



Governing Body

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Policy Development Section

POL

Minutes of the Policy Development Section

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Employment and Social Protection Segment

1. Temporary labour migration (GB.346/POL/1)

1. The Governing Body had before it an amended version of the draft decision, which had been proposed by the Employers' group and circulated by the Office, which read:

The Governing Body requested the Director-General to take into account its guidance concerning the proposed ways forward to maximize the opportunities and minimize the risks associated with temporary labour migration, including exploring further good practices and means for their implementation, conducting additional research on the benefits of temporary labour migration and anticipating skills needs for labour migration schemes to respond to labour market needs, and enhancing the participation of the social partners in the design, monitoring and implementation of temporary labour migration schemes of all types.

2. **The Employer spokesperson** said that the rights of workers must be respected regardless of the temporary labour migration (TLM) scheme they were working under. Her group would continue to call for predictable and efficient immigration processing systems as well as programmes that could accommodate evolving business needs. A well-designed labour migration system should facilitate the adoption of business travel provisions, policies for dependent family members, staff transfer categories, mobility provisions in trade agreements, and work permit categories for short-term assignments and project work.
3. She urged governments to adapt TLM programmes to labour market circumstances. The Office should reinforce its work and resources to support employers' advocacy efforts towards temporary migration programmes that favoured the recruitment of short-term employees. Giving such regimes legal status would help to combat irregular migration. Regarding skills and lifelong learning, the ILO should further promote skills under migration programmes and commit actively to the global skills partnership. For that partnership to be effective, we now need to move to action and showcase concrete joint initiatives. She stressed the importance of appropriate information, provided in an accurate manner. Pre-departure information should indicate work available on the national labour market as jobs might be available that migrants were unaware of. She questioned the fact that shortage occupation lists did not consider future skill shortages or occupations. The Office should actively participate in running labour market evaluations and anticipating skills needs together with social partners.
4. Regarding the participation of social partners in programme design and implementation, the growing global use of TLM programmes presented a unique opportunity to obtain targeted data on factors favourable or otherwise to enterprise development, and on impediments and obstacles existing at operational level. Governments should consult employers when undertaking immigration reform.
5. With regard to the statement whereby employers should deposit the equivalent of the first month's wages into an account from which compensation could be paid, if tripartite or bipartite institutions so determined, she understood that it was a simple recommendation that would apply to certain cases; it should not be seen as the norm or a general recommendation.
6. Well-managed TLM was key for employers to fulfil their business requirements. However, local residents often considered it as a threat. The ILO should highlight the economic impact of migration and positive contribution of temporary migrant workers to development. Her group had consequently submitted an amended version of the draft decision. While examining in greater depth good practices and ways of implementing them, the Office should conduct more research on upskilling, skills transfers and skills anticipation.

7. **The Worker spokesperson** said that her group and other international workers' rights organizations were advocating to move away from TLM schemes towards more coherent labour migration and humanitarian pathways centred on workers' and human rights, which would abolish recruitment schemes that were for profit, not protection. She regretted the greater negative impact of TLM on women, as the positions most in demand were often those that they performed.
8. Her group acknowledged the multiple forms of government schemes. The absence of a universally accepted definition of TLM undermined consistency and resulted in abuse. It was crucial that TLM schemes were strictly used for truly temporary and short-term jobs, yet some migrants worked all year in certain sectors that were considered seasonal. It was important to establish tripartite structures to determine temporary labour market needs at the national level. TLM schemes often involved highly profitable labour recruitment processes that were generally unregulated, under-regulated or unenforced. Programmes also tied workers to a particular employer, denying them control over their own visas. Effective social dialogue institutions were vital for a rights-based and human-centred approach to labour migration.
9. She stressed the importance of freedom of association and collective bargaining, and their centrality to access to rights at work, and access to justice and occupational safety and health (OSH). The ILO should invest in promoting the ratification and effective implementation of relevant international labour standards that protected migrant workers, including the Employment Service Convention, 1948 (No. 88), the Migration for Employment Convention (Revised), 1949 (No. 97), the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Private Employment Agencies Convention, 1997 (No. 181), the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment Convention, 2019 (No. 190), and their accompanying Recommendations, and the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
10. Regarding the Global Coalition for Social Justice, she recommended focusing on multilateral agreements and negotiated frameworks to guarantee a labour protection floor, as defined in the Centenary Declaration for the Future of Work. She recognized that different institutional designs for basic TLM typology included bilateral labour migration agreements. In that context, the United Nations Network on Migration guidance on bilateral labour migration agreements was an important instrument for the development of bilateral labour migration agreements. Concrete empirical data should inform migration policies.
11. Her group fully supported the promotion of social dialogue, which should always be respected and guaranteed. Since the original draft decision was balanced, her group could not accept the Employers' amendment as it presumed that temporary migration schemes were positive. It was important to investigate good practices as well as violations of migrant workers' rights in current programmes, which would align more closely with the ILO's mandate.
12. **Speaking on behalf of the Africa group**, a Government representative of Uganda welcomed the Office's progress towards expanding knowledge on TLM. He acknowledged the challenge of determining a universally accepted definition. He appreciated that the ILO's standards on migrant workers aimed to promote and protect migrant workers, regardless of the typology of migrant work.
13. While he agreed with the proposed measures for safe and regular labour migration, he noted that discussions were being held under the auspices of the plan of action (2018–22) on labour migration governance. As such, he expected the Office to update the Governing Body on implementation. His group supported the amendment proposed by the Employers' group.

14. **Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of the Philippines said that TLM could disseminate knowledge and skills between destination and origin countries, resulting in economic growth and expanded social capital for migrant workers. Labour standard enforcement policies in destination countries could protect migrant workers. However, other factors made them highly vulnerable to exploitation. Such risks had worsened during the COVID-19 pandemic.
15. TLM was envisaged as an inclusive, beneficial endeavour for origin countries, destination countries and workers. Social justice would not be possible until migrant workers were included in development benefits. Labour migration must be safe, orderly and regular, and the dignity of migrant workers must be valued and protected. More must be done to mitigate and eliminate risks. She requested the Office to facilitate dialogue between fairly represented and relevant stakeholders in order to ensure regular pathways to labour migration, to protect and respect human rights, and to guarantee fair treatment.
16. She requested the Office to provide more technical assistance to Member States to improve labour migration governance. It could support destination countries in crafting laws and policies, enhancing institutional capacities and implementing internationally agreed standards. Origin countries may need programmatic technical assistance to promote an enabling environment to develop sustainable enterprises and structure the return and reintegration of migrants.
17. She called on the Office to facilitate international and, at the request of Member States, bilateral cooperation in order to promote portable social protection for migrant workers. ASPAG supported the draft decision as amended.
18. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Colombia said that the Organization should continue to debate the characteristics and evolution of TLM and related problems and proposals. She recognized that clear national policies were difficult to establish due to the lack of a definition that encompassed all categories of temporary migrant worker. Nevertheless, efforts must continue to ensure decent working conditions for all migrants. With TLM schemes, social dialogue should allow all stakeholders to reach consensus in defining policies with a human-centred approach.
19. Considering the dynamic nature of both migration and the world of work, typologies and classifications should only be indicative and should help to identify labour intermediaries and other unregulated practices in order to prevent human trafficking and smuggling, and child and forced labour. Regarding the “feminization of migration” and the working conditions for women described in the report of the Committee of Experts on the Application of Conventions and Recommendations *Securing decent work for nursing personnel and domestic workers, key actors in the care economy*, she said that the root causes of such decent work deficits must be addressed.
20. The ILO should increase its work on TLM to meet constituents’ needs and consolidate its leadership on decent work in line with the Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, and the General principles and operational guidelines for fair recruitment. The Organization should also assist Member States, upon request, in developing and implementing comprehensive policies in line with international labour standards and strengthen its role in the United Nations Network on Migration.

21. While GRULAC supported the original draft decision, it had examined the amendment proposed by the Employers' group and agreed with some aspects of it. Her group agreed that it was important to further research the benefits of TLM and identify requirements. The needs of the market and migrants were also important.
22. **Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)**, a Government representative of Indonesia said that ASEAN aligned itself with the statement made by ASPAG. Stressing the importance of safe and orderly migration, he outlined mechanisms used by ASEAN Member States to cooperate on the protection of migrant workers and labour migration governance in the region, and to analyse developments in migration movement and policies. ASEAN welcomed the ways forward identified by the Office with a view to maximizing the opportunities and minimizing the risks associated with TLM, and encouraged it to pursue that work by strengthening collaboration with relevant regional organizations such as ASEAN. As borders reopened and labour migration resumed, it was important to continue work on the governance of both short-term and long-term labour migration to protect migrant workers. To that end, the Office should take into consideration lessons learned from the pandemic and the potential for future crises; the specific needs of migrant workers, including more vulnerable groups; and the increased risk of labour exploitation and trafficking in persons. ASEAN was ready to work with partners to strengthen global and regional labour migration architecture to ensure comprehensive protection throughout the migration cycle. It supported the draft decision and could be flexible regarding the amendment proposed by the Employers' group.
23. **A Government representative of the United States of America** said that, based on its mandate, expertise and rights-based, tripartite approach, the ILO was uniquely suited to provide assistance to constituents regarding TLM schemes. The overview of the various approaches to TLM, and its potential benefits and complexities, was particularly relevant as governments continued to make use of labour migration pathways and enhance worker protection. Her own Government was committed to advancing decent work for all workers and had recently issued guidance on fair recruitment practices for temporary migrant workers based on ILO fair recruitment guidance. She therefore welcomed the considerations for governments in designing TLM schemes and supported the ILO's work and leadership on the issue within the international community. It was crucial for governments to involve ministries of labour and other relevant ministries in the development and implementation of TLM programmes, in consultation with the social partners. Thanking the Office for the additional resources provided on the subject, she asked for some examples of its work in helping constituents to achieve the recommended policy measures, including in cooperation with relevant partners. Her Government supported the original draft decision, which was balanced and took into account the various views expressed by constituents.
24. **A Government representative of India** recalled that the ILO Centenary Declaration had called for the ILO to direct its efforts to deepening and scaling up its work on international labour migration in response to constituents' needs and taking a leadership role in decent work in labour migration. In that context, work was required to ensure that migrant workers did not suffer a lack of social protection due to the temporary nature of their stay in the host country; a template of policy solutions would help close protection gaps for such workers. Arrangements should also be made to ensure that workers could access adequate accommodation. Social security schemes were an effective way of extending social protection and guaranteeing the portability of entitlements, and they could incentivize workers to migrate through regular channels and to work in the formal economy. Implementing such schemes required collaboration and information-sharing between Member States. He therefore urged the ILO to take the lead on formulating standards on social security for migrant workers, and

guidelines on migration and mobility-related issues among Member States to promote safe, orderly migration and equal treatment. The Office should also undertake initiatives to map global skills gaps, produce a skills and qualifications harmonization framework and integrate national employment platforms with a view to facilitating TLM for the benefit of all. In addition, improved data collection would boost evidence-based policymaking on the subject. He hoped that continued dialogue and coordinated action between constituents would enhance labour rights for temporary migrant workers, while securing a stable workforce for the world of work.

