems. The ILO fulfilled its mandate by demanding that workers and employers be allowed to perform their functions without threats of intimidation or harm, and to exercise their freedom of association in a climate free from violence, arbitrary arrest and detention. His Government commended the ILO Liaison Office's efforts to maintain the provision of technical assistance to workers' and employers' organizations. The Governing Body must closely follow the developments in Myanmar. His Government supported the draft decision as amended by the United States and the Office's proposal to insert a reference to the Conference resolution.
50. **A Government representative of Australia** welcomed the report on the situation in Myanmar. Her Government remained gravely concerned about the violence and rising death toll since the events of 1 February and urgently called on the military regime to cease violence, engage in dialogue and release all those detained. The resolution adopted by the International Labour Conference clearly demonstrated the commitment of ILO constituents to assist in returning Myanmar to the path of democracy and to protect freedom of assembly and freedom of expression. Her Government thanked the ILO Liaison Office and its staff for their efforts, and called for their protection to enable them to continue their critical work in implementing development programmes. The Governing Body must continue to monitor the deteriorating situation. Ongoing reporting by the Director-General would therefore be welcome. Australia supported the draft decision, as amended by both the Government of the United States and the Office.
51. **A Government representative of Bangladesh** expressed concerns regarding the situation of the Rohingya community, which had been well reflected in the resolution adopted by the Conference, and proposed that those concerns should also be reflected in the Governing Body's decision. The Rohingya community was the most persecuted in the world, and its suffering continued unabated. The ILO should make efforts to stand by the Rohingya community, within the context of its mandate. Her Government had therefore proposed a subamendment to include a specific reference to the Rohingya community in subparagraph (b).
52. **A Government representative of Pakistan** echoed the concerns expressed by the Government representative of Bangladesh regarding the ongoing persecution of the Rohingya community. Her Government therefore supported the proposed subamendment and hoped that other Governing Body members would do the same.
53. **The Worker spokesperson** said that her group could support the proposed subamendment, provided the wording was aligned with that used in the resolution adopted by the Conference: "the Rohingya".
54. **The Employer spokesperson** said that the Employers' group considered the reference to the Conference resolution, which included three mentions of the Rohingya, to be sufficient, but it would not stand in the way of consensus.
55. **The Chairperson** concluded that there was sufficient support for the Office's suggestion to include a reference to the Conference resolution in the chapeau and for the proposal by the Government of Bangladesh to include a direct reference to the Rohingya in subparagraph (b) of the decision.

## Decision

56. In the light of the above developments and noting the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021), the Governing Body:
- (a) expressed profound concern that the situation in Myanmar has deteriorated and that no progress has been made to respect the will of the people, respect democratic institutions and processes, and restore the democratically elected government;
  - (b) expressed profound concern over ongoing practices of the military authorities including the large-scale use of lethal violence and the use of forced labour, as well as the harassment, ongoing intimidation, arrests and detentions of trade unionists and others, including the Rohingya, for exercising their human rights, and called on the military authorities to cease immediately such activities, and to release from detention and drop any charges against trade unionists who have peacefully participated in protest activities;
  - (c) expressed deep concern that the military authorities have taken no steps to respect and protect the status of the ILO Liaison Office in Myanmar and all ILO staff in Myanmar and to refrain from 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;
  - (d) expressed its grave concern that measures curtailing freedom of expression and freedom of peaceful assembly remain in place and that further restrictions have been implemented by the military authorities on the internet, and called again for the immediate repeal of such measures and for guarantees of the freedom of workers' and employers' organizations to undertake their activities freely and without threat of intimidation or harm;
  - (e) urged Myanmar to uphold fully and without delay its obligations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and to ensure that workers' and employers' organizations are able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest, and detention;
  - (f) repeated its call 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 Convention No. 87;
  - (g) acknowledged and expressed appreciation for the efforts of the ILO Liaison Office in Myanmar to continue to work to implement development cooperation programmes focusing on decent work and promoting labour rights; and
  - (h) requested the Director-General to report to the 343rd Session (November 2021) of the Governing Body on developments in Myanmar.

(GB.342/INS/5, para. 32, as amended by the Governing Body)

## 6. Action to be taken regarding the election of the Director-General: proposals on additional opportunities for interaction with candidates for the post of Director-General of the ILO before the regular hearings in private sitting scheduled for the 344th Session of the Governing Body (GB.342/INS/6)

57. **The Employer spokesperson** said that her group had welcomed the discussion at the Governing Body's 341st Session and had accepted the request to allow for additional interaction opportunities for candidates, despite those not being required under the rules governing the appointment of the Director-General. Her group agreed that the additional interactions should be introduced on a trial basis and, subject to proper reflection and assessment, could be codified in the rules governing the election of the Director-General. Her group agreed that the audience for the interaction should be comprised of all Member States, and Employer and Worker constituents. The participation of representatives of non-governmental organizations and members of the public could be accommodated, provided they connected to the hearings through a separate virtual platform and had observer status only.
58. The election of the Director-General was a crucial internal appointment; the constituents should be the key to that process. Regarding the format, her group noted the intention to hold the hearings virtually, but would prefer to accommodate face-to-face interviews and interactions through a hybrid format, given the now well-known shortcomings of virtual meetings. The duration should be decided based on the number of interviews to be held; the programme must be workable for all regions. Regarding the questions posed by each group, the Employers' group would conduct internal consultations to identify in advance matters on which to raise questions and to appoint representatives to ask those questions. The Employers' group intended to devise personalized questions for each candidate. Her group would favour holding those hearings in mid-February 2022, rather than in January. For the Employers to support the draft decision, it would need to be adjusted to reflect the group's concerns.
59. **The Worker spokesperson** said that her group agreed that the additional hearings provided for in the draft decision should be performed on a trial basis before being codified in the relevant rules. Her group also agreed that Government members from all Member States, as well as Worker and Employer constituents from all countries should be invited to attend the dialogue. Like the Employers' group, her group could agree to the hearings being webcast to the public, but would also prefer the use of a separate virtual platform for that purpose. The additional hearings should be facilitated by the Chairperson of the Governing Body.
60. Her group supported the proposed format for the hearings, but considered that the time allocated (60 or 90 minutes) would depend on the number of candidates. Balanced participation of the three groups in the interviews was essential. While the interactions would need to be organized virtually, account must be taken of inequalities with regard to internet access and connectivity. It would be preferable for constituents to prepare a selection of questions to avoid duplication. Regarding timing, mid-January 2022, as proposed in the draft decision, was acceptable. Holding the interviews later would clash with other scheduled meetings and would be too close to preparations for the Governing Body's session in March.
61. **Speaking on behalf of the Africa group**, a Government representative of Nigeria said that the Africa group welcomed the document on the proposed additional hearings with

candidates to the post of Director-General, in follow-up to the Governing Body's discussions and decision at its 341st Session. He agreed that the additional hearings should be organized on a trial basis. Further information would be appreciated on the duration of the trial period and when it would be approved for incorporation into the rules. The Africa group also agreed that participation should be extended to ILO Members beyond the regular membership of the Governing Body, that the general public should be included as observers, and that the Chairperson of the Governing Body should facilitate the proceedings. Owing to the heavy meeting schedule at the end of 2021, the hearings, rather than being held in the week commencing 17 January 2022, could be held the following week, commencing 24 January. The draft decision should be amended to that effect.

