

Governing Body

335th Session, Geneva, 14–28 March 2019

GB.335/INS/PV

Institutional Section

INS

MINUTES

Institutional Section

Contents

	<i>Page</i>
Replacement of the Chairperson of the Governing Body (for the period covering March–June 2019) (GB.335/INS/1/1).....	4
Opening remarks by the Director-General	4
First item on the agenda Approval of the minutes of the 334th Session of the Governing Body (GB.335/INS/1).....	5
Second item on the agenda Agenda of the International Labour Conference	
Agenda of future sessions (2020 and beyond) of the Conference (GB.335/INS/2/1).....	6
Arrangements for the 108th (Centenary) Session of the Conference (GB.335/INS/2/2).....	9
Outcome document of the 108th (Centenary) Session of the Conference (GB.335/INS/2/3).....	18
Third item on the agenda Revised plan of action on social dialogue and tripartism for the period 2019–23 to give effect to the conclusions adopted by the International Labour Conference in June 2018 (GB.335/INS/3(Rev.)).....	33
Fourth item on the agenda Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.335/INS/4).....	39

Fifth item on the agenda The Standards Initiative: Overall review of its implementation (GB.335/INS/5)	43
Sixth item on the agenda Progress report on the implementation of the Enterprises Initiative (GB.335/INS/6(Rev.))	63
Seventh item on the agenda Standing orders for tripartite meetings: Introductory note (GB.335/INS/7)	68
Eighth item on the agenda Report of the 19th American Regional Meeting (Panama City, 2–5 October 2018) (GB.335/INS/8)	70
Ninth item on the agenda ILO-wide strategy for institutional capacity development (GB.335/INS/9)	73
Tenth item on the agenda Update on the United Nations reform (GB.335/INS/10)	77
Eleventh item on the agenda Decent work for sustainable development (GB.335/INS/11)	86
Twelfth item on the agenda Follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013) (GB.335/INS/12)	93
Thirteenth item on the agenda Reports of the Committee on Freedom of Association	
388th Report of the Committee on Freedom of Association (GB.335/INS/13)	102
Presentation of the Committee on Freedom of Association annual report for the period 2018 (GB.335/INS/13(Add.))	102
Fourteenth item on the agenda Report of the Director-General – Main report (GB.335/INS/14(Rev.))	107
Obituary (GB.335/INS/14(Add.))	108

	<i>Page</i>
First Supplementary Report: Reports of the 20th International Conference of Labour Statisticians (Geneva, 10–19 October 2018) (GB.335/INS/14/1).....	109
Second Supplementary Report: Report of the Meeting of Experts on Defining Recruitment Fees and Related Costs (Geneva, 14–16 November 2018) (GB.335/INS/14/2).....	113
Third Supplementary Report: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (GB.335/INS/14/3).....	115
Fourth Supplementary Report: Documents submitted for information only (GB.335/INS/14/4).....	116
Fifth Supplementary Report: Arrangements for the International Labour Conference during the renovation work in the Palais des Nations from 2020 to 2023 (GB.335/INS/14/5).....	117
Sixth Supplementary Report: Composition of the Committee on Freedom of Association (GB.335/INS/14/6).....	119
Seventh Supplementary Report: Composition of the Board of the International Training Centre of the ILO, Turin (GB.335/INS/14/7).....	119
 Fifteenth item on the agenda Reports of the Officers of the Governing Body	
First report: Procedure for examining the representation alleging non-observance by Turkey of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Termination of Employment Convention, 1982 (No. 158), made under article 24 of the ILO Constitution by the Action Workers' Union Confederation (Aksiyon Is) (GB.335/INS/15/1).....	120
 Sixteenth item on the agenda Composition, agenda and programme of standing bodies and meetings (GB.335/INS/16).....	
120	
 Other business	
25 March 2019, afternoon sitting.....	122
26 March 2019, afternoon sitting.....	122
27 March 2019, morning sitting.....	124
27 March 2019, afternoon sitting.....	125

1. The Institutional Section met on Monday, 18 March; from Wednesday, 20 March to Friday, 22 March; and from Monday, 25 March to Thursday, 28 March 2019. The Chairperson of the Governing Body, H.E. Ms Silvia Elena Alfaro Espinosa (Government, Peru), chaired the Section. The Employer Vice-Chairperson of the Governing Body, Mr M. Mdwaba (South Africa), was the Employer spokesperson for the Section, except in respect of items 2.2 and 12, “Agenda of the International Labour Conference: Arrangements for the 108th (Centenary) Session of the Conference” and “Follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013)”, where Mr S. Barklamb was spokesperson; items 2.3 and 3, “Agenda of the International Labour Conference: Outcome document of the 108th (Centenary) Session of the Conference” and “Revised plan of action on social dialogue and tripartism for the period 2019–23 to give effect to the conclusions adopted by the International Labour Conference in June 2018”, where Ms R. Hornung-Draus was spokesperson; item 4, “Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work”, where Mr J. Beckett was spokesperson; item 6, “Progress report on the implementation of the Enterprises Initiative”, where Mr T. Mackall was spokesperson; item 8, “Report of the 19th American Regional Meeting (Panama City, 2–5 October 2018)”, where Mr V. Gill was spokesperson; item 9, “ILO-wide strategy for institutional capacity development”, where Mr O. Oshinowo was spokesperson; item 11, “Decent work for sustainable development” where Ms A. Vauchez was spokesperson; item 13, “Reports of the Committee on Freedom of Association” where Mr A. Echavarria was spokesperson; item 14.1, “Report of the Director-General: First Supplementary Report: Reports of the 20th International Conference of Labour Statisticians (Geneva, 10–19 October 2018)” where Mr H. Munthe was spokesperson; item 14.2, “Report of the Director-General: Second Supplementary Report: Report of the Meeting of Experts on Defining Recruitment Fees and Related Costs (Geneva, 14–16 November 2018)” where Ms H. Liu was spokesperson; and item 14.3, “Report of the Director-General: Third Supplementary Report: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO” where Mr F. Ahmed was spokesperson. Ms C. Passchier (Netherlands) spoke for the Workers, except in respect of items 3 and 14.1, where Mr P. Dimitrov was spokesperson; item 4, where Mr K. Ross was spokesperson; items 8 and 9 where Ms T. Moore was spokesperson; item 11, where Mr A. Wabba was spokesperson; item 13 where Ms A. Brown was spokesperson; and items 14.2 and 14.3 where Ms A. El Amri was spokesperson.
2. The following Governing Body members chaired the remaining Sections and Segments of the 335th Session:

Policy Development Section

Employment and Social Protection Segment

(Monday, 25 March and Wednesday, 27 March 2019)

Chairperson: Mr R. Behzad (Islamic Republic of Iran)

Employer spokespersons:

Item 1: “Revisiting the plan of action on labour migration governance in consideration of the Global Compact for Safe, Orderly, and Regular Migration”; Mr P. Dragon

Item 2: “Strategic plan for engagement with United Nations system bodies and relevant regional organizations regarding the Indigenous and Tribal Peoples Convention, 1989 (No. 169)”; Mr G. Ricci

Worker spokespersons:

Item 1: Ms C. Passchier

Item 2: Ms M. Clarke Walker

Social Dialogue Segment
(Wednesday, 20 March 2019)

Chairperson: Mr K. Cissé (Senegal)

Employer spokesperson: Mr T. Schoenmaeckers

Worker spokesperson: Mr B. Thibault

Development Cooperation Segment
(Wednesday, 20 March 2019)

Chairperson: Mr K. Cissé (Senegal)

Employer spokesperson: Ms J. Mugo

Worker spokesperson: Mr M. Guiro

Legal Issues and International Labour Standards Section

Legal Issues Segment
(Tuesday, 26 March 2019)

Chairperson: H.E. Ms V. Berset Bircher (Switzerland)

Employer spokespersons:

Item 1, “Follow-up to the discussion on the protection of Employers’ and Workers’ delegates to the International Labour Conference and Regional Meetings and members of the Governing Body in relation to the authorities of a State of which they are a national or a representative”, Mr H. Diop

Item 2, “Improving the functioning of the International Labour Conference: Comprehensive review of the Standing Orders of the Conference”, Mr S. Barklamb

Worker spokesperson: Ms C. Passchier

International Labour Standards and Human Rights Segment

Chairperson: H.E. Ms V. Berset Bircher (Switzerland)

Employer spokespersons:

Item 3, “Proposed form for reports to be requested under article 19 of the ILO Constitution in 2020”, Mr F. Yllanes