25. **A Government representative of Bangladesh** underscored the importance of TLM to countries of origin and destination. A great deal of work was needed to ensure social justice and good standards of OSH for migrant workers, and to guarantee equal pay for work of equal value. That work should include enhancing labour inspection, improving data collection in relation to migrants in countries of origin and destination, facilitating health and insurance coverage, and increasing the portability of social protection for seasonal or circular migrants. Research should also be carried out into the position of temporary migrants working as carers. His Government supported the draft decision and the amendment proposed by the Employers' group.
26. **A Government representative of Morocco** said that circular and seasonal migration constituted an effective way of reducing pressure on the national labour market and addressing irregular migration, as did young professionals' programmes promoting mobility between enterprises and the exchange of skills. Another principal objective of those types of migration was to improve the lives of migrants themselves. He commended the document and took note of the considerations for governments in designing TLM schemes, notably those related to OSH and adequate housing, training, and wages and other terms of employment. It was particularly important to develop and maintain formal links for managing migration flows in a way that was less security-based and more focused on the recruitment of temporary workers in accordance with bilateral labour migration agreements in place. The provisions of such agreements should guarantee migrant workers the same rights and benefits as those granted to their local counterparts. His Government supported all the measures proposed to ensure that temporary migration was safe and equitable, and therefore endorsed the original draft decision.
27. **A representative of the Director-General** (Assistant Director-General for the Governance, Rights and Dialogue Cluster) thanked constituents for their overall support for the proposals. The Office would take into account the various experiences and approaches shared, as well as the specific concerns raised. Responding to the query by the Employers' group regarding the recommendation that employers deposit the equivalent of the first month's wages into an account from which compensation could be paid, she emphasized that it was not intended to be a universal measure, but an example of one that could be applied in case of widespread and systematic non-payment of wages, or the insolvency of the enterprise concerned. On the global skills partnership, she explained that some workshops and consultations had taken place, despite the challenging circumstances of the COVID-19 pandemic; she noted the call for more action to be taken in that regard. Skills anticipation was another important area of work and had been identified as a top priority for the biennium in the preview of the Programme and Budget proposals for 2024–25; that would feed into broader work carried out by the Office in relation to skills. In terms of future reporting on action taken on labour migration, the Office would provide a further update on implementation of the 2017 resolution concerning fair and effective labour migration governance to the Governing Body at its 347th Session.
28. **The Worker spokesperson** objected to the amendment proposed by the Employers' group. Although it was positive to hear some constituents stress the importance of social protections

for temporary migrant workers, those workers frequently lived in deplorable conditions, without access to justice, including labour justice. In fact, it was not entirely clear why the ILO was promoting temporary migration schemes, which frequently provided opportunities for businesses and States, but were disadvantageous for the workers themselves. If the Employers' group wished to insist on conducting additional research on the benefits of TLM, then further research should also be carried out into rights' violations and how to prevent them. Temporary migrant workers needed equal treatment, access to justice and adequate housing, among other things. More specifically, research was needed on the appropriate use of temporary migration schemes, including whether they were fit for purpose or merely schemes to restructure working relationships by replacing long-term jobs; the impact of such schemes on international labour standards, with a focus on freedom of association, the right to organize and collective bargaining, and access to justice for temporary migrant workers; and irregular temporary migration, including recommendations for its prevention and pathways to regularization. Sectoral guidance should also be provided for rights-based labour migration schemes in key sectors such as agriculture, domestic work, care work, construction, education and transport, ensuring that those types of migration did not restrict workers to temporary status, but allowed for a permanent, stable workforce. In addition, research was needed on alternatives to TLM programmes, focusing on the need to expand regular family, humanitarian and climate migration pathways, and ensure effective integration for migrants arriving through those channels. Without a pathway to permanency, temporary schemes would fail migrant workers. The Workers' group therefore wished to propose a subamendment so that the decision would read: "conducting additional research on the risks associated with and benefits of temporary labour migration", omitting "anticipating skills needs for labour migration schemes to respond to labour market needs". On the latter point, governments should instead be developing skills among their existing local workers, including migrants already present.

29. **A Government representative of India** supported the Employers' group's proposed addition of a reference to anticipating skills.
30. **The Employer spokesperson** said that the concept of TLM was highly complex and covered a wide range of situations. TLM programmes concerned both unskilled workers and skilled workers, with the aim of responding to specific labour market needs and thus stimulating economic growth. In certain sectors, such as healthcare, temporary migration was vital. Appropriate solutions for different situations were therefore required. The ILO had a fundamental role to play, notably by conducting more research on the benefits of such programmes, while ensuring that workers' rights were protected. On the basis that the Office would take all elements of the current discussion into account in its future work on the subject, and in the interest of consensus, the Employers' group could accept the subamendment proposed by the Workers' group, if the term "challenges" was used instead of "risks" and if the reference to anticipating skills needs for labour migration schemes was reinstated.
31. **The Worker spokesperson** said that the amendment proposed by the Employers' group was superfluous, as the draft decision already referred to maximizing the opportunities and minimizing the risks associated with TLM. If the amendment were to be accepted, it would need to be more balanced: the reference to additional research on the benefits of TLM should also include the risks. Furthermore, it was not appropriate to single out skills, when the draft decision concerned TLM schemes in general.
32. **The Employer spokesperson**, noting the comments from the other groups, withdrew the proposed amendment and supported the original draft decision.

- 33. A Government representative of the United Arab Emirates**, highlighting the large numbers of migrant workers hosted in her country, described measures taken at the national level to uphold their rights in both the public and private sectors. Further improvements in that area would draw on the considerations for governments detailed in the document, notably those related to lifelong learning. However, different labour market contexts should be taken into account in the development of policies, which might need to be adapted for countries with a very high percentage of migrant workers, for example. It should also be recalled that States retained a sovereign right to determine their own national policies on the issue.

Decision

- 34. The Governing Body requested the Director-General to take into account its guidance concerning the proposed ways forward to maximize the opportunities and minimize the risks associated with temporary labour migration, including exploring further good practices and means for their implementation, and enhancing the participation of the social partners in the design, monitoring and implementation of temporary labour migration schemes of all types.**

(GB.346/POL/1, paragraph 49)

2. Report of the Meeting of Experts on decent work in the platform economy (Geneva, 10–14 October 2022) (GB.346/POL/2)

- 35. The Worker spokesperson** underlined that platform work was about the future of work but was already a reality everywhere. While profits were generated by big platform businesses, workers often faced low wages, as well as lack of social protection coverage or access to freedom of association and collective bargaining. The Governing Body had decided at its 341st Session (March 2021) to convene the Meeting of Experts, which, the Office had stated, “would subsequently inform a possible general discussion or standard-setting item on this subject, should the Governing Body decide to place such an item on the agenda of the 112th Session (2024) of the Conference”;¹ the Office document should be read in that light. Both the Worker and Government Vice-Chairpersons had been prepared to accept the draft conclusions without any amendments, if that would have allowed the Meeting of Experts to reach consensus-based conclusions. It was deeply regrettable that had not been the case, which meant that the Governing Body could not take guidance from the outcome of the meeting. However, the full report of the meeting, which would include the draft conclusions prepared by the Office, would show that there was broad though not unanimous agreement among the experts on the nature and extent of decent work deficits and challenges faced by workers on digital labour platforms, both location- and online-based, and on the necessity for regulation at the national and international levels, including through standard-setting by the ILO. Key challenges and gaps were identified, including regarding algorithmic management and working time, regular payment of wages and modalities to set remuneration. Further, there was unanimous agreement on the importance of the Employment Relationship Recommendation, 2006 (No. 198), to combat disguised employment and the need to provide access to adequate social protection for all platform workers. The Governing Body must uphold its responsibility to give effect to the commitments made in the 2018 Conference resolution concerning the second recurrent discussion on social dialogue and tripartism, in the Centenary Declaration and by the Governing Body itself to urgently address important challenges

¹ GB.341/INS/3/1(Rev.2), para. 26.

regarding the effects of digitalization and technological change on decent work, especially in the context of platform work. Given the background report from the Office and the robust input by the experts at the meeting, there was no need for other expert meetings or a general discussion, nor was a large amount of additional research required to demonstrate the realities of platform work and the ensuing challenges to decent work. However, a gap analysis on the coverage of platform work by existing standards could be useful in gathering wider support for and a better understanding of standard-setting action.

36. The Workers' group agreed that the recurrent discussion on social protection (labour protection) at the 111th Session (2023) of the International Labour Conference could be an important opportunity to address platform work. The proposed experts meeting on access to labour justice and on the protection of workers' personal data in the digital era, which the Governing Body would discuss in the context of the examination of potential items for the agenda of future sessions of the Conference, could also build understanding for the challenges involved. However, given the specificities of the platform economy, particularly of digital labour platforms, the most appropriate next step would be to place a standard-setting item on the Conference agenda. Such a discussion should take place in the near future, as new research and case law continued to highlight the gaps in protection for workers in the platform economy, and the ILO needed to ensure that regulatory gaps in national and international labour law were filled. While there were ongoing initiatives to regulate governance gaps in the platform economy, such as in trade regulations, taxation policies and internet governance, the Organization needed to be seen globally as a credible leading force on issues related to the world of work. It must also rapidly address the issue of algorithmic management, which was undermining workers' protection, costing money and causing legal uncertainty. Furthermore, without access to the algorithms, labour inspection would be limited and unable to protect workers. Several existing international labour standards were relevant to advancing decent work on location-based and web-based platforms but did not adequately cover some aspects specific to platforms, such as: counting and remuneration for time spent waiting for the allocation of tasks by the platform and the right to digital disconnection; protection and governance of workers' personal data and right to privacy, including portability of digital reputation; governance of algorithmic management, including fairness and transparency of automated decisions such as ratings and deactivation from the platform and other penalties and surveillance; individual and collective information and consultation rights; existence of adequate dispute resolution mechanisms; effective labour inspection and access to relevant data and records by competent authorities; the cross-border nature of platform work; regular payment of wages and rates; commission charges and fees; and platform work contracts. A dedicated standard was required. The Workers' group therefore proposed to replace subparagraph (c) of the draft decision with the wording "decided to place an item on decent work in the platform economy on the agenda of the 113th (2025) and 114th (2026) Sessions of the International Labour Conference for standard-setting".
37. **The Employer spokesperson** stated that the Office document reflected in a summary manner the complexity of the topic and of the issues that the experts were confronted with. The report lacked, however, some of the context of how the meeting had unfolded: the few points on which the experts had reached consensus had only been agreed after midnight on the last day of the meeting and when the meeting closed two hours later, there was still no consensus on almost 40 points. In that regard, she objected to accusations made against the Employers' group by the Worker and Government Vice-Chairpersons of the Meeting of Experts, which were reflected in paragraphs 16 and 17 of the Office document.