- 62. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Barbados said that GRULAC welcomed the document and appreciated the opportunity to hold interviews with the candidates for the post of Director-General in addition to the formal hearings, which would allow the participation of all ILO Members and would enhance the transparency and openness of the election process. GRULAC favoured a format that not only allowed for the balanced participation of tripartite constituents and geographical regions, but also a broader representation within each region; the 90-minute interview would therefore be preferable. A third approach, whereby three questions were heard from each geopolitical group, would be even better. Paragraphs 8 and 9 of the rules governing the appointment of the Director-General, on fairness and transparency, were particularly important. Appropriate measures must be taken to ensure neutrality and prevent any kind of interference, thus guaranteeing equal conditions of participation for all candidates. In that context, GRULAC considered that any ILO staff members presenting themselves as candidates should dissociate from their functions by taking leave during the election process. That approach was in line with the practices of other international organizations. GRULAC supported the draft decision.
- 63. Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of Japan welcomed the document and the opportunity for all ILO Member States and constituents to participate in the interview process with the candidates for the position of Director-General. The proposed three-stage structure was acceptable. Regarding the duration of the interviews, ASPAG preferred the 90-minute option, which would allow the regional groups to obtain more comprehensive knowledge of each candidate, and agreed that the hearings should be held in the week commencing 17 January 2022. ASPAG supported the draft decision.
- 64. Speaking on behalf of IMEC**, a Government representative of Canada welcomed the report and said that holding extra hearings with the candidates for the post of Director-General was in line with the best practices of the United Nations system. Those interactions should be introduced on a trial basis. All constituents would benefit from the opportunity to interact with the candidates. She reiterated the call for a strong moral and ethical code of conduct to be followed in the election process. IMEC had full confidence in the Office rules governing the election process and looked forward to a fair and transparent, open and competitive election. IMEC favoured the 90-minute option for duration of interviews to allow at least eight questions from governments, and supported the proposed dates for the hearings. IMEC supported the draft decision.
- 65. Speaking on behalf of the EU and its Member States**, a Government representative of Portugal said that North Macedonia, Montenegro, Serbia, Albania, Iceland, Norway and Georgia aligned themselves with his statement. Welcoming the report, he said that the



position of Director-General required great integrity and strong commitment to the purposes and principles of the ILO Constitution. Regarding the format of the hearings, his group had a strong preference for the 90-minute option to ensure sufficient interaction with candidates. All candidates should be asked the same questions to ensure a level playing field and facilitate the assessment of the answers provided. Questions should not be shared with the candidates in advance of the hearings. His group attached great importance to an open, transparent, fair and ethical process, with clear rules applicable to all candidates, including any internal candidates. Annex III of the Compendium of Rules must therefore be adhered to strictly. He supported the draft decision, including the proposed dates for the hearings.

- 66. A Government representative of Colombia** said that his Government welcomed the document and draft decision. Measures must be taken to ensure the integrity, transparency and clarity as key principles of the election process. The rules governing the appointment of the Director-General must be applied rigorously, to ensure the ethical behaviour of internal candidates for the post of Director-General and prevent any use of ILO funds for the benefit of any internal candidate's election campaign. To that end, internal candidates should take leave from their functions in the Organization during the election process, as was the practice in other international organizations. Every effort must be made to ensure a free and transparent election process.
- 67. A Government representative of France** agreed with the Government representative of Barbados on behalf of GRULAC regarding transparency in the process of electing the new Director-General: the ILO must apply the strictest ethical standards. To that end, any internal candidates should take immediate leave from their post until the election had taken place, to ensure full equality between all candidates.
- 68. The Director-General** recalled that, at its 341st Session, the Governing Body had agreed to consider holding additional hearings with the candidates for the post of Director-General. The Governing Body members were thus invited to state their views on the suggested modalities for those hearings. There was clear agreement that the hearings should be held on a trial basis; any codification of the new practice into the rules would not be until after the 2022 election. There was also agreement that the tripartite nature of the ILO's constituency should be fully respected. Any participation by civil society and the general public would be as observers only.
- 69.** Regarding the virtual or hybrid format of the hearings, it remained impossible to predict with any certainty the circumstances that would prevail at the time. A hybrid event would have financial implications and could potentially affect the equality of conditions of participation. While the virtual format entailed numerous frustrations, under the current circumstances it might still be the most appropriate option. A final decision on the 60- or 90-minute format could be taken at the Governing Body's next session, when the number of candidates would be known. Each group would have the autonomous right to organize its questions for the candidates, within the parameters of timing and equal treatment among the three groups. Regarding the dates of the hearings, the Office was suggesting the week commencing 17 January 2022, which fitted with the schedule of meetings and events and seemed to be an appropriate time in the sequence of events relating to the election process. However, further consultations could be held to look at other options.
- 70.** Ensuring the full transparency, integrity and fairness of the electoral process was absolutely essential. The applicable rules were in place to that end and to prohibit and prevent any unethical practices. The behaviour of internal candidates must indeed be regulated in accordance with those considerations. In previous elections, including when

he had been an internal candidate himself, it had been absolutely clear that any internal candidate would be prohibited from using the Organization's resources for any campaigning purpose and would be delinked from the management and conduct of the electoral process. At its 341st Session in March 2021, the Governing Body had discussed the matter of internal candidates being required to take leave during the election process and had decided not to pursue the matter. The discussion should therefore not be reopened. He was committed to working with the Chairperson of the Governing Body and liaising with the Internal Auditor and Ethics Officer to ensure that the principles of transparency, equity and integrity were upheld throughout the election process.