Item 4, “Proposed amendments to the form for reports to be requested under article 22 of the ILO Constitution in relation to the Maritime Labour Convention, 2006, as amended (MLC, 2006)”, Mr C. Kyriazis

Worker spokesperson: Ms A. Brown

Programme, Financial and Administrative Section***Programme, Financial and Administrative Segment****(Monday, 18 March; Tuesday, 19 March; and Monday, 25 March 2019)*

Chairperson: H.E. Ms Silvia Elena Alfaro Espinosa (Government, Peru)

Employer spokespersons:

Item 1, “Presentation of the Programme and Budget proposals for 2020–21 by the Director-General”, Mr M. Mdwaba

Item 2, “Delegation of authority under article 18 of the Standing Orders of the International Labour Conference”; and item 5, “Other financial questions”, Mr J.M. Lacasa Aso

Worker spokesperson: Ms C. Menne

Audit and Oversight Segment*(Monday, 18 March 2019)*

Chairperson: H.E. Ms Silvia Elena Alfaro Espinosa (Government, Peru)

Employer spokespersons:

Item 6, “Report of the Independent Oversight Advisory Committee”, Mr K. Ghariani

Item 7, “Report of the Chief Internal Auditor for the year ended 31 December 2018”, Mr J.M. Lacasa Aso

Item 8, “Other audit and oversight questions”, Mr B. Matthey

Worker spokesperson: Ms C. Menne

Personnel Segment*(Tuesday, 19 March, 2019)*

Chairperson: H.E. Ms Silvia Elena Alfaro Espinosa (Government, Peru)

Employer spokespersons:

Item 10, “Amendments to the Staff Regulations”; and item 12, “Matters relating to the Administrative Tribunal of the ILO: Proposed amendments to the Statute of the Tribunal”; and “Composition of the Tribunal”, Mr B. Matthey

Item 11, “Composition and structure of the ILO staff”, and item 13, “Update on developments related to the International Civil Service Commission (ICSC) review of its consultative process and working arrangements as well as of the reform of the post adjustment methodology”, Mr M. Mdwaba

Worker spokesperson: Ms C. Menne

Committee on Freedom of Association
(Thursday, 14 March to Saturday, 16 March 2019)

Chairperson: Mr E.R. Kalula (Zambia)

Employer Vice-Chairperson: Mr A. Echavarría

Worker Vice-Chairperson: Mr Y. Veyrier ¹

**Replacement of the Chairperson of the
Governing Body (for the period
covering March–June 2019)**
([GB.335/INS/1/1](#))

3. *Speaking on behalf of the Government group*, a Government representative of Azerbaijan nominated Ms Silvia Elena Alfaro Espinosa, Ambassador, Permanent Representative of Peru to the United Nations Office and other international organizations in Geneva, to replace her predecessor, Mr Claudio Julio de la Puente Ribeyro, as Chairperson of the Governing Body for the remainder of the current term of office. The Government group thanked Mr de la Puente Ribeyro for his excellent work during the last Governing Body and wished him the best in his new duties. Furthermore, the group expressed full support for Ms Alfaro Espinosa's nomination and was confident that under her leadership, the Governing Body would successfully continue its work.
4. *The Employer and the Worker Vice-Chairpersons* supported the nomination of Ms Alfaro Espinosa.

Decision

5. ***The Governing Body elected Her Excellency, Ambassador Silvia Elena Alfaro Espinosa of Peru as Chairperson of the Governing Body for the remainder of the current term of office of its Officers, which runs until 22 June 2019.***

(GB.335/INS/1/1, paragraph 2)

6. *The incoming Chairperson* expressed gratitude to the Employers' and Workers' groups, and in particular, the Government group, for the confidence placed in her. She conveyed a message of thanks on behalf of her predecessor, Ambassador de la Puente Ribeyro, who was unable to complete his term as Chairperson and formally say goodbye to the Governing Body. Despite the difficulties involved in assuming the role of Chairperson during the term, she said that she was fully prepared to lead the Governing Body at its first meeting of the ILO Centenary year.

Opening remarks by the Director-General

7. *The Director-General* congratulated Ambassador Alfaro Espinosa on her election as Chairperson of the Governing Body and assured her of the Office's full support in carrying out her new duties. He also expressed warm appreciation to Mr de la Puente for his excellent leadership and service to the Governing Body.

¹ Substituting Ms C. Passchier.

8. The 335th Session of the Governing Body met at an important moment for the ILO – the Centenary year. A good start had been made, with the launch of the Global Commission on the Future of Work on 22 January, which had been widely and positively received among tripartite constituents, the greater public and the international system. The Director-General expressed his gratitude to the co-Chairs of that Commission, President Ramaphosa of South Africa and Prime Minister Löfven of Sweden for having provided such an impactful and high-quality report. It was a valuable asset for the Organization in dealing with the challenges and opportunities of the future of work, which were the focus of ILO efforts in its Centenary year.
9. Recent events held in the context of the ILO Centenary confirmed that the mandate and the priorities of the Organization were of extraordinary importance and relevance to people everywhere. When reflecting on the history of the Organization, which was an aggregation of individual efforts, it became clear that the shared interest was to build a better and brighter future of work. The ILO Centenary year therefore provided an opportunity for the Organization to reaffirm its mandate and to gain energy, support, engagement and momentum.
10. During the 335th Session of the Governing Body, certain agenda items would have far-reaching implications for the ILO, both in taking future action and in meeting people’s expectations. Those items included the Programme and Budget for 2020–21, the Centenary Declaration and United Nations (UN) reform.
11. With regard to the discussion on the Centenary Session of the Conference, the Governing Body would be called upon to provide further guidance on the outcome document to be adopted. The text should be in the form of a Declaration and able to stand in comparison with the historic constitutional texts of the ILO, such as the Declaration of Philadelphia. Furthermore, the agenda item on UN reform was of major importance, given that the success of the ILO was highly dependent on the success of the multilateral system as a whole.
12. The Director-General reiterated that the future of work and of the ILO was not predetermined; it was up to the will and capacity of the Organization to work towards the future that it wanted. During its Centenary year, the efforts of the ILO should reflect its responsibility both to future generations, who will judge the Organization on the standards set today, and to its forbearers, whose immense contributions to the Organization still held great relevance.

First item on the agenda

Approval of the minutes of the 334th Session of the Governing Body ([GB.335/INS/1](#))

Decision

13. *The Governing Body approved the minutes of its 334th Session, as amended.*

(GB.335/INS/1, paragraph 2, as amended by the Governing Body)

Second item on the agenda

Agenda of the International Labour Conference

Agenda of future sessions (2020 and beyond)

of the Conference

([GB.335/INS/2/1](#))

14. *The Employer spokesperson* said that he welcomed the efforts taken to ensure strategic coherence, tripartite engagement and flexibility when fixing the agenda of future sessions of the Conference and was in favour of continuing that approach beyond 2019. He supported the proposal to defer the decision on the remaining agenda items for 2020 and 2021 until the 337th Session of the Governing Body. Noting that the framework for the general discussion on “inequality and the world of work” was too narrowly focused and that consideration should go beyond the context of the labour market to include the root causes of inequality, he proposed changing the title and scope of the item to “inequalities and opportunities for the new world of work”.
15. The Employers’ group could not support the inclusion of a standard-setting item on “a just transition of the world of work towards environmentally sustainable economies and societies for all” in 2020. The 2015 *Guidelines for a just transition towards environmentally sustainable economies and societies for all* provided a comprehensive policy framework on the topic and there was no need to discuss it again. The Organization should continue to assist constituents in the implementation of the *Guidelines* based on the lessons learned in pilot countries.
16. While he appreciated the work of the Standards Review Mechanism Tripartite Working Group (SRM TWG) in identifying regulatory gaps and making recommendations, in particular with regard to occupational safety and health, he maintained that standard setting was not the solution to every problem and the Organization must be able to respond to new issues in innovative ways. More measures should be taken to mitigate the real risk of a standard-setting traffic jam that could result from too many recommendations by the SRM TWG to the Governing Body in this regard.
17. With regard to the four subjects described in Appendix II, he reaffirmed his support for further exploration of the proposal to include an item on the fight against corruption. Referring to the item on non-standard forms of employment, he said that the wording was no longer acceptable, as it did not capture the reality of diverse and flexible forms of employment. A compromise agreement had previously been reached to use “new and emerging forms of employment” instead. There had also been a discussion of the matter in the Global Commission where it had been agreed that the terms “standard” and “non-standard” should no longer be used in relation to forms of employment. The Employers’ group supported the draft decision.
18. *The Worker spokesperson* said that it was important to maintain the established practice and have at least three technical items on the Conference agenda, in addition to the Committee on the Application of Standards (CAS) and other standing items. Deferring the decision on the third technical item for the 2020 session to the 337th Session of the Governing Body would leave the Office very little time to prepare – in particular insufficient time for either the follow-up to the Centenary Session of the Conference or another item – and it was unclear whether the Conference outcome would provide clear guidance. None of the four subjects listed in Appendix I were ripe for a Conference discussion in 2020, which was regrettable, as most of them had been proposed by the Workers’ group since 2012. The

Workers' group would not accept a 2020 agenda with only two technical items, which would be an embarrassing start to the Organization's second century, nor would the group accept one or two preparatory conferences being held instead of conference committees during the renovation work on the Palais des Nations.