38. The key points to be drawn from the substantive debates included the fact that the areas of divergence and convergence among the experts had shed further light on the complexities of the topic and had confirmed the need for further research and information. The platform economy was very broad and diverse, which made it difficult to apply a one-size-fits-all approach, given that the lowest common denominator could not serve as a meaningful representation of the platform economy to be used for policy and regulatory experimentation. From the outset, the Employers' group had expressed the fundamental need for a clear acknowledgment of two distinct realities within the platform economy: the existence of employment relationships on the one hand, and of genuine self-employment and commercial relationships governed by terms and conditions agreed by the parties on the other hand. Any policy recommendations, proposals and guidelines must address independent workers and employees differently. That was a key aspect and a prerequisite for any future ILO action in that area. The Employer experts had expressed the need to prevent disguised employment relationships and emphasized the relevance of the classification of workers. There was a need for a differentiated approach between employees and persons who were genuinely self-employed in the platform economy, regarding collective bargaining, working time and wages among other issues. Indeed, only employees benefited from a full set of rights covered by fundamental principles and rights at work and ILO standards. Genuinely self-employed persons were covered only by some rights applicable to workers regardless of their working relationship. For the rest, they were mainly covered by negotiated terms and conditions under national laws regulating commercial relationships. However, a failure to acknowledge those two different types of work relationship in the platform economy had made it impossible for the meeting to move forward, as there was a risk of wrongly assuming that the meeting was only dealing with employment relationships where all rights were guaranteed to all workers. Moreover, the experts were confronted with other complex topics, including OSH, working time, personal data management, consultation of workers (individually and collectively) on the use of algorithms, privacy, wages and the so-called compensation for waiting time. While most of those topics were covered by existing ILO instruments and remained relevant for employment relationships within the platform economy, for others – such as algorithmic management – it was questionable whether they even fell within the ILO's remit.
39. The Employers' group in the Meeting of Experts had expressed its willingness to address issues where there was strong agreement on the need for ILO action to advance decent work in the platform economy, including equality and inclusion on digital labour platforms; social dialogue; the potential of the platform economy to achieve decent work and sustainable development; and dispute resolution mechanisms. Other non-controversial but important topics were also constructively addressed, such as the promotion of the right to a safe and healthy working environment, facilitating transition from the informal to the formal economy, and the protection of platform workers' personal data, which unfortunately could not be discussed further due to lack of time. Nonetheless, the number of issues raised, their complexity and the divergence of views on key topics demonstrated the need to narrow the scope of discussion, to undertake targeted and unbiased research to fill knowledge gaps, and to organize further debates. The Employers' group called for further engagement with the social partners at the national level to assess national contexts and the specific policies already put forward by governments. The Office should develop a gap assessment regarding platform economy regulation, as well as a possible sectoral assessment to better identify specific challenges and areas in need of targeted intervention. The Employers' group called for ILO action to advance decent work in the platform economy. The ILO should take the lead on the issue and take action as soon as possible; however, on the basis of the current state of knowledge, standard-setting action would be counterproductive. The Office should produce a

road map of possible actions with a short- and mid-term impact for the achievement of decent work in the platform economy. The group supported the original draft decision and could not support the amendment proposed by the Workers' group.

40. **Speaking on behalf of the Government group**, a Government representative of Germany regretted that no consensus conclusions were adopted at the meeting while noting that the Government experts had reached consensus and even unanimity on key questions. The platform economy was a growing source of employment opportunities and could potentially be a source of inclusive employment. There were nonetheless deep challenges to achieving decent work for all workers in the platform economy, both employed and genuinely self-employed. While not unique to the platform economy, some issues were particularly pressing, notably data protection, achieving universal social protection, and ensuring workers' access to their fundamental labour rights, including the right to collective bargaining. The Government group believed that the ILO's goal with respect to the platform economy must involve the promotion of sustainability and decent work alike. They also bore in mind the variety of contexts and practices at the national level on that matter. The group noted that some existing international labour standards were relevant for the platform economy; however, they did not cover new elements such as algorithmic management. The group was open to the principle of setting a new international labour standard on decent work in the platform economy, and agreed with the experts' shared view that the Office should continue to undertake research and respond to requests for technical assistance by Member States on decent work in the platform economy, as was reflected in the preview of the Programme and Budget proposals for 2024–25. The group supported the call for the Office to conduct a gap analysis to determine which new and emerging elements of the platform economy might not be fully captured in existing ILO standards, to be presented to the 347th Session of the Governing Body (March 2023) to better inform decision-making on agenda items for future sessions of the International Labour Conference.
41. **Speaking on behalf of the Africa group**, a Government representative of Sudan said that the discussions had underlined that complexity of classifying workers in the platform economy, as it was rapidly evolving, interconnected and diverse and involved many different business models and sectors. The Africa group welcomed the meeting's discussion of working conditions and social protection, the protection of workers' personal data, and the safeguards in place concerning the use of technology, especially artificial intelligence. The areas of agreement reached in the meeting should be reviewed to suggest starting points for further discussion. The Africa group found it regrettable that the meeting had not reached consensus and called on the Director-General to endeavour to bridge the current gaps towards the development of consensus. The Office should undertake further research, sectoral assessments, a regulatory gap analysis, national and regional consultations and tripartite meetings to produce guidance. The Africa group supported the original draft decision.
42. **Speaking on behalf of ASPAG**, a Government representative of Japan said the platform economy could boost inclusive economic growth and generate job opportunities. It played an important role in providing essential goods and services during the COVID-19 pandemic. However, there were decent work deficits and issues that must be further explored and addressed to support decent work for platform workers. Decent work in the platform economy is an important issue in Asia and the Pacific, as the number of people working in the platform economy had increased rapidly over the past decade. It was disappointing that the meeting had not achieved consensus, but tripartite agreement had been achieved on a number of points. ASPAG remained committed to working constructively to make progress on the topic within an agreed time frame. Policy approaches differed significantly not only among regions

but also countries; it was therefore important to take national circumstances into consideration. He requested the Office to track the development of policy responses or initiatives at the national and regional levels in promoting decent work in the platform economy and to conduct further evidence-based research, including an in-depth analysis of similarities and differences among Member States in addressing decent work challenges brought by the platform economy. ASPAG supported the original draft decision.

43. **Speaking on behalf of GRULAC**, a Government representative of Colombia regretted that the Governing Body was unable to discuss at its current session any consensus-based recommendations from the Meeting of Experts. The growth of platform work represented an opportunity for job creation and more flexible organization of production processes, but also a challenge for fair competition between enterprises as well as labour and social protection for workers in line with international labour standards. Economic globalization required States to strengthen their role in the protection of social rights. The experts had reached agreement on the fact that the ILO must take a leadership role on decent work in the platform economy. The Government Vice-Chairperson had noted in his closing remarks to the meeting that the Government group had reached unanimity on key questions and was open to standard-setting action on decent work in the platform economy, a position that GRULAC shared. The group recognized the urgent need for a standard on decent work in the platform economy, which would establish minimum working conditions and social protection. Furthermore, guidance on the implementation of fundamental principles and rights at work on digital platforms was needed. The group agreed that the Office should carry out a gap analysis of social protection and regulation in the platform economy to inform future discussions. GRULAC agreed that the Governing Body should make every effort to prioritize standard-setting action on the platform economy at the 2025 session of the International Labour Conference and therefore supported the amendment proposed by the Workers' group.
44. **Speaking on behalf of IMEC**, a Government representative of France said the issue of decent work in the platform economy was of the utmost importance to the group. While it offered many opportunities for employment generation as well as potential flexibilities and other benefits, many workers on those platforms were facing critical decent work deficits, including in relation to poor algorithmic management, lack of social security protection, problems of remuneration, and lack of adequate dispute resolution mechanisms. It was therefore deeply regrettable that the experts had been unable to agree on conclusions; however, with time and further constructive dialogue, IMEC was optimistic that consensus could be reached. The ILO needed effective means of action to tackle those issues as soon as possible, so the group supported the inclusion of an item on decent work in the platform economy on the agenda of the Conference in 2025. One of the main disagreements among the experts had been the extent to which normative action by the ILO was needed. A detailed analysis would be useful to enable the Governing Body to accurately assess at its March 2023 session which aspects of platform work were already covered by existing standards and where there were gaps. The Office should also consider other preparatory work, such as additional research, global monitoring of laws and case law, and a preliminary survey of governments. Furthermore, it was crucial for the Office to prepare the ground for social dialogue in advance of meetings. IMEC supported the proposal to take into consideration the views expressed in the meeting within the context of the preparation of the recurrent discussion on social protection, but noted that that was only one aspect of the challenges platform workers could face. IMEC supported the original draft decision.
45. **Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Czechia said that Albania, North Macedonia, Montenegro, Serbia, Georgia

and Norway aligned themselves with his statement. He recalled the importance of the Office providing equal support to all three groups during such meetings, in order to achieve the best possible outcomes. Digital labour platforms created opportunities for businesses, workers and freelancers, as well as better access to services for consumers. However, new ways of working also created new challenges, related in particular to the definition of the employment status and the use of algorithms. It was deeply regrettable that the Meeting of Experts had not been able to reach a conclusion on such an important matter. Nevertheless, the Government group and the Workers' group had reached consensus on a number of issues and gaps, including: the correct classification of employment status; the governance of algorithmic management due to its significant impact on core issues such as earnings, access to work including possible deactivation, working time including the right to disconnect, safety and health and possibly concealing the employment relationship; access to information on platform work by enforcement authorities and courts; effective access to remedies and dispute resolution for platform workers; the need to put in place conditions enabling freedom of association and the right to collective bargaining; and adequate remuneration, including for time workers spent waiting for the allocation of tasks. As the ILO needed to be able to take appropriate action rapidly, the EU and its Member States supported placing the matter on the agenda of the 2025 session of the International Labour Conference, and would appreciate a detailed gap analysis of existing standards for discussion at the March 2023 session of the Governing Body. He supported the draft decision.