- 71. The Employer spokesperson** requested clarification on whether the three groups would be able, independently, to choose which questions they asked of the candidates. On integrity, transparency and fairness, she said that standards had evolved over the past ten years and international organizations, governments and businesses had adopted more stringent measures with regard to transparency and integrity; the ILO should do the same. Internal candidates should be required to take leave to prevent any direct or indirect interference in the process. The decision taken by the Governing Body at its previous session had been based on the understanding that there would be no internal candidates, but the procedural rules should envisage all eventualities. In most new integrity standards, any internal candidate applying from an elected position must dissociate from their internal functions and be granted leave throughout the process. The United Nations Joint Inspection Unit had highlighted the issue in its 2009 report on the selection and conditions of service of executive heads in the United Nations system organizations. Several United Nations organizations applied that approach. The Compendium of Rules applicable to the Governing Body, especially Annex III, requested the regulation of ILO staff standing as candidates, and the prohibition of the use of ILO resources for the purposes of campaigning for or supporting any candidate. Given that any potential candidate would be a high-level official of the ILO, he or she should be required to take leave during the election process. The Employers' group requested the Director-General to ensure integrity and neutrality by requiring internal candidates to use their annual leave before being granted paid leave for the duration of the electoral process. That requirement should be presented in an unambiguous, unequivocal manner, in writing, to all staff, in advance, in the event that any internal candidates applied. The ILO should uphold the highest possible standards in that regard.
- 72. The Worker spokesperson** said that the dates of the hearings should be arranged as far in advance as possible, and should take account of the calendar of events of the ILO. The Workers' group expressed surprise that discussions related to the procedure of the election process, which had been concluded at the Governing Body's 341st Session, were being revisited. The Employer Vice-Chairperson's comment that standards had evolved in the last decade could be construed as a suggestion that standards during the election of the current Director-General, an internal candidate at the time, had not been sufficiently rigorous. The Workers' group had made some inquiries and found that although obligatory leave for internal candidates was applied in some agencies, it was not, in fact, the general practice in the United Nations system. The matter had been dealt with in an open, transparent and fair discussion at the Governing Body's previous session, and should therefore not be reopened, particularly so close to the opening of the election process. Her group had full confidence in the rules in place and in those who would oversee their application.
- 73. Speaking on behalf of the Africa group**, a Government representative of Nigeria agreed with previous speakers that internal candidates should take leave from their functions in the Organization during the election process. The Africa group joined the

Employers' group in asking the Director-General to communicate in writing to all staff, in advance and in an unambiguous, unequivocal manner, that internal candidates would be required to use their annual leave before being granted leave for the duration of the process in order to ensure its integrity and neutrality.

74. **The Employer spokesperson** said that she would expect the Director-General to include in that written assurance a clear statement that any potential internal candidates would be expected to take leave for the duration of the election process, as was the general standard in national public organizations and several international organizations, including the World Health Organization and the International Telecommunication Union. There had been significant changes in standards over the past ten years, which should be applied equally across all types of organizations.
75. **The Worker spokesperson** reiterated that it was inappropriate to resume a discussion that had been closed at the Governing Body's previous session and was not on the agenda of the current meeting. The Governing Body must respect the Director-General's assurances that rigorous standards of transparency and integrity would be upheld, and must demonstrate confidence in the abilities of the officers responsible for overseeing the application of the rules governing the election process.
76. **The Director-General** said that in the light of the understandably strong feelings in the Governing Body with regard to the imperative of ensuring full transparency, integrity and fairness, he would be happy to put in writing the commitments he would take to that end, but since contrasting views had been expressed regarding the specific issue of requesting internal candidates to take leave, they would not contain any such requirement.
77. **A Government representative of France** said that failure by any potential internal candidate to take leave from their ILO functions for the duration of the election process would be utterly unacceptable.
78. **The Chairperson** said that there were no internal rules that required an internal candidate to take leave and that the institution of any such rule would require significant further discussion.
79. **A Government representative of Colombia** said that he had not wished to cast doubt on the Director-General's standards with regard to ethics and transparency. Measures must be taken to ensure transparency and integrity; the practice of taking leave from an internal post in the run-up to and during an election process was common, and should be applied, without bringing into question the assurances of the Director-General or the ILO's procedures. It was an additional measure to guarantee transparency, which should be welcomed. Waiting a further ten years to decide on the matter seemed inappropriate.
80. **The Worker spokesperson** speaking on a point of order, said that the matter of transparency and integrity was not on the agenda or included in the decision currently under consideration. The matter had been discussed and decided at the 341st Session of the Governing Body. The Workers' group was fully committed to fair, transparent and ethical elections.
81. **The Employer spokesperson** expressed surprise that the matter had caused such discussion. It would not be difficult to implement a requirement for any internal candidates to take leave, and could be included in an internal circular to explain the rules governing the election of the Director-General; no formal decision was required. The discussion at the Governing Body's previous session had not closed the matter. The withdrawal of staff from their posts when they declared candidacies for elected office

was a standard practice, applied by governments and businesses around the world; it should also be applied by the ILO.

- 82. The Chairperson** said that, following the responses provided by the Director-General, there was clarity on the format and modalities of the additional hearings. With regard to the question of the duration of the hearings, further consultations could be held when the number of candidates was known. She suggested amending the draft decision to state that the interviews would take place in January 2022, to allow for further discussions to set the exact dates.

## Decision

- 83. The Governing Body decided that interviews with candidates for the position of Director-General should be conducted by its Chairperson during a week in January 2022, based on the format and principles contained in document GB.342/INS/6 and on any further guidance provided during the discussion.**

(GB.342/INS/6, paragraph 11, as amended by the Governing Body)

## 7. Report of the Committee on Freedom of Association (GB.342/INS/7)

- 84. The Chairperson of the Committee on Freedom of Association** said that the Committee had had before it 144 cases, 10 of which had been examined on their merits; definitive conclusions had been reached in 2, and interim conclusions in 8 cases. The report was shorter than usual, both because the meeting had been virtual and because it had coincided with the 109th Session of the International Labour Conference. Using the admissibility criteria agreed at its previous meeting, the Committee had decided not to review certain cases. Highlighting the importance of government cooperation, he encouraged the Governments of India, Pakistan, the Bolivarian Republic of Venezuela and Kyrgyzstan to provide observations, by 1 October 2021, in response to the urgent appeals issued.
- 85.** The Committee had made follow-up recommendations in the ten cases examined, and had concluded its examination with respect to seven cases relating to four countries, namely, Algeria, Guatemala, Peru and Zimbabwe.
- 86.** The Committee drew the Governing Body's attention to the serious and urgent nature of three cases. Case No. 2254 (Bolivarian Republic of Venezuela) concerned: allegations of the marginalization and exclusion of employers' organizations from decision-making; acts of violence, discrimination and intimidation against their leaders; and legislation inconsistent with civil liberties and the rights of employers' organizations and their members. The Committee had urged the Government to: take all measures necessary to end all acts of intimidation against the complainant and ensure that the necessary foundations for genuine social dialogue were established in the country; take all action necessary to establish an effective mechanism for tripartite consultations; and immediately take all measures necessary to comply fully with all outstanding recommendations. The new and updated information provided by the Government to the Director-General in the context of national dialogue and communicated to the Committee for consideration at its next examination was appreciated. He encouraged the Government to continue to provide detailed information on the outcomes of that dialogue and to ensure that all necessary measures were taken to create a climate of trust based on respect for employers' and trade union organizations, with a view to promoting solid and stable industrial relations.