19. She looked forward to the adoption in June 2019 of the proposed Convention concerning the elimination of violence and harassment in the world of work, but regretted that it had been eight years since there had been a Convention on the Conference agenda. Furthermore, since the establishment of recurrent discussions in 2009, only three discussions had led to standard setting. She recalled that, although many items had been submitted to the Conference agenda for abrogation and withdrawal, only one standard-setting item – on apprenticeships – had so far been placed on the agenda for 2021 and 2022. The Office should make better use of the discussion of General Surveys and recurrent discussions to identify topics for standard setting and there should be a much firmer commitment from all constituents to ensure that the ILO continued to regulate the world of work into its second century, including by putting the SRM TWG's recommendations into effect. The Workers' group could not continue to engage with the SRM process if standards were not placed on the agenda once regulatory gaps and needs had been identified.
20. In order to respond to changing patterns of work, the Organization should be prepared to provide a robust response, which could include regulation. There seemed to be widespread support for the recognition of protection against occupational safety and health risks as a fundamental right and for the ILO to play a key role as an effective regulator.
21. Recalling that the 2013 general discussion on “a just transition of the world of work towards environmentally sustainable economies and societies for all” had led to the adoption of the 2015 *Guidelines*, she said that the Workers' group did not support another general discussion, but would support a Convention and Recommendation on the topic. A new instrument would provide guidance and also be a timely contribution from the ILO to the 2030 Agenda for Sustainable Development's (2030 Agenda) call to address climate change urgently, ensuring that labour and social issues remained at its core. It would also be a timely response to the Solidarity and Just Transition Silesia Declaration, adopted in December 2018 at the 24th Conference of the Parties to the United Nations Framework Convention on Climate Change. Sufficient preparatory work had already been done on the issue, so she proposed that a decision be taken straight away, so it could be discussed in 2021. There was no reason not to have two standard-setting items on the agenda.
22. In the light of the report of the Global Commission, it was clear that there were pertinent questions to discuss about the impact of developments in digitalization and artificial intelligence on the world of work. She therefore proposed taking a decision straight away to put an item on the agenda of the 2020 session, for general discussion. That would not in any way prejudice discussions during the Centenary Session, but would allow the Office sufficient time to prepare.
23. The research done by the Office on the resolution of labour disputes was relevant to the work of the SRM TWG and should feed into the review of the relevant instruments. Further reflection on the matter was clearly needed, as the current standards did not comprehensively address the matter in sufficient detail. A meeting of experts might help further understanding of the necessary steps to take.
24. With regard to the proposed meeting of experts on non-standard forms of employment, she said that the terminology being used already accommodated the concerns of the Employers' group. There needed to be some way to address the matter. It was increasingly embarrassing for the ILO to be bogged down in terminology discussions while precarious employment continued to spread. It was also a serious concern that there had been a lack of follow-up to

decisions taken by the Conference in 2015. Resources should be allocated as a matter of urgency to allow the meeting to be held.

25. She welcomed the forthcoming Global Dialogue Forum on Decent Work in the World of Sport and looked forward to hearing about its outcome in terms of possible Conference follow-up.
26. Regarding the proposal for standard setting on the issue of independence and protection in public service, she said that UNI Global Union had indicated that similar challenges were occurring in the private services sector. Thus far, none of the attention on corruption in public services had focused on the protection of the safety, security and freedom from retaliation of civil servants, so the ILO certainly had a role to play. She understood that the Sectoral Policies Department had undertaken research on the topic and requested further information from the Office on that. The Workers' group would support the holding of a meeting of experts, as suggested in 2016, and requested that the proposal be discussed again in November.
27. *Speaking on behalf of the Africa group*, a Government representative of Côte d'Ivoire noted that the mechanism used to set the Conference agenda adhered to the strategic and coherent approach approved by the Governing Body, and that such an approach should be retained. He welcomed the future inclusion of items on inequality and the world of work, employment policy and social protection, and the proposed item of "a just transition of the world of work towards environmentally sustainable economies and societies for all". Discussion of the problems facing developing countries was vital so that the ILO could adopt the instruments required to support the institutions responsible for addressing them. He strongly encouraged the further development of items on the resolution of individual labour disputes, non-standard forms of employment and independence and protection in public service, and was in favour of a standard-setting item on occupational safety and health. He called for the inclusion on the agenda of the 109th Session (2020) of a technical item on follow-up to the Centenary Session. He agreed with the procedural road map and supported the draft decision.
28. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that independence and protection in public service was vital to the functioning of national institutions and the implementation of their policies. The Organization should therefore discuss the protection required by public officials responsible for preventing corruption, and future sectoral meetings should also include tripartite discussion of the issue.
29. *Speaking on behalf of the group of industrialized market economy countries (IMEC)*, a Government representative of Greece said that her group strongly supported the strategic and coherent approach to agenda setting, which should be retained and enhanced. The remaining slot on the 2020 Conference agenda should be reserved for follow-up to the Centenary Session. A decision on the item of "a just transition of the world of work towards environmentally sustainable economies and societies for all" should be taken after the Centenary Session, taking into account the time constraints for standard-setting discussions and previous Governing Body decisions on Conference agendas.
30. Follow-up to the recommendations by the SRM TWG was an integral part of the coherent and strategic approach, and her group looked forward to the results of the SRM TWG's discussions, after which the four proposed standard-setting items on occupational safety and health would be examined. After reiterating IMEC's interest in the item on non-standard forms of employment and noting that the group looked forward to the results of the review by the SRM TWG, in the future, of existing standards related to the resolution of individual labour disputes, she said that IMEC supported the draft decision and the road map referenced therein.

31. *A Government representative of India* said that a decision on the last slot on the agenda of the 109th Session (2020) of the Conference should be taken after its 2019 session. Discussion of another standard-setting item should not take place until after the double discussion of apprenticeships in 2021 and 2022, as deliberations on two standing-setting items might fail to do justice to either. Decent work in the world of sport and non-standard forms of employment should be considered for inclusion on the agenda of sessions beyond 2020.
32. *A representative of the Director-General* (Director, International Labour Standards Department (NORMES)) confirmed that the Sectoral Policies Department was undertaking extensive research in a range of countries on law and practice regarding independence and protection in public service. Once the Department had concluded its research, it would organize tripartite consultations on the findings.

Decision

33. *The Governing Body adopted the road map outlined in paragraph 31 of document GB.335/INS/2/1 and requested the Director-General to take into account the guidance provided in preparing the paper for the 337th Session (October–November 2019) of the Governing Body.*

(GB.335/INS/2/1, paragraph 32)

Agenda of the International Labour Conference

Arrangements for the 108th (Centenary) Session of the Conference ([GB.335/INS/2/2](#))

34. *A representative of the Director-General* (Deputy Director-General for Management and Reform) noted that, following consultations with the ILO constituents in February 2019, it had been decided to implement a limit on speaking times, including for the high-level section of the plenary. He encouraged Governments to confirm to the Office in the near future whether their Head of State or Government would be attending, as that would affect the number of days devoted to the high-level section; 20 had already confirmed, with potentially a further 20 pending confirmation. The Office was seeking guidance from the Governing Body on which of the seven proposed themes were of greatest interest for the thematic forums; it was proposed that they should have a range of different formats and attract high-profile speakers. A reporter could provide a summary to the plenary on the last day and, if so decided, the Office could report to the Governing Body on follow-up. He invited preliminary comments, which the Office would take into account in finalizing planning for the Conference.
35. *The Employer spokesperson* said that the Employers were not opposed to the proposed suspensions of the Standing Orders. As to practical matters, the group's comments at the previous session still stood; furthermore, the innovation in the CAS with screens displaying the name, organization type and country of the current and following speaker was particularly welcome. With respect to the plenary, it was important to know which Heads of State would be attending, in order to ensure high-level engagement from the social partners from the respective countries; that information could be kept to a restricted group if necessary for security reasons. He supported the proposal to restrict the badges issued for the high-level section, and requested that the Employers' badges should only be given to the titular delegate of each Employers' delegation for distribution. Turning to the technical

committees, he emphasized that night work must be the exception, they must have a reasonable time limit, and food, interpretation and transport must be provided. The area around the headquarters building was not well lit at night, and it was important to provide transportation for participants to reduce safety risks.