46. **Speaking on behalf of the Gulf Cooperation Council (GCC) countries**, a Government representative of Oman voiced regret that the Meeting of Experts on decent work in the platform economy had been unable to reach consensus. Work in digital economies had expanded in recent years, especially following the COVID-19 pandemic. Regulating the sector was therefore an important issue. However, more research was needed, including on the capacity of governments to regulate work in the platform economy. Standard-setting action was premature at that stage and the Office should undertake further research to ensure that any future decision on the adoption of standards was based on a full understanding of the various issues. He supported the draft decision, noting that dialogue should continue among the social partners in order to enhance common understanding.
47. **A Government representative of Barbados** stated that it had been an honour for him to chair the Meeting of Experts and thanked the Office for helping him to guide the first discussion on that new but rapidly evolving means of economic activity. It was evident that being proactive to ensure decent work in the platform economy was one of the most important issues that should occupy the attention and resources of the Organization.
48. The platform economy was rapidly evolving and becoming pervasive. The opportunities that it brought for those traditionally outside the labour market, including persons providing care to dependants and persons with disabilities, should be relished and its sustainable development encouraged. However, it had also brought significant challenges for the attainment of decent work. The ILO must address a number of issues in the operation of the platform economy urgently, including: collective bargaining; the algorithms and artificial intelligence; the use of workers' personal data; the correct classification of workers; the protection of self-employed workers; and possible work-life imbalance. There was a risk of losing some of the basic rights that workers had achieved over the years. The ILO must ensure that the fundamental principles and rights underpinning the international labour standards formed part of the growth and development of the platform economy. Discussions on the issue should continue within the Governing Body, and the Conference should consider standard-setting action as soon as possible.

49. **A Government representative of India** commended the efforts of the ILO to enhance the strengths of the platform economy while ensuring that the sector retained its remarkable potential to generate new forms of employment. The recent efforts during the Meeting of Experts demonstrated their collective resolve to leverage the opportunities and address the challenges presented.
50. The platform economy had the potential to provide significant income-generating opportunities for workers, especially for women, persons with disabilities and migrants. It provided workers with an opportunity to complement their existing incomes, to work flexibly and from home. Businesses, especially micro, small and medium-sized enterprises had also benefited from such arrangements, as they resulted in increased productivity, better response to consumer preferences, wider market reach and access to the global workforce. However there were also a unique set of challenges for platform workers, including incorrect classification as self-employed, inadequate social protection, irregular work and concerns over safety, health, privacy and data security. The fact that workers often worked for more than one platform made ascertaining responsibility more difficult. It had also been observed that digital platforms often exercised considerable control over the conditions under which clients engaged with workers. For instance, the terms of service agreements were predominantly determined by platforms. They affected the working conditions of platform workers, notably as regards the appraisal of performance, availability of work and the possible deactivation of workers' account from the platform.
51. Collaborative action was needed across all international organizations with a view to ensuring increased access by platform workers to social protection, OSH and data security, among other things, without compromising the growth of the sector. Ensuring greater transparency and autonomy for platform workers in the determination of terms of agreements, and providing opportunities for skilling and upskilling should be a priority for all. Continued constructive dialogue would contribute to the formulation of a more consistent approach to such critical issues, and the ILO would surely continue to serve as a platform for sharing best practices. He urged the Office to provide technical support to Member States in devising sustainable financing mechanisms for funding social security schemes for platform workers.
52. **A Government representative of Brazil** took note of the views expressed during the Meeting of Experts. Although it had not been possible to reach consensual conclusions, important and meaningful progress had been made. The platform economy was a recent innovation in the world of work that, on the one hand, generated opportunities, income and economic growth, but, on the other hand, clearly lacked appropriate regulation on labour rights, social protection, management of personal data and the use of algorithms. In 2018, Brazil had regulated the private transportation of passengers in the platform economy, the main goal being to guarantee that platform workers participated in the social security system. That was a concrete step forward but much remained to be done. Along with an appropriate normative framework, non-normative measures, such as promoting social dialogue, training programmes and labour inspections, were also essential to the promotion of decent work in the platform economy. He supported the draft decision, noting that the ILO should keep advancing the ongoing discussions and, in due course, promote regulatory initiatives to ensure workers' access to fundamental labour rights in the platform economy. His country was committed to tripartite dialogue and believed that common ground could be reached.
53. **A Government representative of Mexico** voiced regret that the Meeting of Experts had been unable to adopt consensual conclusions. However, the discussion produced valuable elements and underscored the need for the Organization to take a leadership role on that issue. The provisions of the fundamental ILO Conventions required Member States to guarantee decent

working conditions for all workers. Their right to social security and protection should also be respected, regardless of the type of employment relationship. The various kinds of platform work afforded many opportunities, including rapid integration into the world of work, flexible hours of work and the possibility to work outside a traditional hierarchy. However, platform work also limited earning possibilities through an algorithm and did not provide minimum work guarantees due to the lack of regulation or recognition of an employment relationship.

54. The discussions during the Meeting of Experts had identified regulatory gaps at both national and international levels. It was necessary to improve the working conditions of platform workers, to guarantee their fundamental rights, and to address persistent barriers to the inclusion of women, young people, older people, persons with disabilities, migrants and other groups. It was important that discussions continue at the ILO, including through standard-setting action, as soon as possible, to address the gaps identified by the experts. She supported the amendment submitted by the Workers' group.
55. **A Government representative of Colombia** voiced regret that no conclusions had been adopted at the Meeting of Experts and concurred with its Chairperson that an opportunity to give good guidance to the Governing Body and Member States had been missed. Work carried out through digital platforms allowed groups that had historically faced discrimination, including women, young people, migrants and persons with disabilities, to access employment opportunities. In that regard, one of the greatest advantages of working on digital platforms was the possibility to work from anywhere and at any time. However, it was necessary to have clear guidelines allowing States to develop policies that would guarantee decent work for platform workers. Although some ILO instruments contained provisions that could apply to platform workers, there was a risk of abuses in the absence of clear rules to address those new forms of work. ILO standard-setting action should therefore be launched as a matter of urgency. An analysis of the applicability of international labour standards to work on digital platforms and the identification of regulatory gaps would be very useful. There was no room for further delay, given the urgent need as highlighted by the coronavirus disease (COVID-19) pandemic to address the platform economy. She stated that her Government supported the amendment proposed by the Workers' group.
56. **A Government representative of the United States** said that she concurred that the ILO should play a leading role and focus its efforts on platform work, both in situ and online, in accordance with its mandate. The platform economy was bringing new elements in the world of work that were not envisioned in ILO standards, including algorithmic management. She echoed the view of the US expert that the discussion had highlighted significant space for consensus, particularly with regard to the challenges and opportunities offered by the platform economy, the need to address disguised employment and the fact that the platform economy encompassed both employees and genuinely self-employed workers. Given that many gaps in labour protections, whether in law or in practice, involved industries that crossed borders, the matter of how to regulate fully online work appeared ripe for international coordination. While she regretted that no consensus-based conclusions had been reached, the discussions constituted an important foundation for the Organization's future work. She indicated that her country was open to standard-setting on that issue at the earliest opportunity.
57. **A representative of the Director-General** (Assistant Director-General for the Governance, Rights and Dialogue Cluster) said that there had been a number of calls for a regulatory gap analysis. She asked members of the Governing Body to indicate whether they wished to place that issue on the agenda for the Governing Body session in March 2023.

58. **The Worker spokesperson** said that her group advocated for universal fundamental principles and rights at work but would never argue in favour of a one-size-fits-all approach. Flexibility was in fact embodied in ILO standards. As regards the distinction between employees and self-employed workers, it was true that most legislations included such a dichotomy. However, problems associated with atypical, non-standard, insecure and diverse forms of work arrangements had increased in recent decades, which the Organization had sought to address through Recommendation No. 198. She welcomed the fact that the Employers' group considered that the Office should promote the implementation of that Recommendation.
59. It was necessary to look at the grey area between employed and genuine self-employed workers, which was growing. Workers should not have to demonstrate the existence of an employment relationship to enjoy their rights, including freedom of association.
60. **The Employer spokesperson** said that while many businesses and self-employed workers offered their services through digital platforms, that did not automatically make them employees. Regarding anyone who offered services via a digital platform as an employee unless proved otherwise would turn economic life upside down and stifle innovation.
61. The suggestion that employers would deny the fundamental right to freedom of association to those not recognized as employees implied that employers did not themselves have the right to freedom of association, which was not the case. It was certainly important to consider regulatory gaps. However, as the Government representative of Brazil had pointed out, non-regulatory measures were needed alongside a regulatory framework, and the Organization would do well to consider both. Accordingly, she supported the draft decision and rejected the amendments proposed by the Workers' group.
62. **Speaking on behalf of IMEC**, a Government representative of France said that the situation of platform workers varied, but there was a clear decent work deficit and discussions on the matter should be placed on the Conference agenda as soon as possible. However, insufficient information was available at present to decide whether a new standard was required. IMEC had proposed subamendments to the amendments tabled by the Workers' group that reflected IMEC's proposal to include an item on decent work in the platform economy on the Conference agenda in 2025 and for the Office to submit a regulatory gap analysis before the March 2023 session of the Governing Body.
63. **The Worker spokesperson** said that, while she supported a regulatory gap analysis, a number of gaps had already been identified in the background document prepared for the Meeting of Experts. She proposed adding the words "to inform further decision-making by the Governing Body at its 347th Session (March 2023) on the nature of the item to be placed on the agenda of the 113th Session (2025) of the International Labour Conference and beyond, as appropriate" after "provide a gap analysis by March 2023" to the subamendment proposed by IMEC, in order to clarify the purpose of the analysis. She further proposed reinstating original subparagraph (c) as new subparagraph (d). She could support the subamendment with her proposed changes.
64. **The Employer spokesperson** said that the agenda of future sessions of the International Labour Conference was scheduled for discussion by the Institutional Section of the Governing Body. She preferred to retain original subparagraph (c), with the addition of wording to require the preparation of a very thorough gap analysis on regulatory and non-regulatory policies regarding the platform economy. She proposed that the item be deferred until after the Governing Body had discussed the agenda of future sessions of the Conference.