87. Case No. 3395 (El Salvador) concerned the murder, for anti-union reasons, of a trade union official in August 2020. The Committee had deeply deplored the murder and urged the Government to ensure that investigations were prioritized, all necessary efforts and resources devoted to identifying and punishing without delay those responsible, and that the investigations took into account the trade union activities of the deceased. It had further requested the Government to ensure that workers from the relevant institution enjoyed adequate protection against any act that might cause prejudice to them by reason of their participation in union activities.
88. Case No. 3405 (Myanmar) concerned allegations of numerous attacks by the military authorities against trade unionists, workers and civil servants calling for a return to civilian rule following the coup d'état on 1 February 2021. The Committee deplored the serious deterioration of freedom of association and other human rights in Myanmar, and had expressed deep concern at the alleged attacks on striking workers that had resulted in deaths and torture, and called for a full and independent investigation. It had urged the military authorities to: cease immediately the use of violence against peaceful protesters and restore the protections assured to citizens by law; withdraw surveillance powers from wards and villages; and amend relevant legislation to ensure full respect for the basic civil liberties needed to exercise of freedom of association. The Committee had called on the responsible authorities to reinstate civil servants, health workers and teachers dismissed or suspended for participation in the civil disobedience movement, and to restore any benefits withdrawn. It had urged all necessary measures to ensure that no person was detained for participation in peaceful trade union activity, as well as the immediate release of all those arrested or detained, and the immediate withdrawal of the statement proclaiming 16 trade unions illegal. Since the Committee's consideration of the case, the Government had provided a supplementary reply, which would be considered when the case was next examined.
89. **The spokesperson for the Employer members of the Committee** acknowledged the commitment shown by Committee members in securing the continuity of its important work, despite the disruption caused by the pandemic. The role of the Committee on Freedom of Association subcommittee in determining the cases to be discussed and address practical matters was a strong innovation and new working methods, notably the use of an electronic platform to share reports and case files, had allowed members a fuller, more contextualized view of cases and local proceedings. The Committee hoped to continue discussions on allowing substitute members to participate in future sessions.
90. Consideration of Case No. 2254 had been resumed, having been suspended for the Commission of Inquiry. The Committee had once again deplored the continuing serious harassment of the Federation of Chambers and Associations of Commerce and Production of Venezuela and expressed deep regret that despite supervisory body recommendations on the need to establish effective tripartite consultation procedures, the Commission of Inquiry had identified the persistent exclusion of the Federation from consultation processes. He called the Governing Body's attention to the Committee's conclusions and recommendations.
91. Case No. 3327 (Brazil) involved allegations concerning the imposition of fines for exercising the right to strike in the oil sector, which Brazil considered an essential service; the national courts had determined that the strike was political and, therefore, abusive; the Committee had noted that the fines imposed were linked to non-compliance with the judicial decision ordering to refrain from strike action.
92. Case No. 3381 (Hungary) related to special measures introduced during the pandemic that allegedly infringed the right to collective bargaining. It illustrated how tripartite

consultations might be delayed as governments responded to such urgent matters, and the importance of considering each measure on a case-by-case basis with respect to freedom of association.

93. Three cases related to allegations of disproportionate use of police force, and the arrest and detention of workers participating in strikes. In Case No. 3076 (Maldives), the Government had stated that dismissed workers had been arrested and detained not for peaceful protest but for their brutal attack against hotel managers. The report had highlighted that the exercise of freedom of association was incompatible with violence or threats of any kind.
94. Case No. 3405 (Myanmar) concerned grave allegations of attacks by the military authorities against trade unionists and workers. The Committee would consider measures by governments that might affect the exercise of trade union rights, and had emphasized that the authorities should not resort to arrest and imprisonment in connection with peaceful strikes, since those measures entailed serious risks of abuse and constituted a grave threat to freedom of association.
95. Case No. 3406 (China – Hong Kong Special Administrative Region) also involved allegations of intimidation and harassment of workers who had participated in public protests. The Committee had recalled that the right to organize and participate in public meetings and demonstrations formed part of trade union rights; the authorities should resort to force only where law and order were seriously threatened, and any force should be proportionate. The Committee would continue to assess specific allegations in that case, and the Government's compliance with the principle of freedom of association and effective recognition of collective bargaining.
96. **The spokesperson for the Worker members of the Committee** said that the principle of freedom of association formed part of the fabric of the ILO. The recent session had considered particularly sensitive issues. In Case No. 3405 (Myanmar), it was important for the international community to support the recommendations and conclusions reached regarding the principle of freedom of association and the right to collective bargaining. Furthermore, it was important that the Governing Body follow up on the implementation of recommendations by the Commission of Inquiry in respect of Belarus.
97. In respect of Case No. 3184 involving allegations against China, the information provided by the Government was inadequate given the seriousness of the allegations. The complaint, first brought in 2016, related to enforced disappearances and had been examined on six occasions by the Committee, which had made several recommendations on the matter. Drawing the attention of the Governing Body and the Government to paragraph 54 of its Special Procedures, he underscored that should the Government not reply, the Committee would consider the case as serious and urgent. The criminalization of the right to peaceful demonstration was at the core of the complaint. He called on the Governing Body to exercise the full authority of the ILO to ensure that the Government implemented the Committee's recommendations forthwith.
98. Since he had joined the Workers' group 13 years previously, much had been done to improve the Committee's working methods. The *Compilation of decisions of the Committee on Freedom of Association* had been updated, ensuring respect for certain core principles. The Committee had relied in its work on the 1970 resolution concerning trade union rights and their relation to civil liberties, affirming its faith in the principles underpinning 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 urged States to ratify and implement those Conventions and to ensure full and universal respect for trade union rights in the broadest sense. The general mandate of the ILO, of social justice for lasting world peace, should be at the apex of the pyramid of international priorities.

- 99. Speaking on behalf of the Government group of the Committee**, which consisted of members appointed by the Governments of Iraq, Nigeria, Japan, Panama and Switzerland, a Government member from Switzerland said that she commended the Committee's unwavering commitment and efforts to issue recommendations and produce its report when meeting virtually. Both the outgoing Worker and Employer spokespersons had been active and committed, and had worked in a spirit of compromise throughout their terms. Over the past four years, her group had set itself clear objectives: play a firm, active role in discussions but seek compromise; to give access to dossiers; devise effective working methods and a position on admissibility that avoided overburdening the supervisory system; resolve cases and communicate its work more clearly to constituents, through an annual report; and hold discussions with representatives of regional groups and governments. It had achieved those objectives. Her fellow Government representatives had accomplished a great deal. She encouraged the incoming members to analyse cases and working methods to maintain the credibility of the system, and expressed respect for the Chairperson of the Committee and congratulations on his reappointment.
- 100. The Worker spokesperson** said that, for the workers of the world, the Committee on Freedom of Association was a fortress for workers and trade union rights. She expressed support for the report, and wished the Chairperson of the Committee well for his next term of office. She paid tribute to the outgoing spokesperson for the Worker members of the Committee for his excellent and important work and his dedication to finding solutions, as well as to the outgoing spokesperson for the Employer members, the Swiss Ambassador and other members for their indispensable contribution to the Committee's work.
- 101. A Government representative of Cuba** reiterated her Government's willingness to work with the ILO supervisory bodies. It would reply to the Committee's opinions and recommendations on Case No. 3271 (Cuba) but rejected the recommendations, which were at odds with reality. The complainants against the Government were not workers or trade unionists but agents funded by a foreign power to subvert the legitimately established order in Cuba, contrary to the Charter of the United Nations and international law. The Committee should check information received and obtain evidence from the complainants in support of their allegations.
- 102. A Government representative of Niger** said that his delegation took note of the update on the situation in the Bolivarian Republic of Venezuela, noting that little progress had been made concerning the recommendations issued. His delegation understood that political will in that country was limited, given the difficulties there, and encouraged the international community to support its efforts to implement genuine, unconditional social dialogue to benefit the Venezuelan people and workers.
- 103. A Government representative of China** said, in respect of Case No. 3184 (China), that the national Constitution granted citizens the right of assembly, demonstration and protest but also provided that they must abide by domestic laws when exercising their rights. The complainants in the case were being investigated or punished for violating national laws. The police handled such cases in strict compliance with national law and the complainants' legitimate rights were fully guaranteed. Her Government always

cooperated with the Committee and would provide further information, but wished to reaffirm that while countries shared common development goals, they might take different paths towards them. In respect of labour relations, the question was whether workers' rights could be fully protected and whether they benefited from the dividends of economic and social development. The international community should consider different approaches to development in a more inclusive and open manner.