36. On the subject of the Standard-Setting Committee, there had not been time in the tripartite consultations to address the programming and logistics, therefore the Office should work with the International Organisation of Employers (IOE), the International Trade Union Confederation (ITUC) and regional coordinators to decide on the logistics as a matter of urgency.
37. He asked why it had been proposed to start the work of the Committee of the Whole only on the third day of the Conference. Given the scale of the task before it, starting work from the first day would reduce the likelihood of extended sittings later in the session. It was not clear how the Committee of the Whole would organize its work on the declaration to reach an agreed outcome, and he urged the Office to engage with the group secretariats and regional coordinators as a matter of urgency to gather input.
38. With respect to the thematic forums, the Employers stood ready to help make arrangements, which should be completed as soon as possible. They favoured a constituent-led approach that made use of existing experience among the social partners and governments. Instead of the seven broad themes, the Employers would prefer a more homogenous, though not necessarily traditional, approach. He therefore proposed a common format of five three-hour panels with a focused, high-level discussion, more in the style of the World Economic Forum panels than a TED talk. A diversity of approaches across seven themes could be impractical and lack focus, and there was a risk of inadequate attendance at each event if the ILO attempted to do too much. The panellists should include constituents, futurists, analysts, and experts from international organizations, business and academia; the IOE, ITUC and regional coordinators should help to identify them. There was no need for a reporter or a summary; rather, the Office should make video recordings of the panels available online or post a verbatim transcript on the Conference website.
39. He suggested reducing the topics for the thematic panels to five, presented in the form of questions: (1) “Where will the jobs of the future come from?”; (2) “What skills will we need for the work of the future?”; (3) “How will technology change how we work?”; (4) “How do we get more people into formal work?”; and (5) “How can we ensure social dialogue and tripartism remain relevant to the work of the future?” Cross-cutting issues, such as age or gender, could be raised in each discussion. With respect to freedom of association, a high-level event had already been agreed for later in 2019, which would provide a better, more focused forum. Thus, the topic did not warrant a separate themed discussion, but could nonetheless be raised at any thematic panel.
40. *The Worker spokesperson* said with respect to the online tool for submission of amendments in committees that her group would continue to submit amendments in a coordinated way through the secretariat. She agreed that the vote on the instruments on violence and harassment in the world of work should be held on Friday, 21 June, in order to allow the Committee time for the necessary negotiations. It would therefore be essential that titular delegates or their substitutes were present on that final day, and Governments should be aware of the need to fund the participation of Workers’ and Employers’ delegates through to the last day. She supported the proposals made regarding Conference committees.
41. As to the thematic forums, the group had full confidence in the Office’s ability to organize them and saw no need for new consultations on the process. It would, however, be useful to have reports, as although the panels would not issue any formal conclusions, significant efforts were being made to hold them and they would discuss issues relevant to the work of

the ILO. Different and accessible means of reporting should be considered. Regarding the Employers' group's proposals for the thematic events, more information on the specific aims would be useful.

42. She emphasized her concern that the holding of a high-level event on freedom of association in June 2019 was again being challenged. After much debate, it had been agreed that the event would be held during the Centenary Session of the Conference, and that should no longer be challenged.
43. *Speaking on behalf of the Africa group*, a Government representative of Namibia commended the development of the comprehensive Conference website and the online tool for submission of amendments. He noted that catering for evening sittings was not foreseen and asked when notice would be required for such extended sittings. Given that the Africa group had already arranged side meetings, he requested clarification, as the document stated that no side events should be organized but also that logistical support from the Office would be available for them. He expressed concern at the number of themes proposed for the thematic forums and suggested that, to save time, some themes could be merged, such as the Future of Youth Day and the theme of employing technology for a future with decent work. While he appreciated that the thematic forums would be scheduled such that they did not overlap with the high-level section of the plenary, the fact that they would be held in parallel with the technical committee meetings would hinder the participation of committee members.
44. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of Japan expressed support for the structure of the plenary. He asked the Office to clarify the reasoning behind the proposal to issue only eight transferrable badges for the opening sitting and high-level sections of the plenary, and to confirm that access to other sittings would not be affected. He welcomed the proposal to include thematic panels, particularly those on the Future of Youth Day, skills and lifelong learning, employing technology for a future with decent work, and social dialogue and tripartism for the future of work; furthermore, demographic change and the ageing society would be an interesting theme to address. He supported the proposal that the Office should prepare only a summary of discussions in the thematic forums for the record.
45. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. The group of countries that he represented supported the proposal to begin discussions on the outcome document on the first day of the Conference. It also supported holding a commemorative sitting of the CAS, and suggested examining five cases of progress to demonstrate the positive impact of the normative system on the promotion of decent work. Debates, forums and other events should be reasonably wide in scope and provide valuable contributions but not lead to any decisions or outcomes. As the list of themes to be discussed at the thematic forums and other events was too long, it would be sensible to limit the discussion of topics that the Office had dealt with extensively over time and to discuss other themes that had not received much focus in past events. Only one morning or afternoon meeting should be scheduled for each theme to avoid overloading the Conference agenda and ensure that there would be sufficient time for the key committees to hold their meetings. His group considered the Future of Youth Day to be a priority theme but lamented the omission of its suggestion to include cooperatives and the social and solidarity economy as themes.
46. *Speaking on behalf of IMEC*, a Government representative of Greece welcomed the proposal to use enhanced IT tools at the Conference and looked forward to the launch of the new Conference website and online amendment submission tool. She agreed with the proposals on the structure of the plenary, votes and time limits and the recording of plenary proceedings. The provision to allow committees to work until midday on Thursday, 20 June,

if required, was also welcome. However, the reports should be published no later than 6 p.m. that evening to allow sufficient time for government consultations. She reiterated her group's disappointment that the initial consultations on violence and harassment had not been inclusive and trusted that the April consultations for the Committee of the Whole would be genuinely inclusive. She commended the Office's proposal to prepare a first draft of the Centenary Declaration in April to allow the constituents time to hold consultations.

47. She requested further clarification on the process to appoint a reporter to observe the thematic debates and agreed that they should not result in formal outcomes or conclusions. She recognized the efforts to introduce innovative discussion formats, but expressed concern that the proposed keynote address and "lightning round" presentations could result in traditional, non-dynamic panel debates. Thematic debates should be time-limited to sustain the interest and engagement of delegates, while taking into account resource constraints, and be complemented by interactive activities such as a digital labour fair. Her group favoured a four-day programme of thematic forums organized across a number of short sessions. The thematic discussions should focus on the labour dimension and there should be no theme overlaps. She requested the Office to provide information on the selection of themes promptly to allow the constituents to prepare for the Conference. Her group supported the draft decision.
48. *Speaking on behalf of the European Union (EU) and its Member States*, a Government representative of Romania said that Montenegro, Serbia and Albania, as well as Georgia, aligned themselves with the statement. He supported the statement made on behalf of IMEC. The provision to allow the Committee of the Whole to appoint a drafting group if required was welcome, as was the proposal under consideration for the CAS to hold a Centenary-related celebratory event.
49. The thematic forums should be an important and innovative part of the Centenary Session. His group favoured the selection of the four themes: Future of Youth Day; employing technology for a future with decent work; formalizing work for social inclusion; and freedom of association and collective bargaining: unlocking their promise for the next 100 years. However, the remaining issues should be incorporated into the selected themes or maintained as stand-alone themes. He also requested the Office to provide information on the selection of themes promptly to allow the constituents to prepare for the Conference. His group supported the draft decision.
50. *Speaking on behalf of France and Germany*, a Government representative of France said that France and Germany aligned themselves with the statements made by IMEC and the EU and its Member States. International cooperation and globalization had helped to lift hundreds of millions of people out of poverty since the ILO's creation. However, societal inequalities in the modern world threatened sustainability and weakened trust in democratic institutions, calling into question the very foundations of the multilateral system. Coherent, coordinated action was needed to face current challenges. The ILO should make the most of the opportunity afforded by its Centenary year to promote greater policy coherence in favour of social justice and to further integrate international labour standards into the work of the multilateral system.
51. In view of the ILO's unique tripartite structure and mandate, its role in global governance should be reinforced and its cooperation with relevant international organizations should be strengthened. She therefore welcomed the proposal to establish a high-level task force composed of relevant international organizations in the framework of the Centenary Declaration. She strongly supported the proposal to hold a thematic discussion on multilateralism and the reduction of inequalities at the Centenary Session together with the heads of the Organisation for Economic Co-operation and Development (OECD), the International Monetary Fund (IMF), the World Trade Organization (WTO) and the World

Bank. A well-prepared discussion taking into consideration the different views of the ILO tripartite constituents would be an important prerequisite to the definition of the economic and social dimensions of social justice policies and provide fertile ground for the promotion of the ILO's mandate on social justice.