65. **Speaking on behalf of GRULAC**, a representative of Colombia said that her group supported the subamendment proposed by IMEC, as further amended by the Workers' group.
66. **Speaking on behalf of the Africa group**, a representative of Morocco, said that his group could be flexible on that matter.
67. **Speaking on behalf of ASPAG**, a representative of the Philippines said that her group would listen to the discussion of the social partners before making a decision.
68. **The Worker spokesperson** expressed appreciation for the input provided and the flexibility shown by the Africa group. The question was whether the Governing Body could accept the approach proposed by IMEC and refrain from deciding on the nature of the discussion until its March session, when it would do so the basis of a gap analysis. The Workers did not think a gap analysis necessary, but could agree to one in order to create space for further discussions before March and obtain a basis for further convergence. If the Governing Body was not ready to move forward on that basis, a decision would need to be postponed until the issue could be discussed in the context of discussions on the agenda of future sessions of the International Labour Conference (GB.346/INS/2).
69. **The Employer spokesperson** proposed a compromise based on the Workers' further subamendment, whereby new subparagraph (d) included the Employers' proposed reference to the gap analysis, to read: "requested the Director-General to take account of its guidance regarding future ILO activities on decent work in the platform economy, including the request for a gap analysis on regulatory and non-regulatory action at global and national levels before March 2023". That would keep options open, prepare the ground for March 2023 and provide a concrete way forward for a gap analysis without pre-empting the Governing Body's discussions on the agenda of future sessions of the Conference.
70. **The Worker spokesperson** proposed that the discussion be deferred and continue in connection with the item on the agenda of future sessions of the Conference and the **Employer spokesperson** agreed.
71. When the discussion on the item resumed, **the Worker spokesperson** announced that the Employers' and Workers' groups had agreed to withdraw their amendments to the draft decision and revert to the original text, given that, in its discussion on the agenda of the Conference, the Governing Body had decided "to place on the agenda of the 113th Session (2025) of the Conference an item on decent work in the platform economy and requested the Office to present to the 347th Session (March 2023) of the Governing Body a normative gap analysis to inform its decision-making on the nature of the item to be placed on the agenda of the Conference in 2025 and, as appropriate, in 2026". Taken together, the two decisions provided sufficient clarity to the Office.
72. **The Employer spokesperson** said that her group wished to propose a road map to guide preparations for a future item on the agenda of the International Labour Conference that addressed the platform economy. The road map comprised a gap analysis of existing standards on matters such as data protection, OSH, social protection, working time and labour inspection. That analysis should consider normative aspects and their practical implementation and involve the social partners to enable the Governing Body to take an informed decision on the nature of the item to be placed on the agenda of the International Labour Conference in 2025. The second element of the proposed road map was research, to be completed by December 2023, into the employment-related impacts of the platform economy on the labour market and the interaction of platform technology with offline labour markets, working conditions and the sustainability of platform business models. The scope of

the research should be determined in consultation with the social partners, and should include aspects such as business continuity and enterprise resilience, freedom of association, the digital monitoring of workers, the use of algorithms and the impact on working conditions. Thirdly, a sectoral assessment should be carried out of the size and impact of the platform economy in relevant sectors, by March 2024. Lastly, by the end of 2024, consultation should be undertaken with the tripartite constituents with regard to ongoing policy and regulatory responses at the national and regional levels and their assessment of the impact of the platform economy on the labour market, including challenges and best practices. Her group supported the original draft decision.

73. **The Worker spokesperson** said that it had been her understanding that further discussions regarding the debates on the platform economy to be held at the International Labour Conference would be left to the next session of the Governing Body.
74. **The Employer spokesperson** explained that her intention had been to provide a basis for those discussions, not to reopen the debate.

Decision

75. The Governing Body:

- (a) **took note that the Meeting of Experts on decent work in the platform economy did not adopt any conclusions;**
- (b) **requested the Office to take into consideration the different views expressed at the Meeting of Experts on decent work in the platform economy (Geneva, 10–14 October 2022) within the context of the preparation of the recurrent discussion on social protection (labour protection) to be held at the 111th Session of the International Labour Conference (2023); and**
- (c) **requested the Director-General to take account of its guidance regarding future ILO activities on decent work in the platform economy.**

(GB.346/POL/2, paragraph 19)

Social Dialogue Segment

3. Sectoral meetings held in 2022 and proposals for sectoral work in 2023 (GB.346/POL/3)

76. The Governing Body had before it an amendment to the draft decision, which had been proposed by the Workers' group and circulated by the Office, to add the words "promote, disseminate the conclusions and implement" after "future work," in subparagraph (b) and to add the words ", disseminate and provide capacity-building for the implementation of" after "publish" in subparagraph (c).
77. **The Worker spokesperson** said that social dialogue had been shown to be the best tool for building solutions to current challenges and for the future of work. His group encouraged the Office to provide follow-up, with sufficient funding, to the recommendations made by the technical meeting on the impact of digitalization in the finance sector. Priority should be given to building the capacity of the constituents to develop strategies and engage in effective social dialogue to ensure decent work and a just transition for the current and future workforce and to organizing, at the earliest opportunity, a regional meeting to ensure that digital

transformation provided decent work in the sector. Following consultations with the unions in the sector, his group proposed that the meeting should take place in Latin America.

78. His group welcomed the results of the Meeting of Experts to revise the 1992 code of practice on safety and health in construction; the updated code of practice included helpful guidance to be implemented in construction undertakings, national employment policies, public procurement, as expressed in the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), and international bidding scenarios, among others. The ILO should be proactive in disseminating the revised code of practice and providing training for constituents in respect of its implementation, in coordination with the International Training Centre of the ILO (Turin Centre). The inclusion of OSH as a fundamental right in the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, was an excellent incentive to put OSH measures into practice; in that connection, sufficient attention and funding should be allocated to the promotion and implementation of the code of practice for the construction sector.
79. The group also welcomed the conclusions of the technical meeting on COVID-19 and sustainable recovery in the tourism sector, which had acknowledged the devastating impact of the COVID-19 pandemic on the tourism industry. It encouraged the Office to allocate sufficient funds to implement the recommendations of the technical meeting, with particular focus on organizing regional meetings and workshops, including with the Turin Centre, to promote the use and implementation of the *ILO guidelines on decent work and socially responsible tourism* and the ILO declarations, instruments and tools listed in the appendix to the conclusions of the technical meeting, and to carry out research on labour shortages.
80. His group further welcomed the agreement reached by the Subcommittee on Wages of Seafarers of the Joint Maritime Commission to update the minimum monthly basic wage for able seafarers. In the light of the cost-of-living crisis, a real increase in the wage of seafarers feeling the pinch of inflation was much needed. It encouraged the Director-General to notify Members about the agreement reached and emphasized that the wage-fixing machinery played a crucial role for the well-being of workers in the maritime sector. The agreement would be used by seafarers' representatives and shipowners as a basis for the negotiation of collective bargaining agreements. It also served as recognition of the special protection seafarers needed, as acknowledged by the Maritime Labour Convention, 2006, as amended (MLC, 2006).
81. His group took note of the proposals for future meetings and reiterated the recommendation made by his group at the March 2022 session, namely that, time permitting, an additional meeting for 2023 should be dedicated to the manufacturing sector, as the proposals relating to green technology and the changing patterns in the steel industry had gained tripartite interest in the sectoral advisory bodies.
82. He requested further information from the Office on the implementation of the conclusions of technical meetings and the promotion of the tools resulting from meetings of experts. The Workers' group had proposed some amendments that would reinforce the follow-up on the results of the sectoral meetings. With those amendments, it could support the draft decision.
83. **The Employer spokesperson** said that his group took note of the positive outcome of the technical meeting on the impact of digitalization in the finance sector, which highlighted social dialogue as an important tool for devising regulations and policies responsive to the needs of the sector to ensure an enabling environment for private investment, innovation, sustainable enterprise development and decent work. His group also took note of the outcome of the Meeting of Experts to revise the 1992 code of practice on safety and health in construction.

Although negotiations had not been easy, the experts had managed to agree on a balanced outcome. In adopting the revised code of practice, the Employers' group had reaffirmed its strong commitment to OSH.

84. The group welcomed in particular the positive outcome of the technical meeting on COVID-19 and sustainable recovery in the tourism sector. Tourism had undoubtedly been one of the sectors most severely affected by the pandemic. The conclusions and recommendations of the technical meeting provided a detailed and valuable road map for the recovery of the sector and determined the role that the ILO should play.
85. The group took note of the meetings to be held in the last quarter of 2022 and in the second to fourth quarters of 2023. It could support the proposals as reflected in Appendix I to the document. Noting the postponement of the Meeting of Experts to produce joint ILO–International Maritime Organization (IMO) guidelines for medical examination of fishers, he said that his group expected that there would be no further delays in the delivery of the guidelines. The group could support the proposed rotation schedule for the appointment of the chairpersons for the meetings to be held in 2023 and would provide, no later than one month prior to the corresponding meetings, the names of the two chairpersons it would be appointing. His group could support the draft decision, including the amendments proposed by the Workers' group.
86. **Speaking on behalf of the Africa group**, a Government representative of Uganda said that his group took note of the outcomes of the meetings held in the first half of 2022, supported the proposed follow-up actions and endorsed the proposals in relation to the global sectoral meetings for the second to fourth quarters of 2023. It supported the draft decision.
87. **A representative of the Director-General** (Director, Sectoral Policies Department) welcomed the positive comments concerning the outcomes of the sectoral meetings held in 2022. Responding to the request for further information on the implementation of the conclusions of technical meetings and the promotion of the tools resulting from meetings of experts, she said that the recommendations made by the Governing Body at its 328th Session (2016) in the context of the review of the Sectoral Policies Department were quite clear in that respect. The Office had been requested to establish a mechanism to ensure the effective implementation of and follow-up to conclusions and recommendations and the tools and instruments adopted in sectoral meetings. Effective implementation and follow-up was an Office-wide responsibility that should involve all departments and also all regions because, whereas most departments in the ILO were organized along the vertical pillars of the Decent Work Agenda, the work of the Sectoral Policies Department was crosscutting. Coordination was therefore absolutely essential.
88. Discussions with the new administration had already begun on the establishment of an Office-wide coordination mechanism. Such a mechanism would ensure the optimal use of sectoral expertise and tools and instruments. A mapping exercise had been undertaken of all the outstanding commitments arising out of meetings held over the past few decades; it had revealed that many of the conclusions and recommendations had already been implemented, but that visibility was lacking. To enhance the visibility of its work, the department published a *Highlights* report every two years, outlining the outputs and results achieved during the biennium. It was clear that much more work was needed, however, to effectively implement and follow up on sectoral work. Regarding a reporting mechanism to the Governing Body, the Office would submit a proposal on that subject for discussion at the forthcoming meeting of the sectoral advisory bodies, to be held from 18 to 20 January 2023.