- 104.** In respect of Case No. 3406 (China – Hong Kong Special Administrative Region), the Basic Law provided for the protection of the right to freedom of assembly and the right to organize and take part in trade unions, as did the Hong Kong rules. The number of registered trade unions had grown substantially over the past decade, and in particular since 2019, indicating that the right to freedom of assembly was fully protected. In Hong Kong, as in other places, citizens exercising their rights under ILO Convention No. 87 were required to abide by local laws and regulations. The violent incidents of June 2019 had undermined social stability, violated the right of the public to ordinary life and work, and engendered a national security crisis. In response, the Standing Committee of the National People's Congress had enacted the Hong Kong Security Law to enhance the "one country, two systems" policy. That Law did not alter any provisions of the Basic Law; citizens continued to enjoy the same rights and freedoms, and trade union activities had not been hampered. Some individuals had been investigated, tried and sentenced for criminal offences in accordance with the Law, in fair and impartial judicial proceedings unrelated to their trade union activity.
- 105. A Government representative of the Bolivarian Republic of Venezuela** said, with regard to Case No. 2254, that his Government had been treated unfairly and wished to refute the biased comments made during the meeting of the Committee by the spokesperson for the Employer members of the Committee. The case was neither urgent nor serious. It was regrettable that the Committee had subjective criteria, which undermined the seriousness and objectivity that it should uphold as a supervisory body. As was well known, the case was highly political. All of the issues referred to therein, without exception, were fully covered in the report of the Commission of Inquiry. It therefore made no sense for the Committee to continue examining the case with the same facts already analysed by the Commission; that was clearly a pointless duplication of procedure.
- 106.** His Government had sent extensive replies to the Commission of Inquiry on the issues referred to in Case No. 2254. Those replies had not been considered by the Committee, despite an express request that the Government of Venezuela had officially made to the Director-General to bring all information transmitted with regard to the case to the Committee's attention. The Committee should do its work thoroughly, objectively and without bias or subjective interests, and should not ignore official replies or information provided by the Government. His Government reserved the right to reply to the report of the Committee on any matters relating to the Bolivarian Republic of Venezuela.

## Decision

- 107. The Governing Body took note of the introduction to the report of the Committee, contained in paragraphs 1–62, and adopted the recommendations made in paragraphs: 74 (Case No. 3269: Afghanistan); 96 (Case No. 3327: Brazil); 121 (Case No. 3184: China); 173 (Case No. 3406: China – Hong Kong Special Administrative Region); 203 (Case No. 3395: El Salvador); 251 (Case No. 3381: Hungary); 283 (Case No. 3076: Maldives); 358 (Case No. 3405: Myanmar); 368 (Case No. 3067: Democratic**



**Republic of the Congo); 401 (Case No. 2254: Bolivarian Republic of Venezuela); and adopted the 395th Report of its Committee on Freedom of Association as a whole.**

(GB.342/INS/7)

## 8. Report of the Director-General

### Regular report: Obituary (GB.342/INS/8)

#### Decision

**108. The Governing Body paid tribute to the memory of Mr Adjia François Djondang and invited the Director-General to convey its condolences to the family of Mr Djondang, to the Union of Trade Unions of Chad, to the Organization of Trade Unions of Central Africa, and to the International Trade Union Confederation.**

(GB.342/INS/8, paragraph 5)

#### Summary of written statements concerning obituaries <sup>2</sup>

##### Mr François Djondang

**109. The Workers' group** paid tribute to Mr Djondang as a colleague and a wonderful friend who had always been present, loyal and optimistic. His death had come as a great shock to all. A former member of the Governing Body, he had been tireless in his work, including as a member of the General Council of the African Regional Organisation of the International Trade Union Confederation and as Secretary-General of the Union of Trade Unions of Chad, where he followed in the footsteps of the great Djibrine Assali Hamdala. He was a great man, who had given his all to the trade union movement nationally, regionally and internationally. His memory would always live on.

### 8.1. First supplementary report: Urgent matters arising from the resolutions adopted by the Special Tripartite Committee of the Maritime Labour Convention at its fourth meeting (19–23 April 2021) (GB.342/INS/8/1)

**110. The Chairperson** informed the Governing Body that the Government of the United States had proposed an amendment to the draft decision to replace, in subparagraph (c), the words "with a request" with "noting the Special Tripartite Committee's request" in relation to convening an ad hoc UN interagency task force.

**111. A Government representative of Canada** seconded the amendment.

**112. The Employer spokesperson** supported the original draft decision but not the proposed amendment.

**113. The Worker spokesperson** noted that that day, which was the international Day of the Seafarer, was an appropriate occasion to address the dire situation of seafarers due to the COVID-19 crisis. Both resolutions presented in the document were time-sensitive. Seafarers provided a key frontline service to society but endured the toughest situation

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<sup>2</sup> The complete text the statement in the original language has been published on the [Governing Body's website](#).

faced by any during the pandemic. Failure by governments to adhere to international protocols had resulted in widespread non-compliance with the Maritime Labour Convention, 2006, which not only impacted seafarers' lives but also undermined the credibility of the Convention and thus the international labour standards system.

- 114.** The Special Tripartite Committee's resolutions should enable the ILO to call on the United Nations and its Member States to act urgently to address the situation of seafarers. With regard to vaccinations, varying regulations and lack of policy coherence remained an obstacle for workers to travel; special attention should be paid to the situation of seafarers to facilitate crew changes. The global call to action on COVID-19 adopted by the Conference called for the protection of the right to health of all workers, including those working transnationally. Her group therefore supported the original draft decision and did not support the United States amendment, which weakened the Organization's role in the United Nations system.
- 115. A Government representative of the United States** said that her Government recognized the dire situation faced by seafarers worldwide during the COVID-19 pandemic and had designated them as key workers at an early stage. It had also advocated for decisive action by States to facilitate rotations and had successfully enabled crew changes and repatriations, as well as ensuring access to emergency medical care consistent with its international obligations. Noting that resolutions were non-binding and neither imposed legal obligations on States nor imputed obligations from the Maritime Labour Convention, 2006, to States that had not ratified it, she questioned whether the proposed ad hoc United Nations inter-agency task force would be qualified to assess the application of the Convention and its impact on seafarers' rights and the shipping industry. She also wondered what the implications of such a review would be for the ILO's tripartite supervisory machinery. The amendment proposed by her Government sought to transmit to the United Nations Secretary-General the resolution concerning the implementation and practical application of the Maritime Labour Convention, 2006, without implying full endorsement of an ad hoc United Nations inter-agency task force.
- 116. The Chairperson** noted that the proposed amendment had not gained sufficient support.