52. *A Government representative of the Russian Federation* supported the proposed format and programme for the Conference and requested timely information on the high-level section of the plenary. The proposed thematic forums would enrich discussions during the Conference and provide an opportunity for lively debate on contemporary social and labour issues. Youth employment, skills development and social dialogue for the future of work were areas of particular interest. His Government stood ready to propose panellists for the forums, once the themes had been confirmed. In view of the ILO Centenary, the Conference should focus on discussing strategic issues such as future areas of work and the role of the ILO in the long term. Although the routine and technical work of the Conference, particularly the Standard-Setting Committee discussion on violence and harassment against women and men in the world of work, was important, it should not detract from the main task of the Conference. The Centenary should be reflected in the work of specific committees and he therefore supported the suggestion that sharing experiences of implementing ILO Conventions should take place in the Standard-Setting Committee. He supported the draft decision.
53. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that national delegations would be restricted to eight transferable badges owing to space constraints in the plenary room. Those restrictions would only apply to the high-level section and all delegates would be welcome to watch the presentations by Heads of State and Governments via the video broadcast in overflow rooms. The Office was working with the secretariats of the social partners to determine the best way to distribute badges to their members.
54. The Committee of the Whole had been scheduled to begin on the Wednesday, 12 June, as some constituents had expressed a preference to attend at least the first few days of the high-level section in addition to the committee. However, if preferred by the Governing Body, the Office could consider opening the committee on Monday, 10 June or Tuesday, 11 June instead. The Office would only have the capacity to organize one side event itself, although constituents would be free to hold their own as desired, however the Office would not be in a position to provide any logistic or other support to these. The Office would engage all groups in individual and tripartite consultations on the outcome document in late April.
55. *A representative of the Director-General* (Director, NORMES) said that the informal tripartite working group on working methods of the CAS had met on 23 March 2019 and discussed several elements relating to the Committee's working methods. A full report would be available prior to the working group's next meeting, during the Governing Body session in November 2019. In response to the request to increase the number of seats available for Government representatives, the Office had explained that delegations would be entitled to two seats each; additional seating might be allocated on a case-by-case basis where possible. The working group had discussed issuing part of the Committee's report as a verbatim record rather than a summary record, which would reduce production time and costs and increase transparency. The verbatim section would include statements on the General Survey, discussion of individual cases and the general discussion. Furthermore, the report itself would be restructured so that part one would contain the introduction, general questions relating to international labour standards, outcomes of the discussion on the General Survey, conclusions on individual statements, cases of serious failure, adoption of the report and closing remarks. As a result, the conclusions on the 24 individual cases examined by the Committee would be contained in both parts one and two of the report. The working group also agreed that the Committee's report would have to be adopted by both

the Committee itself and the plenary of the International Labour Conference. Since part of the report would be longer, as it would contain a verbatim record, it would require additional time for translation and would therefore be made available on the Conference website in the three working languages no later than one month following its adoption by the plenary.

56. Concerning the list of cases for possible discussion by the Committee, the working group had discussed the proposal to give the Governments concerned the opportunity to submit new information. Such information could be provided no later than two weeks prior to the Conference in one of the ILO's working languages and should not exceed three pages. The timing of the publication of the list of possible cases would be discussed at a later date. With regard to the ILO Centenary, the working group had agreed that the Committee would celebrate the Centenary during its opening session through opening statements and an audiovisual projection showing historic photographs and interviews. Furthermore, the Chairperson and Vice-Chairpersons would be invited to a round table event during the sitting of the Committee of Experts on the Application of Conventions and Recommendations (CEACR).
57. The working group had agreed that in order to enhance the discussion of the General Survey, the time allocated to the opening statements and the general discussion should be reduced, but noted practical difficulties in that regard. It was proposed that a set of questions might focus the discussion of the General Survey and achieve more strategic outcomes. The working group had agreed to revisit that proposal following consultations on the type of questions that may be appropriate. Finally, the working group had discussed the involvement of the Committee's Chairperson in the preparation of its conclusions. In such a case, the Chairperson would not be prevented from consulting the Vice-Chairpersons. Recalling the importance of not undermining the functioning of the Committee, the working group decided to consider that proposal at a later date, and asked the Office to provide an historical perspective on the evolving role of the Chairperson and the functioning of the Committee. The possibility of a Government representative being permitted to take the floor regarding the draft conclusion on an individual case with the permission of the Chairperson and prior to its adoption by the Committee was also discussed, and deliberation of that proposal would continue.
58. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Brazil said that, the working group had also discussed the need to transmit the draft conclusions to the Governments concerned with sufficient notice to enable them to make an appropriate response. He hoped that discussions on that proposal would continue and agreement be reached. Lastly, it would have been useful to have had a written report of the meeting of the working group prior to the current discussion, in order to facilitate Governments' responses.
59. *The representative of the Director-General (Director, NORMES)* said that, in accordance with established practice, a written report would be made available as soon as possible to those who had attending the working group, to serve as a basis for the next meeting of the working group in November 2019.
60. *The Worker spokesperson* reiterated her request for the insufficient focus on international labour standards in the seven themes identified to be remedied. All events should be tripartite, have an adequate regional balance and be gender mainstreamed. As the event on peace and democracy proposed by the Workers had not been retained, that theme should be addressed in the high-level section of the Conference.
61. Theme 1 on the future of youth should not replicate theme 2 on lifelong learning but should, above all, look at the quality of young people's jobs in both developed and developing countries. She approved of the plan to include the celebration of World Day against Child

Labour under theme 1. Theme 2 should not be centred on technology but on access to free quality public education systems, skills opportunities and vocational training. Lifelong learning must also be linked to career advancement and to companies' interest in investing in new skills in order to retain workers. The theme could also provide a setting for discussing the recognition of diplomas across countries.

62. Theme 3 on technology should indeed address issues linked to the platform economy and rights at work. Her group fully supported a discussion on the impact of changing business models, including the “uberization” of employment and the increasing dominance of a small number of powerful data companies on the promotion of decent work. The Workers supported having a digital labour booth for theme 3 and would like there to be other interactive booths on core ILO activities, such as the Centenary campaign for the ratification of international labour standards. Theme 4 on formalizing work for social inclusion should also cover the growing trend of precarious work arrangements. The role of standards in formalizing work should be better addressed. The Workers welcomed the proposed high-level event on freedom of association and collective bargaining under theme 5 and supported its proposed focus.
63. Theme 6 on social dialogue and tripartism should address the role of collective bargaining in reducing income inequalities. The topic of bipartite social dialogue should go beyond national boundaries to cover the positive and innovative examples of global framework agreements. Instead of integrating the issue of working time into theme 6, the Workers advocated celebrating the centenary of the Hours of Work (Industry) Convention, 1919 (No. 1), with a separate, high-visibility event on working time and the modern challenges to its regulation. The event should address both excessive working hours and irregular and insecure working hours, including zero-hours contracts, in addition to work–life balance and working time sovereignty. Lastly, far-reaching digitalization required discussion on the “right to disconnect”.
64. Her group would welcome a simpler, more appealing title for theme 7 on “harnessing the transformative potential of changes in the world of work”. The focus with respect to the care economy was unclear. She proposed addressing women’s participation in the workforce, the quality of jobs that women traditionally performed, occupational segregation, the gender pay gap and the potential of the care economy for job creation. The discussion on the rural economy should focus on how to address the informality, precariousness and poverty that characterized employment in that sector. Her group did not support a focus on social finance. Instead, discussions on other themes should address the fiscal and other policies needed to realize the transformative potential of changes in the world of work.
65. The Workers agreed with the proposals detailed in section VI of the overall Conference programme. While she welcomed the interest demonstrated by Governments in attending the Centenary Session of the Conference, the visibility of Workers’ and Employers’ interventions must be ensured, in line with the tripartite nature of the ILO. In the light of the campaign launched earlier in 2019 to promote the ratification of international labour standards, Governments that spoke in the plenary should also highlight their commitment to ratification. The Workers endorsed the draft decision.
66. *The Employer spokesperson* requested that the Committee of the Whole start work prior to Wednesday, 12 June, preferably on Monday, 10 June at the same time as the Standard-Setting Committee, as it would need as much time as possible for its work. He would appreciate information from the Office on how it planned to facilitate the timely conclusion of sessions at the Conference and to guarantee safety when participants worked after dark.
67. Recalling that his group was of the view that too much was being attempted with the thematic forums, he reiterated his preference for a focused approach consisting of five or so panels of