Decision

89. The Governing Body:

- (a) approved the records of proceedings of the three meetings referred to in section I of document GB.346/POL/3 and authorized the Director-General to publish them;
- (b) requested the Director-General, when drawing up proposals for future work, to take into consideration, promote and disseminate the conclusions, and implement the recommendations for future action by the ILO, produced by the meetings referred to in section I of document GB.346/POL/3;
- (c) authorized the Director-General to publish, disseminate and provide capacity building for the implementation of the revised code of practice on safety and health in construction;
- (d) authorized the Director-General to notify, in accordance with Guideline B2.2.4 of the Maritime Labour Convention, 2006, as amended (MLC, 2006), the revised amount of the minimum monthly basic pay or wage figure for able seafarers to the Members of the ILO;
- (e) approved the convening of the Subcommittee on Wages of Seafarers of the Joint Maritime Commission in the first half of 2025;
- (f) took note of the decision of the Council of the International Maritime Organization (IMO) at its 127th session to appoint the eight governments as stated in paragraph 20 of GB.346/POL/3 as IMO representatives to the first meeting of the Joint ILO-IMO Tripartite Working Group to identify and address seafarers' issues and the human element (13–15 December 2022), and to invite all other ILO Member States to the meeting as observers;
- (g) endorsed the proposals contained in Appendix I to document GB.346/POL/3 relating to the dates, duration, official title, purpose and composition of the meetings listed therein;
- (h) approved the postponement of the Meeting of Experts to produce joint ILO-IMO guidelines for medical examination of fishers from the third quarter of 2023 to the first quarter of 2024; and
- (i) agreed to notify the Office of the appointment and election of the Chairpersons and three Vice-Chairpersons of the meetings referred to in section II of document GB.346/POL/3 one month prior to each meeting.

(GB.346/POL/3, paragraph 26, as amended by the Governing Body)

Development Cooperation Segment

4. Enhanced programme of development cooperation for the occupied Arab territories (GB.346/POL/4)

90. **The Employer spokesperson** took note of the challenges faced in the occupied Arab territories, the rising tensions and the impact of the COVID-19 pandemic, as well as the progress made. She commended the bilateral workshop held in Jordan in March 2022, organized in close cooperation with the Bureau for Workers' Activities (ACTRAV) and Bureau for Employers' Activities (ACT/EMP), and other efforts to enhance social dialogue. The support

provided to the Federation of Palestinian Chambers of Commerce, Industry and Agriculture (FPCCIA) would be instrumental in strengthening the resilience of the private sector. She called on the Office to enhance capacity development programmes for the social partners and ensure that development cooperation funding contributed to building stronger institutions. Her group looked forward to an update on the development cooperation portfolio at the 347th Session (March 2023) of the Governing Body. She said that the implementation of consensus-based outcomes was as important as the tripartite nature of the consultations and impact assessments that led to them.

91. It was regrettable that the issue of support for micro, small and medium-sized enterprises, particularly as part of the COVID-19 recovery, was missing from the report. Research should be carried out to help and support those in the occupied Arab territories on possible economic and business opportunities beyond the domestic market. She noted that the International Training Centre of the ILO had run a course on Convention No. 190, and asked whether other capacity-building courses on employment, sustainable social protection, conflict resolution, peace and resilience, and informality were being considered. With regard to the development and implementation of the Palestinian social security system, she said that good governance, transparency and accountability were needed, but would not ensure that the system was sustainable. The ILO should better promote the importance of sustainable social protection.
92. She called for continuous support where feasible in order to mobilize resources, build capacity, develop policy and strengthen the institutional capacity of the constituents. The ILO should better coordinate with the Arab Labour Organization, the United Nations and other development cooperation partners to avoid duplication and maximize the impact of its work. She asked the Office to provide more information in its next report on boosting private sector resilience and productivity, support for micro, small and medium-sized enterprises, skills development and employability and the improvement of labour market governance and active labour market programmes. Her group supported the draft decision.
93. **Speaking on behalf of the Arab Employers' group**, an Employer member from Bahrain said that the lifting of lockdown measures following the COVID-19 pandemic should have led to a sustainable and comprehensive recovery in the occupied Arab territories. However, the absence of a just and comprehensive solution to the Palestinian issue guaranteeing its establishment as an independent State in accordance with the two-state solution had limited the ability of the labour market to recover, further weakened the Palestinian Authority and deepened the financial crisis as donor support had declined. Consequently, Palestinians were driven to seek work elsewhere, putting them at greater risk of exploitation and draining the Palestinian labour market of skills and labour. The Governing Body should take effective measures to deal with the challenges facing the Palestinian labour market and support the social partners' efforts to address the situation. In addition, it should encourage Member States, donors and partners to contribute to the implementation of the Palestinian National Employment Strategy for 2021–25, which would contribute to improving skills, opening up labour opportunities and making the labour market more sustainable.
94. **The Worker spokesperson** took note of the progress made under the development cooperation programme. The continuing occupation was of serious concern, as were the resulting challenges that were outlined in the report. The impact of the ongoing COVID-19 pandemic continued to affect workers. It was alarming that the number of Palestinians employed in Israel and the settlements had reached 145,400 workers in the second quarter of 2022, and that more than 25 per cent of those were working without a permit and were therefore at risk of exploitation, poor working and wage conditions, and sexual harassment.

95. Her group supported the ILO's collaboration with the Ministry of Labour and the social partners in advocating for policy coherence and addressing the challenges facing the labour market, as envisaged under the robust and comprehensive National Employment Strategy. It took note of the efforts taken to address the difficult socio-economic situation in Gaza, including through the pilot emergency employment programme. It agreed that there was a need to encourage Member States, development partners and donors to provide the necessary financial support to implement the three pillars of the National Employment Strategy. It also noted that the third Decent Work Programme was being developed in close alignment with the next United Nations Sustainable Development Cooperation Framework. Furthermore, it welcomed the progress made to enhance the use of tripartite social dialogue when creating policy and addressing issues such as labour law and social protection reform. Her group also supported the training provided to build the capacity of the Palestinian General Federation of Trade Unions, its leadership and its sectoral unions, which she hoped would improve working conditions, particularly for women and young people.
96. She drew the Governing Body's attention to the increasing vulnerability of the Palestinian economy, and reiterated the call to Member States, development partners and donors to provide additional financial support for the ILO's action in pursuit of decent work for all Palestinians. She highlighted the importance of the next donor conference that would take place in Jordan in 2023 and reiterated that the success and sustainability of any progress was dependent upon the end of the occupation and the establishment of the two-state solution.
97. **Speaking on behalf of the Africa group**, a Government representative of Sudan welcomed the progress made and noted the planned interventions. He took note of the rise in unemployment and expressed the hope that the National Employment Strategy would contribute to combating that concern. His group welcomed the US\$10 million allocated to development cooperation in the occupied Arab territories and the contributions from other stakeholders to the implementation of the National Employment Strategy and to bolster the labour market. He emphasized the funding constraints facing the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the challenging situation of Palestinian workers. His group welcomed the process that had started towards amending Palestinian labour law, which was critical to improving working conditions.
98. He urged the Office to redouble its efforts to ensure predictable and sustainable financing in the occupied Arab territories and to contribute to enhancing employment and livelihood opportunities. The Governing Body should support the Office's work with Member States, development partners and donors in that regard. He commended the role of the Office in supporting efforts to strengthen labour governance and realize the fundamental principles and rights at work. His group supported the draft decision.
99. **Speaking on behalf of the Arab group**, a Government representative of Iraq commended the relentless efforts of the ILO to help to alleviate the suffering of Palestinian workers. Her group held Israel, as the occupying power, fully responsible for the lives of Palestinian workers and for guaranteeing their human and material rights. International institutions should intervene to prevent further crimes by the occupying authorities against the Palestinian people and to hold the perpetrators accountable. The Appendix to the Report of the Director-General on the situation of workers of the occupied Arab territories should be included as an item on the agenda of the International Labour Conference and discussed in plenary, in order to ensure that action was taken to improve the situation. The Director-General, the Governing Body and donors should honour their commitment to ensure support for the Palestinian Fund for Employment and Social Protection and to meet the needs of the Palestinian people. The ILO Decent Work Technical Support Team for the Arab States and the ILO Representative in

Jerusalem should continue to work with the Arab Labour Organization to that end. Support should also be provided for the fund established to assist Palestinian workers suffering the consequences of the COVID-19 pandemic. The ILO should intervene effectively to restore the rights of Palestinian workers, including by ensuring the recovery of the arrears owed to them by the occupying authorities. The Director-General should present a report to the Governing Body at its 347th Session (March 2023) on the ILO's activities in the occupied Arab territories, addressing all the issues raised.

- 100. A Government representative of Malaysia** expressed concern over the perpetually challenging situation facing Palestinian workers. She welcomed the efforts by the Palestinian Authority to improve the situation by regulating the labour market, protecting workers and mitigating vulnerabilities through social assistance through the implementation of the National Employment Strategy. She hoped that the assessment of the impact of the COVID-19 pandemic on the Palestinian labour market in the Occupied Palestinian Territory would result in effective and feasible policy recommendations for a sustainable and equitable recovery. She welcomed the first tripartite workshop on social dialogue with the Ministry of Labour and the social partners. The ILO should continue to implement the second Palestinian Decent Work Programme, although she recognized that the current conditions made it difficult to achieve sustainable results. She noted that the third Decent Work Programme was being developed in close alignment with the next United Nations Sustainable Development Cooperation Framework. She called for new and renewed funding from donors to sustain the ILO's activities to enhance employment and livelihood opportunities for Palestinian women and men. She expressed support for the commitment of the Palestinian Authority to continue to cooperate closely with the ILO.
- 101. A Government representative of Indonesia** welcomed the ILO's efforts to enhance development cooperation in the occupied Arab territories. The ongoing occupation had caused a protracted protection crisis with insufficient respect for international humanitarian and human rights law. The ILO should provide support in order to empower Palestinian workers, especially women and young people, in Gaza; reinforce social and labour justice for Palestinians; optimize tripartite dialogue on social security reforms; and implement the National Employment Strategy. She expressed the hope that the ILO's development cooperation programme would further enhance labour governance, employment promotion and social protection in the Occupied Palestinian Territory and improve access to labour justice. Her Government would continue to provide capacity-building and technical support to Palestinian workers. She expressed support for the draft decision.
- 102. A Government representative of Cuba** recognized that any action implemented by the ILO would not have the expected results if the root causes of the high levels of unemployment and increasing levels of poverty were not addressed. Israel's military occupation flagrantly violated the labour rights of Palestinian workers and prevented any chance of reaching a sustainable solution to the conflict in the region. Israel's aggression threatened international peace and security and violated the United Nations Charter and the principles of international law. No Member of the ILO had the right to impose blockades or unilateral coercive measures against another Member. Such actions affected workers and their families, and not only in the occupied Arab territories. She called on the ILO to continue to honour its commitment to protect the rights of Palestinian workers.
- 103. A Government representative of Bangladesh** noted the dismal conditions in the Palestinian labour market caused by the grave humanitarian crisis in the occupied Arab territories. The findings set out in the document were cause for alarm and would be resolved only if the occupation was brought to an end. In particular, the violation of the labour rights of

Palestinians employed in Israel, including sexual harassment and child labour, merited inquiry; Israel must be held to account under international law. She commended the efforts of the Office and its staff to provide support to Palestinian workers and urged the Office to mobilize the necessary resources to promote social protection and capacity-building and to engage with donors to attract funding for the third Decent Work Programme.