## Decision

- 117. The Governing Body, recalling its resolution concerning maritime labour issues and the COVID-19 pandemic, adopted on 8 December 2020:**
- (a) **took note of the resolutions adopted by the Special Tripartite Committee established under the Maritime Labour Convention, 2006, as amended (MLC, 2006), at its fourth meeting (Part I - April 2021);**
  - (b) **renewed its urgent call on all Members to pursue and intensify their efforts, including in relation with the vaccination of seafarers and access to medical care ashore, to solve the crisis faced by the maritime sector as a result of the COVID-19 pandemic; and**
  - (c) **requested the Director-General to convey the contents of the resolution concerning the implementation and practical application of the MLC, 2006, during the COVID-19 pandemic to the United Nations Secretary-General with a request to convene an ad hoc UN interagency task force to examine the implementation and practical application of the MLC, 2006 during the**

**pandemic, including its impact on seafarers' fundamental rights and on the shipping industry.**

(GB.342/INS/8/1, paragraph 5)

## **8.2. Second supplementary report: Update to the report of the Director-General, pursuant to the decision of the Governing Body, on measures taken by the Bolivarian Republic of Venezuela to comply with the recommendations of the Commission of Inquiry and on technical assistance requested or provided (GB.342/INS/8/2)**

- 118. The Employer spokesperson** noted that almost two years had passed since the adoption of the report by the Commission of Inquiry. The statement made earlier in relation to the report of the Committee on Freedom of Association had emphasized the urgent nature of the persistent violations of the fundamental principles and rights at work by the Venezuelan Government. The Government's rejection of the recommendations of the Commission of Inquiry must be taken very seriously. In other cases, where governments had complied with the recommendations of a Commission of Inquiry and had worked in good faith with the Office's technical assistance, they had achieved successful and lasting outcomes. Governments that had failed to respect ratified Conventions and had decided not to cooperate in good faith had found themselves in a difficult situation. Calling last-minute meetings without proper representation of the social partners did not constitute a sign of good faith.
- 119.** The Governing Body should not consider that any progress had been made in a country where the Government chose the recommendations it wished to implement and the technical assistance it wanted to request. The Government must accept the recommendations of the Commission of Inquiry and must put in place the requisite guarantees in good faith and in cooperation with the ILO. The Employers' group looked forward to a meaningful discussion at the Governing Body's next session and in the meantime requested the Director-General to continue following up with the Government. As the 109th Session of the International Labour Conference would continue later in 2021, it was still possible for the Conference to adopt a resolution on the situation in the Bolivarian Republic of Venezuela, as provided for by the decision adopted by the Governing Body at its 341st Session in March 2021.
- 120. The Worker spokesperson** said that her group had taken note of the Venezuelan Government's effort to host a large-scale meeting for social dialogue on the world of work in May 2021, with the participation of various workers' and employers' organizations, and three further meetings on issues relating to 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). During those meetings, social partners had been able to give views on the matters on the agenda and due note had been taken of the various points raised. Many participants had recognized the importance of opening up space for constructive dialogue.
- 121.** The Workers' group had also taken note of the agreement to establish two working groups, one to address proposals made by social partners on freedom of association and the other on specific cases of collective labour agreements and other labour claims. The Workers' group was aware that further progress remained to be made on the

implementation of the ILO Conventions that had been the subject of the complaint under article 26 of the ILO Constitution. The meetings for national dialogue were, however, a constructive step forward. The Workers' group therefore recommended that the Government and the social partners continued to engage in social dialogue in line with the recommendations of the Commission of Inquiry. As agreed at its previous session, the Governing Body would revisit the matter at its next session in November 2021, by which time it was hoped that further progress would have been made.

- 122. A Government representative of the Bolivarian Republic of Venezuela** was authorized to speak in accordance with paragraph 1.8.3 of the Standing Orders on a matter concerning his Government. He expressed his Government's unfettered commitment to broad and inclusive social dialogue and said that every effort was being made to comply with the ILO Conventions to which the Bolivarian Republic of Venezuela was party, and to implement the constructive recommendations of the ILO's various supervisory bodies. Each country's situation was different, and the sovereignty of each government to make its own decisions with regard to improving national best practices in respect of its application of international standards must be respected. The Government had requested technical assistance from the ILO to strengthen social dialogue. That assistance had not been received. Discussions had begun with workers' and employers' organizations on the potential ratification of the Violence and Harassment Convention, 2019 (No. 190).
- 123.** The national dialogue on the world of work had been successful: regulations had been set for the election of trade union leaders to ensure the fair representation of workers and promotion and protection of their rights. There were no limits on the freedom for collective bargaining. A timetable of meetings had been set with the social partners to continue discussions and move forward on the implementation of ratified ILO Conventions. An executive summary of the outcomes of the discussions had been submitted to the Director-General of the ILO. The Ministry of Labour was committed to serving as a link between the social partners and the legislature, to ensure consultations on draft laws or their reforms related to international labour standards. Roundtables had been held to discuss ILO Conventions Nos 26, 87 and 144, to clarify methods of implementation in law and in practice. A second round of meetings would be held in August 2021. The Government was convinced that the dialogue had broadened respect, tolerance and the search for solutions. Social dialogue was vital for consolidating peace and well-being in the country.
- 124.** His Government condemned the application of unilateral coercive measures that were severely impacting the lives and livelihoods of the Venezuelan people. Despite the imperialist aggression against the Bolivarian Republic of Venezuela, and the additional challenges posed by the COVID-19 pandemic, the Government continued to move forward in its efforts to protect the population.
- 125. Speaking on behalf of the EU and its Member States,** a Government representative of Portugal said that Montenegro, Albania and Georgia aligned themselves with his statement. Welcoming the report by the Director-General, he said that the EU and its Member States attached great importance to the right to freedom of association of workers and employers, and to social dialogue as a means of promoting the implementation of the international labour standards to which the Bolivarian Republic of Venezuela was party. Recognizing the pivotal role of the ILO in developing, promoting and supervising the implementation of those standards, the Office's efforts to support the Government were to be commended, but it was disappointing that the Government

remained unwilling to accept the conclusions and recommendations of the Commission of Inquiry, and had rejected the decision adopted by the Governing Body in March 2021.