three hours each. A proliferation of activities would disadvantage smaller delegations. While he did not dispute the need to talk about technology, skills, formality of work and social dialogue, the format could be simpler. Theme 1 was absolutely fundamental. It was unnecessary for the thematic forums to attempt to deliver conclusions, de facto or otherwise. He was in favour of filming the exercises so that the images and verbatim recording of proceedings would serve as a legacy that the Organization could use as it saw fit. The same applied to the proceedings of the CAS. With regard to invitations to enterprises or bodies to participate in the Conference, these must be subject to the accepted procedures and coordinated with the secretariat of the IOE. Lastly, while the agreement to hold a high-level event on freedom of association in 2019 stood, the inclusion of that event in the thematic forums meant that there could be no second gathering later in the year on the same topic.

68. In summary, the thematic forums should not merely recap the work of the Organization or replicate the work of the Committee of the Whole; following the path sketched by the Workers' group could turn them into an activities report. It would be preferable to hold a limited number of time-limited discussions on general areas of interest that would engage with the fundamentals of the future of work.
69. *Speaking on behalf of IMEC*, a Government representative of Greece expressed regret that the way in which the discussions on GB.335/INS/2/2 and GB335/INS/2/3 had been organized had resulted in unbalanced interventions from constituents over the course of two meetings. Nevertheless, her group had noted all interventions with interest. In particular, it had keenly followed the discussion of the Centenary arrangements held on Saturday, 23 March 2019 during the informal tripartite consultations on the working methods of the CAS. The Office should distribute information regarding the selection of themes and a schedule of events to constituents as soon as possible, and preferably by the end of March. IMEC supported the draft decision.
70. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania endorsed the statement delivered by IMEC. The EU and its Member States trusted that the Office would take into account the Governing Body's guidance and provide the necessary information in sufficient time for participants to be properly prepared for the Conference. He endorsed the draft decision.
71. *A Government representative of India* expressed appreciation for the Office's efforts to develop a more comprehensive Conference website and a new online tool for the submission of amendments in committees. There should be one common format for all the thematic discussions in order to increase clarity and promote greater participation. His Government supported the chosen themes, all of which should have a specific gender component. There could also be a dedicated team on women's empowerment in the context of emerging forms of employment. Discussions under the theme on the future of youth should emphasize emerging skills requirements, the labour market integration of youth entrepreneurs and promoting the social security needs of and decent work for those who worked for multiple foreign enterprises and institutions. The discussions should identify the role and responsibility of the tripartite constituents in meeting the requirements of the future. Discussions under theme 3 should focus on the creative potential of technology and the skills required for its use. With regard to paragraph 27, key takeaway points might be provided in addition to summaries of the forum discussions.
72. *Speaking on behalf of GRULAC*, a Government representative of Brazil reiterated his group's proposal to include an analysis of five cases of progress from the CAS during the Centenary Session in order to demonstrate the positive impact of the normative system on the promotion of decent work. The number of discussions, round tables and other events should be of reasonable length in order to allow smaller delegations to participate and thus ensure a proper exchange of diverse views. The outcome of the thematic events should not

constitute decisions or lead to the publication of conclusions. It would be expedient to focus on the Centenary Initiatives in order to ensure the most efficient and fruitful discussions possible. Decent work for young people was a topic of the utmost importance to his region and must be given adequate attention at the Conference. He regretted that the topic of cooperatives and the solidarity economy had not been included on the list of thematic forums.

73. *A representative of the Director-General* (Deputy Director-General, Management and Reform) said that capacity to start the meetings of the Committee of the Whole early in the first week of the Conference was being considered. In relation to after-dark arrangements, late sittings would be discouraged wherever possible. The standard concluding time for the Conference would be 6.30 p.m., with an exceptional completion time of 10.30 p.m. and no sittings beyond that time. Catering options for evening sittings were being discussed with the United Nations Office at Geneva but might prove expensive, as the Office would need to underwrite the cost of food provision. The Office was exploring the option of shuttle services, which, in the event of late-night finishes, would take participants to the train station or another convenient central location.
74. Although the total number of themes under consideration now stood at around 12, with approximately 50 sub-themes, some common aspects had been expressed by members. Thematic sessions lasting between one hour and half a day would be held over four or five days, meaning that the target was to consolidate the list of proposed themes into a maximum of 12 events. The Office would endeavour to put the diverse views expressed by the three groups into formats, themes and sessions of interest to all constituents.
75. Noting the preferences expressed for a standard, tripartite format for the thematic events, he underscored that the forums were not high-level sessions and would not be decision-making. For that reason, they would be more spontaneous than usual in order to encourage maximum interaction and give a voice to high-level speakers. The Office was consulting with Governments, the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV) in relation to speakers and encouraged members to put forward further proposals. The speakers appointed would, to some extent, determine the precise format and topic of each event.
76. While it would be extremely difficult to finalize any proposals by the end of the current month, as requested by IMEC, the Office would certainly endeavour to draw up specific proposals for dissemination as soon as possible.
77. *The Worker spokesperson* said that her group supported the adoption of an innovative approach to the Centenary Session, as the Workers would welcome a change in direction, politically and otherwise. While the Workers had requested a tripartite presence, they did not mean to suggest that the World of Work Summit should include a traditional tripartite panel. The Workers were not opposed to the idea of a summary of the discussion in the forums, as not everyone would be able to attend every event.
78. *The Employer spokesperson* said that his group was fully committed to assisting the Office with its preparations for the Centenary Session and to providing it with the necessary input. The Employers maintained that a broadly generic structure for the Conference would be the best foundation for diverse output. With the right speakers, diversity of views and general questions, the Office could achieve something unusual and avoid a business-as-usual approach to the Conference. Lastly, his group was in favour of limiting the number of events, which should include high-profile speakers and cover both unusual and fundamental issues.

79. *Speaking on behalf of GRULAC*, a Government representative of Brazil proposed that the Office should provide constituents with updates on its preparations for the Centenary Session so that they could send the Office their comments and suggestions.
80. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the Office would welcome keeping the channels of communication open, as it might require the assistance of the Governments and social partners in attracting high-level speakers. The Office would continue to keep constituents informed of any developments relating to its Centenary preparations and could set aside time in April for more detailed discussions.
81. *The Worker spokesperson* said that while her group was in favour of keeping the channels of communication open, it did not wish to engage in endless rounds of consultations. It trusted the Office to take constituents' comments and suggestions into account in shaping the Centenary Session.

Decision

82. *The Governing Body:*

- (a) *proposed to the Conference that it implement at its 108th (Centenary) Session the arrangements set out in document GB.335/INS/2/2, including the suspension of the provisions of the Standing Orders specified in Appendix I, and the tentative programme of work in Appendix II; and*
- (b) *provided guidance on the themes and formats suggested for the thematic forums outlined in paragraphs 25–35 of document GB.335/INS/2/2.*

(GB.335/INS/2/2, paragraph 38)

Outcome document of the 108th (Centenary) Session of the Conference ([GB.335/INS/2/3](#))

83. *The Director-General* recalled that document GB.335/INS/2/3 had been drafted following informal consultations and contained the building blocks for the outcome document that would be adopted at the 108th (Centenary) Session of the Conference. The overwhelming message received during the consultations was that sights must be set very high when it came to the ambition of the outcome document. There was clear support for the document to be drafted in the form of a Declaration, which would stand comparison with other historic texts adopted by the Organization. Areas of convergence around the content and nature of the Declaration had been identified and it was agreed that the document should go beyond affirming the ILO Constitution and the Declaration of Philadelphia; it must have forward movement and be of universal relevance to all member States, regardless of their circumstances. The impact of the document might be reduced through over-lengthy drafting and therefore some discipline would be required during the negotiation process.
84. The outcome document must address longer-term developments in the world of work and the strategic challenges that the ILO would face in the future. The document must therefore drive the ILO's authority in employment and labour matters and reflect its role in shaping the future of work. Thus, it did not seem helpful that the Declaration should include a

separate follow-up mechanism but, rather, a whole-of-Organization response through the programme and budget.