104. **A Government representative of Pakistan** expressed concern at the weakening of the Palestinian economy, driven by the ongoing Israeli occupation, and the challenging situation for Palestinian workers, particularly women and young persons. His Government therefore supported the ILO in reinforcing the Decent Work Agenda and social justice for all Palestinians through its Decent Work Programme. Worsening socio-economic conditions meant that one quarter of Palestinians lived in poverty, with 80 per cent of Gaza residents dependent on humanitarian assistance. Welcoming the achievements made during the reporting period, he expressed support for the Office's call for Member States, development partners and donors to provide financial support for the implementation of the National Employment Strategy. His Government stood in solidarity with the people and workers of the occupied Arab territories and supported calls to end the illegal Israeli occupation.
105. **A Government representative of Israel**, authorized to speak in accordance with paragraph 1.8.3 of the Standing Orders, highlighted her Government's support for ILO technical assistance and development programmes, including in the Palestinian territories, and its long-standing cooperation with the Organization. The goal of the ILO's activities in those territories should be to improve the livelihoods of the Palestinian people. However, the report contained scant information and analysis of working conditions in areas under the Palestinian Authority's control and failed to substantively address other elements, such as gender inequality and the control of Hamas in Gaza. A superficial discussion that did not reflect accurately the situation on the ground or consider its many complexities would benefit no one, and the ILO should focus on improving workers' rights, rather than allowing the Palestinian Authority and Hamas to abdicate their responsibilities.
106. A large number of Palestinians worked in Israel, and their earnings made up a significant portion of the Palestinian economy, contributing to stability. It was therefore in the interest of both Israel and the Palestinian Authority to improve employment opportunities, working conditions and livelihoods for Palestinian workers; indeed, the Israeli authorities had recently expanded the number and types of work permits available to Palestinian workers. She urged the ILO to address all the challenges facing Palestinian workers in an equal, balanced manner and to uphold its credibility and professionalism. Discussions on the matter must remain pragmatic, practical and constructive.
107. **The Chairperson** recalled that, while the Standing Orders of the Governing Body did not provide for speaking rights of representatives of liberation movements, it was the prerogative of the Chairperson under paragraph 2.2.2 to accord the right to address the Governing Body. The Officers of the Governing Body had considered the matter and, in keeping with past practice, had decided to allow the representative of the Palestinian Authority to speak, on the understanding that the intervention would be limited to the matter under discussion, which was of direct concern to the Palestinian Authority.
108. **A representative of the Palestinian Authority** said that the peace process in the Occupied Palestinian Territory remained at a standstill and was undermined by the occupation and increasing political instability at a time when, inter alia, settlement expansion policies were being introduced, land confiscated and resources and movement controlled. The impact on economic growth, poverty reduction and job opportunities was significant. He conveyed

thanks to the ILO for its implementation of the second Palestinian Decent Work Programme (2018–22) and to the ILO Regional Office for the Arab States and the ILO office in Jerusalem for their support. He expressed hope that the third Decent Work Programme would focus on creating sustainable job opportunities; developing OSH, particularly in terms of training and financial, technical and logistical support; and supporting social protection through the re-establishment of a social security institution.

109. The third Decent Work Programme must also address decent work and violations of the rights of Palestinian workers employed in Israeli establishments. Their freedom of movement was restricted by rights violations at checkpoints and crossings, forcing many to sleep in poor conditions at construction and agricultural sites in Israel. Additionally, the Israeli authorities failed to ensure OSH, particularly in the construction sector, in which most Palestinians working in Israel were employed. Furthermore, following the introduction of a new permit system by Israel in 2017, black-market brokers had begun to charge many Palestinian workers around one third of their wages to obtain permits, representing a significant loss for the Palestinian economy. The sole solution would be to restore the previous system, which had been agreed under the Paris Protocol of 1994. The failure of the Israeli Government to transfer accumulated pension contributions made by Palestinians working in Israel since 1970 must also be addressed; those funds were instead being used by Israeli financial institutions, pushing Palestinian workers and retirees into poverty and placing an additional financial burden on the Palestinian Authority. He expressed hope that the Governing Body would adopt decisions in support of Palestinian workers and that Palestine would become a Member of the ILO in the future.
110. **A representative of the Director-General** (Regional Director for Arab States) welcomed the proposals made by the Employers' group on the areas that should be considered for ILO support. The Office had supported the FPCCIA in conducting an institutional assessment and designing a strategic plan that aimed to improve the Federation's data collection and research to allow for an evidence-based approach to its lobbying and advocacy work. Accordingly, the Office planned to assist the Federation in establishing a business data laboratory intended to strengthen partnerships and enhance its internal data collection and analysis capacity. Further, the Office was supporting the Federation in the provision of services in the areas of trade facilitation, enterprise development, market research and commercial arbitration, as well as labour dispute resolution. To foster social dialogue and improve access to labour justice, a training programme on social dialogue, conflict management and labour dispute prevention and resolution would be provided for some tripartite representatives in late 2022.
111. The Office had provided legal and actuarial support to the tripartite team responsible for introducing amendments to the Social Security Law and supported consensus building that resulted in a new draft that was in line with international social security standards. The Office's role as the technical adviser to the Labour and Technical and Vocational Education and Training (TVET) Sector Working Groups had afforded it the opportunity to present the National Employment Strategy to international partners. A new programme addressing support and resilience for small and medium-sized enterprises would soon be launched and would include business incubation activities, training, coaching and mentoring. The Office would support the implementation of the National Employment Strategy through supply- and demand-side interventions under the new Decent Work Programme.

Decision

112. The Governing Body took note of the information provided in document GB.346/POL/4.

(GB.346/POL/4, paragraph 33)

Multinational Enterprises Segment

5. Taking stock five years after the adoption of the revised Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (GB.346/POL/5)

- 113.** The Governing Body had before it an amendment to the draft decision, which had been proposed by the Workers' group and circulated by the Office. Subparagraph (b) would be amended to read: "to strengthen and promote operational tools, as outlined in Annex II to the Declaration". The wording ", including through a forum," would be inserted after the words "international organizations" in subparagraph (d).
- 114.** The Governing Body had before it another amendment to the draft decision, which had been proposed by the EU Member States and circulated by the Office. Subparagraph (c) would be amended to read: "to pursue within the ILO departments the integration of the MNE Declaration and to further mainstream it in relevant development cooperation programmes and ILO engagement with enterprises".
- 115. The Worker spokesperson** welcomed the substantive promotion and capacity-building efforts undertaken by the Office in relation to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), including its efforts to raise awareness of the MNE Declaration within other organizations. The Office must continue to support Member States in appointing national focal points to promote the application of the Declaration. He commended governments that had already taken that step and encouraged others to do so. The operational tools listed in Annex II to the Declaration should be supported by increasing the opportunities for national focal points to exchange experiences, challenges and good practices in the implementation of the Declaration. In relation to the regional follow-up, he said that the special session during each ILO regional meeting should be a formal session allowing for discussions and the sharing of experiences at the regional, subregional and national levels. Renewed effort would be required to facilitate coordination with regional bodies on integrating the Declaration in relevant policies.
- 116.** The MNE Declaration should guide efforts to link trade, investment and supply chain matters more closely with decent work priorities and to foster social dialogue on investments – which must align with national development programmes – leading to quality job creation and avoiding increased precarity in working conditions and environmental degradation. The Office should support constituents' efforts to promote a legally-binding standard leading to mandatory due diligence requirements that should include engagement with trade unions in the supply chain and redress for damages.
- 117.** The MNE Declaration could strengthen the Global Coalition for Social Justice by promoting links with organizations and eliciting long-term commitments to sustainable development and decent work from multinational enterprises. The Office's cooperation with international organizations, including others in the UN system, was commendable. Its partnership with the United Nations Conference on Trade and Development (UNCTAD) represented a good opportunity to address the ongoing investment crisis. Other partnerships, along with

constituents' growing interest in the matter, would allow the ILO to prepare a road map towards the Declaration's 50th anniversary in 2027 with the objective of appointing new national focal points, strengthening the operational tools, renewing commitments and assessing the possibility of strengthening the Declaration within the ILO framework.

118. His group's amendment to subparagraph (b) of the draft decision was grounded in the belief that all operational tools set out in Annex II to the MNE Declaration merited strengthening and that no one tool should receive particular attention. Furthermore, his group recognized the need to create more spaces that allowed for the sharing of experiences, and it had therefore proposed the inclusion of a reference to a forum in its amendment to subparagraph (d).
119. **The Employer spokesperson** noted the continued importance of the MNE Declaration and referred to its central role in the recent discussion on the building blocks for an ILO strategy on decent work in supply chains and the need for further support to constituents. The ILO Helpdesk for Business was an important tool to that end; strengthening its capacity to assist companies would strengthen the ILO's position in facilitating responsible business conduct. The self-assessment tool developed jointly by the ILO and the International Organisation of Employers was another important tool that would enhance companies' labour and social policies. His group was committed to working with the Office to raise awareness among employers' organizations, including by adapting the formats of courses relating to the Declaration to better suit the private sector.
120. The MNE Declaration had the greatest impact when used to unite tripartite constituents through collective action at the national level. Integrating the Declaration into Decent Work Country Programmes was just one way to address the need for the ILO to focus greater attention on country-level implementation and strengthen engagement with national constituents and other actors. The Office's engagement in programmes such as the EU-ILO-OECD-OHCHR Responsible Business Conduct in Latin America and the Caribbean project was also welcome, as it created more engagement opportunities for employers' organizations. Such cooperation must continue, must become even more efficient and effective and must strengthen engagement with the social partners. Using existing forums to promote the Declaration would be more economical than creating a dedicated ILO forum and would allow the Declaration to be promoted in the context of other topics, rather than as a stand-alone item.
121. The action programme on decent work in supply chains, investment and trade foreseen under the Programme and Budget proposals for 2024-25 must be tasked with finalizing a comprehensive strategy on decent work in supply chains, of which the MNE Declaration must be a focus. Such a strategy should ensure greater coordination and consistency across the Office and increase the implementation of the Declaration's principles.
122. While further promoting and mainstreaming the Declaration, the constituents should take into account that it was not a mandatory instrument and should not be used as such. It was concerning that the secretariat of the UN Global Compact had adopted the company-union dialogue in Annex II to the MNE Declaration as a dispute resolution mechanism. While that mechanism could be useful, any action by the Global Compact that might infringe on the voluntary, consensual and confidential nature of the mechanism must not be permitted or involve the diversion of ILO resources.
123. In the course of strengthening and mainstreaming the MNE Declaration, it must be borne in mind that its principles were voluntary guidelines. His group therefore supported the original wording of the draft decision on the understanding that mainstreaming the Declaration in ILO engagement with enterprises would not transform compliance with the Declaration into a

criterion for public-private partnerships or other forms of cooperation. His group did not support the amendment proposed by the Workers' group, which modified language agreed by the tripartite working group on options to ensure decent work in supply chains, and would reserve judgement on the amendment proposed by the EU Member States pending explanation.