- 126.** The report of the Commission of Inquiry had identified issues of serious concern. While the EU and its Member States took note of the Government's statement underscoring its readiness to work on improving its compliance with the ILO Conventions to which it was party, they noted with regret that the ILO's repeated offer to provide technical assistance in that regard had not been taken up. While the organization of the national dialogue on the world of work had been a positive step, the social partners had observed that the meetings could not be recognized as meaningful tripartite consultations as defined by the ILO. The continued hostility towards the organizations of the social partners was regrettable.
- 127.** The Government should work with the Office to accept the conclusions and implement the recommendations of the Commission of Inquiry and to take specific measures to encourage and maintain conclusive and effective tripartite social dialogue. The limited progress since the Governing Body's previous session showed that it was vital to find a constructive way forward. The EU and its Member States supported the Director-General's efforts and would continue to engage with its constituents in that regard. The ILO's continuous supervision would be required.
- 128. A Government representative of Brazil**, speaking also on behalf of the Governments of Canada, Chile, Colombia, Guatemala, Honduras and Uruguay, said that despite extra time having been given to allow the Government the opportunity to comply with the recommendations of the Commission of Inquiry, no progress had been made. The ongoing hostility of the Venezuelan authorities was particularly regrettable. The lack of response to the repeated recommendations of the ILO supervisory bodies reconfirmed the lack of commitment to justice and the lack of respect for workers' rights in the country. The rejection of offers of technical assistance had resulted in suffering for workers who were unable to enjoy their rights. The ILO's efforts had not succeeded in bringing an end to the persecution and discrimination or in bringing about the necessary tripartite social dialogue. The repeated refusal to comply with the recommendations of the Commission of Inquiry clearly demonstrated the intentions of the Venezuelan authorities and constituted an attack against freedom of association, tripartism and the supervisory system of the ILO. The Governing Body must take a stronger stance.
- 129. A Government representative of the Lao People's Democratic Republic** said that his Government took note of the progress made by the Government in implementing the recommendations of the Commission of Inquiry, and encouraged the ILO to continue working with and providing technical assistance to the country.
- 130. A Government representative of the United States** noted the Venezuelan Government's efforts, including the organization of national dialogues on the world of work. Those efforts, however, fell short of implementing the recommendations of the Commission of Inquiry. Employers and workers in the country remained unable to exercise their right to freedom of association. The report noted continued acts of harassment, intimidation and stigmatization, including public threats made by President Maduro. The failure to make meaningful progress reflected the broader deterioration of human rights and the rule of law in the country. The United States continued to call for the immediate implementation of all of the Commission's recommendations. Consideration must be given to all options for pursuing the case, including keeping it on the Governing Body's agenda for future sessions. The United States would support resolutions to that end and would continue to urge compliance with labour standards.

- 131. A Government representative of Cameroon** welcomed progress with regard to the Venezuelan Government's efforts to cooperate with the ILO and follow up on the recommendations of the Commission of Inquiry. The Governing Body should allow the continuation of technical assistance to the country to enable progress to be made with regard to the promotion of social dialogue.
- 132. A Government representative of the Russian Federation** noted that the topic of the Bolivarian Republic of Venezuela's compliance with ILO Conventions Nos 26, 87 and 144 had been on the ILO's agenda for some time. He recalled that the Venezuelan Government had been categorically opposed to the Commission of Inquiry and measures that had interfered with the Government's own methods of establishing social dialogue, and that several members of the Governing Body, including the Russian Federation, had also expressed doubt with regard to the approach taken. Nevertheless, the Venezuelan authorities had reacted with respect and had demonstrated full cooperation with the Commission of Inquiry. The protection of the rights of workers had been the basis of the Bolivarian revolution, which had aimed to establish a fairer social system with equal opportunities for all. The ILO must take a balanced approach in pursuing the matter, without any undue politicization or pressure.
- 133. A Government representative of China** said that his Government encouraged the Venezuelan Government to maintain the momentum in implementing the recommendations of the Commission of Inquiry and to work with social partners at the national level to continue to fulfil its obligations under the international labour Conventions to which it was party. Technical assistance was vital for developing countries to enhance their compliance in that regard. The Government of China hoped that the ILO would continue to cooperate with the Venezuelan authorities.
- 134. A Government representative of Algeria** welcomed the efforts made by the Venezuelan Government to strengthen implementation of ILO Conventions Nos 26, 87 and 144 against the background of real social dialogue and with technical assistance from the ILO. His Government noted with satisfaction the organization of the national dialogue on the world of work, which had shown the Venezuelan Government's willingness to cooperate with several national workers' and employers' organizations. Technical assistance had been requested to ensure that those organizations were truly representative. His Government encouraged the Office to continue to provide technical assistance, and encouraged the Government to continue to collaborate with the Office to further consolidate the progress made.
- 135. A Government representative of the Islamic Republic of Iran** said that his Government welcomed the progress made by the Venezuelan Government in implementing the recommendations of the Commission of Inquiry since the Governing Body's previous session. The Governing Body had an important role in encouraging further cooperation, ensuring that the ILO played its part in supporting the Venezuelan Government, and providing the necessary technical assistance.
- 136. A Government representative of Iraq** called on the Office to provide the requisite technical assistance to the Venezuelan Government with a view to solving the issues within the ILO's purview, without any undue politicization.
- 137. A Government representative of Argentina** noted that the ILO supervisory system was collaborative and served to ensure that Member States' labour relations were in tune with international labour standards. Social dialogue was developing in the country, and it was hoped that the necessary consensus would be reached to implement the recommendations of the Commission of Inquiry. The Venezuelan Government had

demonstrated its willingness to work with the ILO to improve its labour relations. He therefore urged the Venezuelan Government to continue its efforts to strengthen social dialogue and uphold its obligations as a Member State of the ILO.

- 138. A Government representative of Cuba** said that the Venezuelan Government had shown its willingness to meet its obligations in respect of international labour standards, as demonstrated by the progress made in that regard. Since the Governing Body's previous session, the Government had taken steps to implement the recommendations made by the Commission of Inquiry. The national dialogue on the world of work had been a demonstration of the Government's commitment to promoting broad and inclusive social dialogue, as well as to implementing the ILO Conventions to which it was party and working with the suggestions of the ILO's supervisory bodies. Significant progress had been made in promoting labour rights, tripartite dialogue and constructive cooperation with the ILO. To continue along those lines, technical assistance would be critical. His Government objected to the manipulation of international forums for the purposes of interfering in the sovereign domestic affairs of States.
- 139. A Government representative of Namibia** welcomed the efforts made by the Venezuelan Government since the Governing Body's previous session, its commitment to broad and inclusive social dialogue, and its willingness to improve its compliance with the ILO Conventions to which it was party. The Governing Body should be mindful that each country had its own circumstances, to which best practices on compliance should be adapted. The Government had taken important steps in line with the recommendations of the Commission of Inquiry since the Governing Body's previous session. Discussions on the possible ratification of ILO Convention No. 190 were particularly welcome. The ILO should continue to provide technical assistance to determine the representativeness of employers' and workers' organizations in the country.
- 140. A Government representative of Barbados** said that it was only through the instruments of social dialogue, applied with honesty, that the greatest challenges could be constructively resolved. The progress made thus far should be intensified. States' right to self-determination must be respected and upheld. At the same time, the fundamental instruments of the ILO must be adhered to, if workers and employers were to be treated with respect and humanity. Every effort must be made to comply with the recommendations made by the Commission of Inquiry. His Government looked forward to further and fuller discussions at the Governing Body's next session.
- 141. A Government representative of Pakistan** noted with satisfaction that despite the Venezuelan Government's reservations, it had taken steps to comply with the decision taken by the Governing Body at its 341st Session, and had demonstrated its willingness to cooperate with the ILO and its commitment to respecting the ILO Conventions to which it was party. The Governing Body should also acknowledge the initiation of the national dialogue on the world of work, and should consider providing technical assistance, in line with the Government's request. The Governing Body might also recommend the continuation of cooperation, within the ILO's tripartite framework. All parties should work amicably to solve the outstanding issues in the spirit of tripartite cooperation and the promotion of social dialogue towards the implementation of international labour standards, while maintaining respect for the national sovereignty of States.
- 142. A Government representative of the Bolivarian Republic of Venezuela**, speaking in exercise of the right of reply, said that the progress made in his country had been led by President Maduro, who had been democratically elected and respect was called for. The