85. The first of the four building blocks, which were set out in the appendix, comprised a preambular part that would reaffirm the values and mandate of the Organization. The second building block would identify emerging challenges and opportunities, including environmental and demographic issues. The third part would contain a commitment to concrete action on the part of the ILO and member States, drawing heavily on the Report of the Global Commission on the Future of Work. The final building block would address the means of action, which included the questions of what, how and why the ILO should be undertaking its activities. It should refer to the central importance of international labour standards; social dialogue and tripartism and strengthening of tripartite actors; development cooperation; the reference and knowledge function of the ILO; and developing greater policy coherence and complementarity between the ILO and other parts of the multilateral institutional system.
86. The Office would provide a draft Declaration in time for the consultative round planned for late April. The more work that could be done before the Conference in June, the better the ILO would be able to bring the positions of its tripartite members together and the easier it would be to adopt a Declaration that would stand up to the ambitions of the ILO and its members.
87. *The Worker spokesperson* supported the adoption of an ambitious Declaration to mark the ILO Centenary and the call of the Global Commission on the Future of Work to reinvigorate the social contract to give “working people a just share of economic progress, respect for their rights and protection against risk in return for their continuing contribution to the economy”. With its constitutional and normative mandates, the ILO was uniquely placed to revitalize the social contract and, as previously agreed, it would be assisted in that task by the compilation of a robust, clear and up-to-date body of international labour standards that were ratified, implemented, supervised and enforced. Furthermore, in a globalizing world, it was even more important to ensure basic regulations, a level playing field and a reduction of inequality. The Workers’ group would expect to see a reference to the universality of the international labour standards on the protection of workers, freedom of association and collective bargaining reaffirmed in the outcome document, including in the context of the strengthening of social dialogue and collective bargaining. Human-centred and inclusive growth could not exist without respect for trade union and labour rights.
88. Any document adopted must go beyond the Declaration of Philadelphia and should continue the key guiding principle that labour was not a commodity. The outcome document must have a clear framework for implementation and have real impact in the work of the ILO. Major developments to be addressed included demographic change; the transition to environmental sustainability; the growth of the digital economy; changing patterns of production; the erosion of the employment relationship; and growing income inequalities. The Declaration must recognize the fundamental change in the composition of the workforce globally, and the need for gender mainstreaming in view of the large numbers of women entering the formal and informal labour markets. The Declaration must promote policy coherence and examine international economic and financial policies in the light of the objective of social justice.
89. The Workers’ group firmly supported the establishment of a universal labour guarantee that would apply to all workers, regardless of their contractual or employment status. As a minimum, rights should include the protection of safety and health at work, a maximum limit on working hours, and an adequate living wage and be recognized as the floor of a new social contract. The leadership role of the ILO was essential in the future of work, sustainable development and peace and justice for the twenty-first century.

90. *The Employer spokesperson* said that the world of work was changing at an unprecedented speed and the Centenary Session and the discussion on the outcome document would provide a golden opportunity for ILO constituents to build on their long-standing tripartite consensus and push the ILO to its next level of development, making it relevant, effective and innovative to deal with the transformations ahead.
91. With respect to document GB.335/INS/2/3, the results of the informal consultations held in February 2019 were only partially reflected in the appendix. Decisions would need to be taken on the format and content of the outcome document by consensus with the Workers and Governments in order to produce a strong and balanced document that would take the ILO into its second century. With respect to the content, as outlined in paragraph 4, the statement concerning “the creation of decent and sustainable work as a priority, to assist through ensuring the environment for productive and sustainable business models” was not very clear but would be a good starting point when considering the building blocks. Paragraph 5 of the document mentioned the need for the outcome document to constitute the basis for the next ILO programme and budget; the Employers’ group would reserve its comments on that proposal until more progress had been achieved in shaping the outcome document, given that it would form the basis of deliberations on the programme and budget.
92. The proposal of a redesigned implementation report to regularly monitor the progress made in achieving the outcome document objectives also required further discussion. The Employers’ group suggested that a resolution to accompany the outcome document with time-bound priorities for ILO action might be considered. Therefore, an outcome document that was concise and action oriented but not time bound, as mentioned in paragraph 6, did not respond to the view that clear priorities must be set. Furthermore, the outcome document should be clear and ambitious and the ILO should not limit itself to be the “global authority on labour and employment matters”, as set out in paragraph 6(e). Rather, it should strive to be the global leader on the generation of full and productive employment, on supporting member States, and on helping enterprises to thrive and create productive and decent jobs, thereby ensuring their competitiveness and sustainability. The theme should form a central building block and be positioned after Part 2.
93. While agreeing that the process for a draft Declaration should be accelerated, the Employers’ group expected that the Office would continuously consult with the constituents and their secretariats prior to the informal tripartite consultations to be held in April 2019. Additionally, the group requested that a draft plan of action be produced with a clear time frame and a draft agenda for negotiation of the outcome document to be presented to the Governing Body to give an idea of how the June negotiations would be structured.
94. *Speaking on behalf of the Africa group*, a Government representative of Nigeria said that during tripartite consultations on the outcome document, agreement had been reached on the need for an ambitious and concise declaration to express the ILO’s long-term direction. Basing the outcome document on the ILO Constitution and previous milestone declarations would ensure that all constituents were committed to its realization. Greater attention should be paid to the recommendations contained in the 2019 report of the Global Commission on the Future of Work, particularly concerning the need to prepare for the skills needs of the future taking into account varying forms of work and employment relationships. In order to ensure that the declaration was relevant to all member States, the outcomes of the regional and national dialogues on the future of work should also be taken into account and the application of international labour standards and the ILO supervisory system should be strengthened. His group agreed with the outline content and structure set out in paragraphs 6 and 7 of document GB.335/INS/2/3. However, he sought clarification on the use of the biennial programme and budget to monitor the implementation of the outcome document, and why the outcome document would not be time-bound.

95. His group agreed that the outcome document should address the ILO's unfinished business, which should include the need to ensure the democratic representation of all member States on the Governing Body. Recalling the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986, he said that the abolition of the permanent seats on the Governing Body should be a key element of the outcome document and should, therefore, appear in the draft outcome document to be discussed in April 2019. His group was seeking a political and tripartite commitment to reflect the significant changes in the ILO's membership over the course of the past century in the Organization's governance structures, as referred to in paragraph 3 of the document before the Governing Body.
96. His group proposed that the title of the outcome document should be framed around the words "building a future with decent and sustainable work" or "with decent and productive work" and that it should use the human-centred approach adopted by the Global Commission. The increasing reliance on automation, digitization and the use of artificial intelligence would affect the skills required of workers in the future; that should be reflected in the concept of decent work, without undermining job creation and the transition to environmental sustainability. He looked forward to the April 2019 negotiations on the outcome document, which would take into account the guidance provided by all constituents during the current session of the Governing Body.
97. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. The group of countries that he represented considered that the preparations for the Centenary Session of the International Labour Conference, including negotiations on the outcome document, should include all governments and social partners in order to build the trust and transparency required to ensure that the Conference was a success. As the international community was moving towards the achievement of the 2030 Agenda and UN reform, the ILO must ensure it was fit to face future challenges and benefit from the opportunities offered by the ever-changing world of work. His group remained committed to development cooperation, constructive social dialogue, sharing best practices, in particular with regard to the ratification of ILO instruments, and ensuring an effective, transparent, tripartite supervisory system. He called for a clear negotiation process based on documents that accurately reflected constituents' comments, which might include contributions from the Office when requested. In order to ensure its full implementation at such an important historic moment, the constituents should be able to recognize their opinions in the final outcome document, which should be ambitious, whatever form it took.
98. The Panama Declaration for the ILO Centenary: The future of work in the Americas (Panama Declaration) was the only recent regional declaration to focus on the ILO Centenary and, as such, should be taken into account when the draft outcome document was being prepared. Recalling the reference in the Panama Declaration to the ILO's leadership role, he urged constituents to strengthen their institutional capacities to implement standards and guidelines, increase understanding of current work relationships and strengthen sharing of good practices and development cooperation. The outcome document should focus on strengthening and modernizing the ILO's supervisory system, in view of its importance, by maintaining the principles of transparency, coherence, efficiency, impartiality and tripartism and avoiding duplication. Doing so would require the full participation of all governments in standard-setting meetings.
99. Lastly, he supported an agenda based on a human-centred approach to the future of work that prioritized lifelong learning and retraining and urged the Office to collaborate with agencies such as the Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) in that regard.