- 124. Speaking on behalf of ASPAG**, a Government representative of the Philippines applauded the Office's efforts to promote the implementation of the revised MNE Declaration. Decent work deficits in the Asia and the Pacific region could be addressed in global supply chains, and opportunities for decent work arising from investment, trade and multinational enterprises should be maximized in the region to narrow the economic divide and raise living standards. Multinational enterprises had access to sophisticated technology and sizeable capital, unlike some less developed countries in the region. Such countries' dependence on foreign direct investment to boost their economies and create jobs might push them to create investment environments with weak regulatory mechanisms, sometimes in contravention of domestic policy objectives. The principles of the MNE Declaration, which encouraged enterprises to comply with the national laws of host countries, should therefore become ingrained in business practices and cultures in the region.
- 125.** The Office should continue to support the tripartite constituents in building capacities to implement and observe the MNE Declaration, including by providing technical assistance to Member States to adapt legal and policy environments to that end. The Office should also facilitate dialogue and cooperation between home and host countries of multinational enterprises to assist developing countries in implementing international labour standards to ensure decent work in supply chains in line with the Declaration. She underscored the utility of the ILO Helpdesk for Business and a training module on labour standards in global supply chains, encouraging the Office to translate that module into all official languages of ASPAG Member States. Her group supported the draft decision as amended by the EU Member States and would reserve its position on the amendment proposed by the Workers' group pending clarification on issues raised.
- 126. Speaking on behalf of the Africa group**, a Government representative of Morocco said that, as trade, investment and supply chains continued to grow, the MNE Declaration should be a key tool for regulating and promoting conditions for decent work, particularly in the recovery from the COVID-19 pandemic. He noted with interest that the Office's support had enabled many constituents to incorporate the Declaration into national plans to promote decent work and international labour standards. It would be essential to identify elements that hindered compliance with the Declaration and prevented multinational enterprises from promoting conditions for decent work, employment, training and social dialogue. Knowing whether multinational enterprises were conducting due diligence, as recommended by the Declaration, would be key to reducing the negative impact of their activities and remedying any violations of internationally recognized human rights, including the fundamental principles and rights at work. His group supported the measures proposed to ensure the optimal implementation and promotion of the principles of the Declaration.
- 127. Speaking on behalf of GRULAC**, a Government representative of Colombia supported the proposed areas for further support to constituents outlined in the document, particularly the suggestion to increase awareness-raising and capacity-building activities. Training tools and peer-to-peer exchanges of experience were key to enabling constituents to engage fully in formulating broader policies that could have an impact on decent work. The capacities of ILO regional offices must be strengthened to ensure the availability of those tools, facilitate those exchanges and improve coordination in the provision of technical assistance.

128. Her group supported the draft decision as proposed by the Office and remained open to the amendments proposed by the Workers' group and the EU Member States. However, more information on the forum proposed by the Workers' group, including on the potential financial impact on the Organization's budget, would be helpful.
129. **Speaking on behalf of IMEC**, a Government representative of the United States welcomed the Office's successful efforts to increase the prominence of the MNE Declaration since its 2017 revision and supported the intention to scale up promotion of the Declaration. He encouraged the Office to continue promoting gender equality as an important area of action under the Declaration, which would support linkages with the UN *Guiding Principles on Business and Human Rights*. The high level of participation in relevant training courses demonstrated the significant interest in the Declaration and the potential to increase its impact through more trainings; he therefore supported efforts to increase awareness-raising and capacity-building activities for constituents and facilitate sharing of knowledge and experience on implementing the Declaration. The goal of making the Declaration an integral part of a comprehensive strategy on achieving decent work in supply chains was also welcome. He requested further information on the added value of a dedicated ILO forum on business and decent work, how duplication with existing forums in the UN system would be avoided, and how it would link with the ILO's broader work on supply chains.
130. He recognized the importance of using and developing operational tools to promote implementation of the MNE Declaration. In particular, it was encouraging that the ILO Helpdesk for Business achieved such high traffic, and he supported the goal of strengthening it. The Office should emphasize the central role that freedom of association, collective bargaining, industrial relations and social dialogue played in due diligence, which could help to eliminate forced and child labour and promote safe and healthy working environments. National focal points could serve as an effective means for countries to promote and take ownership of the Declaration; he therefore welcomed the Office's efforts to increase the number of national focal points and enhance support to existing focal points. He welcomed the ILO's broader cooperation with other intergovernmental organizations to ensure policy coherence on the business and human rights agenda and responsible trade and investment, using the Declaration as a foundation. He supported the draft decision as amended by the EU Member States.
131. **Speaking on behalf of the EU and its Member States**, a Government representative of Czechia said that Albania, North Macedonia, Montenegro, Serbia, Türkiye, Georgia and Norway aligned themselves with his statement. He welcomed the marked increase in the visibility of the MNE Declaration since the adoption of its revised version in 2017. There had been an increased use of the Declaration by the tripartite constituents at the national level as well as at the enterprise level, and the social partners had affirmed their commitment to its promotion. Barely five years after its revision, the Declaration had become central to debates at the ILO and in other institutions, playing an important complementary role to the implementation of the UN *Guiding Principles on Business and Human Rights*. He commended the Office for substantially increasing awareness-raising and capacity-building activities on the Declaration at the global, regional and national levels, particularly through the development of relevant tools to assist constituents to achieve national decent work priorities.
132. In response to the Employers' group's request for an explanation behind his group's amendment, he said that the change in administration at the Office was the perfect opportunity for all departments to reflect on possible synergies in their work and the messages of the MNE Declaration to build on the momentum achieved since 2017.

- 133. Speaking on behalf of ASEAN**, a Government representative of Indonesia commended the Office for its successful efforts since 2017 to promote the MNE Declaration. ASEAN Member States attached great importance to the Declaration as many were host countries of multinational enterprises; however, its benefits for workers and small enterprises in those countries could only be maximized if multinational enterprises used locally produced inputs for their operations instead of importing them.
- 134.** While multinational enterprises were among the principal drivers of the global economy and the national economies of host countries, their operations in the region could cause incoherence with national policy objectives, thereby reducing the capacity of countries to enforce labour standards, protect their workforces and respond to challenges. The ILO should continue creating spaces for stakeholders to engage in dialogue and share knowledge and best practices on implementing the Declaration to maximize the benefits for workers, small enterprises and host countries arising from the wealth generated by multinational enterprises in ASEAN Member States. She asked the Office to assist ASEAN Member States in designing, in consultation with multinational enterprises and stakeholders, appropriate regulatory and policy frameworks to advance the application of the principles of the Declaration and strengthen the capacity of governments and employers' and workers' organizations to effectively promote and apply those principles. The Office should also research the impact of the operations of multinational enterprises on the economies and development of ASEAN host countries.
- 135.** Her group supported the draft decision as amended by the EU Member States and reserved its position on the amendment proposed by the Workers' group pending further clarification.
- 136. A representative of the Director-General** (Head, Multinational Enterprises and Enterprise Engagement Unit, Enterprises Department) thanked the Governments, Employers and Workers for their appreciation of the increased use and ownership of the revised MNE Declaration as well as of the Office's increased efforts in supporting governments, the social partners and enterprises. She also noted the Governing Body's comments, including the request for expanded awareness-raising and capacity-building activities and technical assistance for Member States. With regard to the question on whether the proposed ILO forum on business and decent work would duplicate the work of existing forums, she clarified that it would be carefully designed to complement other forums by exploring a more comprehensive approach to all aspects of the MNE Declaration, focusing on constituents and considering the specific roles of home and host governments, social partners and enterprises through the sharing of experiences of encouraging business to make a positive contribution to decent work including in the broader context of trade, investment and supply chains, and how to mitigate and resolve potential negative impacts. The proposed forum would help cement the ILO's leading role in the area of business and decent work and would therefore fit well within the comprehensive strategy on achieving decent work in supply chains that would be presented to the Governing Body at its next session, and within the Global Coalition for Social Justice. The Office therefore proposed to hold consultations with the constituents on the forum and submit information on the various options and potential financial implications to the Governing Body at its March 2023 session.
- 137. The Employer spokesperson** emphasized the need for more detailed information on how proposed activities would contribute to achieving the objectives relating to the MNE Declaration. All financial resources must be used in a way that was as effective and impactful as possible, and existing opportunities must be leveraged. The original draft decision allowed for further discussion of that matter.

- 138.** Concerning the Workers' proposed amendment to subparagraph (b), he withdrew his group's objection in the interests of reaching clear, economical language. Further clarification was required as to the intention of the amendment to subparagraph (c) proposed by the EU Member States; the Multinational Enterprises and Enterprise Engagement Unit already coordinated activities on supply chains within the Office's various departments, including in relation to the MNE Declaration. If the proposed amendment was intended to have an operational impact, it might lead to inefficiency and duplication. If, on the other hand, it was not intended to affect operations, it was unnecessary.
- 139. The Worker spokesperson** thanked the Employers' group for supporting the Workers' group's proposed amendment to subparagraph (b), which would ultimately strengthen the MNE Declaration and its application in countries that faced issues relating to labour relations most frequently. The Workers' group's position on the EU Member States' proposed amendment to subparagraph (c) was flexible. On subparagraph (d), he acknowledged that clarification was required in relation to the proposed forum, for example regarding budget and costs, and withdrew the proposed amendment to add "including a forum" on the understanding that the matter would be discussed further at the Governing Body's next session.
- 140. Speaking on behalf of the EU and its Member States**, a Government representative of Czechia explained that the intention of the proposed amendment was to support the further mainstreaming of the MNE Declaration within the Office. Nevertheless, he withdrew it in order to avoid confusion.

Decision

- 141. The Governing Body requested the Director-General:**
- (a) **to scale up activities in support of constituents to make better use of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), in line with the building blocks for a comprehensive strategy on achieving decent work in supply chains;**
 - (b) **to strengthen and promote operational tools, as outlined in Annex II to the MNE Declaration;**
 - (c) **to further mainstream the MNE Declaration in relevant development cooperation programmes and ILO engagement with enterprises;**
 - (d) **to strengthen ILO engagement with other international organizations to advance decent work through the promotion of the MNE Declaration in the context of trade, investment and supply chains; and**
 - (e) **to facilitate resource mobilization to that effect.**

(GB.346/POL/5, paragraph 30, as amended by the Governing Body)