discussion was clearly a political one and his Government considered that provocation would not add value to the matter. The Governments that had spoken out against Venezuela had lost sight of the importance of focusing on defending the rights of the people. People in those countries were suffering as a result of inadequate policymaking by their governments. The world of work in those countries was widely affected by corruption and anti-worker measures and, worse still, in many of those countries workers and trade union representatives were murdered and impunity reigned, and the respective government justified and protected those violent crimes. Unfortunately, those odious governments had found some support in the framework of the Organization, and that was prejudicial to the image of the ILO. The Government of the Bolivarian Republic of Venezuela would continue to make progress and would cooperate with the international community, in an effort to build social dialogue. His Government's willingness to cooperate would contribute to building a better world of work and better future for all.

### 8.3. Third supplementary report: Documents submitted for information only (GB.342/INS/8/3)

#### Decision

**143. The Governing Body took note of the information contained in the following documents:**

- (a) **Approved symposia, seminars, workshops and similar meetings (GB.342/INS/INF/1);**
- (b) **Road map of actions to address all the outstanding issues mentioned in the complaint concerning non-observance by Bangladesh of the Labour Inspection Convention, 1947 (No. 81), 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) (GB.342/INS/INF/2).**

(GB.342/INS/8/3, paragraph 3)

### 8.4. Fourth supplementary report: Report of the Committee set up to examine the representation alleging non-observance by Indonesia of the Discrimination (Employment and Occupation) Convention 1958 (No. 111) (GB.342/INS/8/4)

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

#### Decision

**144. The Governing Body, upon the recommendation of the Committee:**

- (a) **approved the report contained in document GB.342/INS/8/4, and in particular the conclusions contained in paragraph 57, on the basis of the information presented to the Committee;**
- (b) **invited the Government of Indonesia to send information concerning the Committee's conclusions in its next report on the application of Convention No. 111 under article 22 of the ILO Constitution; and**



- (c) **decided to make the report publicly available and declare closed the procedure initiated by the representation.**

(GB.342/INS/8/4, paragraph 59)

## **9. Reports of the Officers of the Governing Body**

*(The Governing Body considered these reports in its private sitting.)*

### **9.1. First report: Representation alleging non-observance by France of the Labour Inspection Convention, 1947 (No. 81) (GB.342/INS/9/1)**

#### **Decision**

- 145. In the light of the information contained in document GB.342/INS/9/1, 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.342/INS/9/1, paragraph 5)

### **9.2. Second report: Representation alleging non-observance by Peru of the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Social Security (Minimum Standards) Convention, 1952 (No. 102), and the Maternity Protection Convention, 2000 (No. 183) (GB.342/INS/9/2)**

#### **Decision**

- 146. In the light of the information contained in document GB.342/INS/9/2, 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.342/INS/9/2, paragraph 5)

### **9.3. Third report: Representation alleging non-observance by Sudan of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (GB.342/INS/9/3)**

#### **Decision**

- 147. In the light of the information contained in document GB.342/INS/9/3, 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 it.**

(GB.342/INS/9/3, paragraph 5)

**9.4. Fourth report: Representation alleging non-observance by Colombia of the Maternity Protection Convention, 1919 (No. 3), the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12), the Workmen's Compensation (Accidents) Convention, 1925 (No. 17), the Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18), the Sickness Insurance (Industry) Convention, 1927 (No. 24), the Sickness Insurance (Agriculture) Convention, 1927 (No. 25), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (GB.342/INS/9/4)**

#### **Decision**

**148. In the light of the information contained in document GB.342/INS/9/4, 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.342/INS/9/4, paragraph 5)

**9.5. Fifth report: Representation alleging non-observance by France of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (GB.342/INS/9/5)**

#### **Decision**

**149. In the light of the information contained in document GB.342/INS/9/5, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and, as it relates to a Convention 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.342/INS/9/5, paragraph 5)

**9.6. Sixth report: Two representations alleging non-observance by Argentina 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 Labour Relations (Public Service) Convention, 1978 (No. 151), and the Collective Bargaining Convention, 1981 (No. 154) (GB.342/INS/9/6)**

#### **Decision**

**150. In the light of the information contained in document GB.342/INS/9/6, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representations were receivable and, as they relate to Conventions dealing with trade union rights, to transmit the representations to the Committee**

**on Freedom of Association for examination as per the procedures set out in the Standing Orders on articles 24 and 25 of the Constitution of the ILO.**

(GB.342/INS/9/6, paragraph 7)

## **10. Composition, agenda and programme of standing bodies and meetings (GB.342/INS/10(Rev.2))**

**151. The Clerk of the Governing Body** drew attention to a proposed schedule change for the 110th Session of the International Labour Conference: the preferred dates would be 13 May–10 June 2022.

**152. The Worker spokesperson** said that, following discussions in the Screening Group and consultations with the relevant global union federation, the dates of the technical meeting on the future of work in aquaculture could be confirmed for 13–17 December 2021, following the closure of the 109th Session of the International Labour Conference. Her group supported the draft decision.

**153. The Employer spokesperson** said that her group would request that the Employer and Worker secretariats should be consulted when planning the schedule and format of meetings. It was not practical to hold a sectoral meeting on the aquaculture sector during the first week of the second part of the 109th Session of the Conference. There were several incoherencies in the programming, which should be rectified before publishing the report.

**154. The Chairperson** said that further consultations would be held to address any planning issues.

### **Decision**

**155. The Governing Body, upon the recommendation of its Officers, decided:**

- (a) to approve the reappointment of seven members of the Committee of Experts on the Application of Conventions and Recommendations (CEACR);**
- (b) to approve the appointment of Professor Xiaodong Zeng to the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART);**
- (c) to approve the composition and agenda of the meeting of experts for the tripartite validation of the technical guidelines on general principles of labour inspection, and authorize the Director-General to invite the International Association of Labour Inspection to be represented at the Meeting as an observer; and**
- (d) 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.342/INS/10(Rev.2), paragraph 9)