- 100.** *Speaking on behalf of IMEC*, a Government representative of Germany agreed that the outcome document should be a declaration that built on the ILO Constitution, the Declaration of Philadelphia and previous declarations and asked the Office to prepare a draft declaration prior to the negotiations scheduled for April 2019. The outcome document should be of use to countries at different stages of development, meaningful, results-oriented, concise and able to stand the test of time; having reviewed the proposals, she said that the latter two were of particular importance. Turning to the appendix to document GB.335/INS/2/3, she said that Part 1 should contain a strong, high-level reaffirmation of the value and relevance of the ILO and its mandate, principles and objectives. Part 2 should go beyond identifying current challenges and opportunities to ensure that the outcome document would have enduring relevance and value. IMEC welcomed the commitment to action set out in Part 3, but considered that more diverse sources of input than the recommendations of the Global Commission on the Future of Work were needed. Lastly, she expressed support for the content of Part 4, particularly for the ILO's role in the multilateral system. IMEC supported the draft decision.
- 101.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries North Macedonia, Montenegro, Serbia and Albania and the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Georgia aligned themselves with his statement. He supported the statement made on behalf of IMEC. He welcomed the acceleration of the negotiations on a draft outcome document and the agreement to build on the ILO Constitution and the Declaration of Philadelphia while reaffirming the ILO's core principles, strategic objectives and normative role, the value of tripartism and social dialogue and their relevance to the future. Concerning the appendix to document GB.335/INS/2/3, he agreed that there was a need to reaffirm the ILO's mandate in Part 1, in view of persisting decent work deficits and the fundamentally changing nature of work. The Office should ensure a balance between the challenges and opportunities mentioned in Part 2. Constituents should commit to a human-centred agenda to reinvigorate the social contract. Part 3 should indeed draw on the recommendations of the Global Commission on the Future of Work, but should also reflect other ideas; nevertheless, the three interlinked and mutually reinforcing pillars of action described therein would form a good basis for the upcoming negotiations.
- 102.** It was essential to support and prepare for future-of-work transitions, particularly through investing in people's capabilities. His group supported the focus on the acquisition of skills, reskilling and upskilling, in line with the universal right to lifelong learning. The ILO could take a more proactive role in that field through enhancing the activities of its International Training Centre and should continue to strengthen its research, knowledge and expertise in order to better promote the outcome document. He agreed that occupational safety and health should be added to the ILO's fundamental principles and rights at work and options for implementing that proposal should be considered. While there was a need to protect all workers regardless of their contractual status, the recommendation of the Global Commission to establish a universal labour guarantee would require further reflection, particularly with regard to modalities of national implementation and the practicalities of including a reference to work-life balance. Further commitments to invest in the institutions of work should focus on international labour standards, regulations, employment contracts, adequate living wage, collective agreements and labour inspection systems, how to harness and manage technology and the need to promote decent work in trade and global supply chains. A discussion on how to safeguard the quality of work and social protection of all workers in digital labour platforms was also needed. The EU supported strengthening inclusive and cross-border collective representation through social dialogue, particularly in the digital economy.
- 103.** The ILO had an important role to play in addressing climate-related challenges as did the circular and green economies in achieving a just transition to environmental sustainability.

The role of the social economy as a driver for development and employment should also constitute a focus. His group supported a transformative and measurable agenda for gender equality, and universal social protection systems, appropriate to each national context. Turning to Part 4, his group supported the need for a robust, up-to-date and adaptable body of international labour standards. Constituents should focus on ratifying and implementing existing standards and consider adopting new standards where appropriate. The existence of a well-functioning, authoritative, efficient and effective supervisory system was a matter of critical importance. The ILO should reassert its role as leader and convener of activities to promote social justice and ensure policy coherence on matters relating to the world of work. A high-level task force comprising the ILO, WTO, OECD, IMF and the World Bank could be established in order to review coordinated activities in that regard. The ILO should also seek new and innovative partnerships in order to ensure the attainment of its objectives.

- 104.** Future programme and budget documents should be formulated to ensure the effective implementation of the outcome document, which would require intersessional work following the Centenary Session of the International Labour Conference to review the ILO's Strategic Plan for 2018–21 in light of the outcome document. Given that not all implications of the ongoing changes to the world of work would be identifiable during the Conference, an effective mechanism would be required to monitor progress in implementing the outcome document, subject to tripartite consensus. The EU and its Member States supported the draft decision.
- 105.** *A Government representative of the United States* said that the declaration should be a strong reaffirmation of the ILO's mandate and principles, which remained valid in a world of work that had changed profoundly since the Constitution, the Declaration of Philadelphia and the ILO Declaration on Fundamental Principles and Rights at Work had been drafted. The challenge was not to update those documents but to adapt national and ILO mechanisms, techniques and procedures to the new environment. While the topics listed under the building blocks were largely appropriate, there was a need to prioritize realistic goals. Certain goals, such as universal entitlements and guarantees, might be fiscally unsustainable even in advanced industrial countries. The outcome document should ideally be concise, comprehensive and action-oriented, along the lines of the second paragraph of the ILO Constitution. He supported proposals to draft a strategy for moving forward and the Director-General's proposal that the Governing Body do so at its 337th Session in the context of the programme and budget discussions. He strongly agreed that a formal follow-up mechanism was not required.
- 106.** *A Government representative of Switzerland* said that Parts 3 and 4 might be reworded to focus more on the opportunities than on the challenges presented by changes in the world of work, in order to create confidence. Partnerships with non-state actors, the private sector, other UN entities and the Bretton Woods institutions were key to facing the global challenges listed under Part 2. Conditions that supported the economy and innovation were also of crucial importance, as only a productive economy would support sustainable economic growth and decent work. The ILO should intensify its collaboration with the private sector in order to address issues such as global supply chains. The declaration should be ambitious, chart a clear path for the future and focus on constructive dialogue between actors in the world of work for a consensus-based approach. To that end, she encouraged constituents to strongly reaffirm the central role of social partnership. She noted that Part 3 contained many recommendations from the report of the Global Commission on the Future of Work despite the fact that ILO tripartite discussions had yet to take place on that issue. The declaration should be accompanied by a resolution.
- 107.** *A Government representative of China* supported the outcome document taking the form of a declaration. He suggested including the goals of eliminating poverty and inequality through employment and skills development; providing assistance to member States to

achieve Sustainable Development Goal (SDG) 8 through strengthening development cooperation; and strengthening tripartite cooperation in order to realize mutual benefits.

- 108.** *The Worker spokesperson* said that her group would comment fully on its position the following week.
- 109.** *The Employer spokesperson* said that she supported the reaffirmation of the ILO's principles and objectives under Part 1, especially those not yet fully achieved. However, they must be checked against reality to ensure their continued relevance to the challenges faced by employers and workers. As it entered its second century, the ILO mandate should be focused on achieving equal opportunities, full and productive employment and decent work for all and the continuous improvement of productive efficiency as preconditions for social justice and lasting peace.
- 110.** In respect of Part 2, she proposed that the transformational changes facing the world of work for employers, workers and governments should be discussed and strongly supported the Swiss proposal to focus on opportunities rather than challenges. In addition to the points already listed, her group would like to address a number of additional issues, including: the effect of globalization on trade, poverty reduction and employment creation; the inadequacy of policies and international support to address labour informality and bring people into the formal sector; declining global productivity growth; the role of, and the need to improve, primary education; regulatory frameworks allowing for flexible workplace arrangements; women's access to the global labour market; the digital gap preventing economic and social progress for entire populations; remaining deficits to freedom of association, the rule of law, and other fundamental principles and right for employers and workers; the need to improve health and safety in the workplace; recent migration trends requiring realistic and efficient domestic policy and global cooperation; the high level of corruption within institutions that undermined investments aimed at economic growth and social justice. With regard to tackling inequalities, it was incorrect to assume that inequalities were increasing; in fact, they were decreasing in many regions. Efforts must be made to differentiate to identify adequate tools to decrease inequalities and assess how to use them successfully. Furthermore, there was undue emphasis on addressing the supposedly rapid growth of the platform economy in which, in reality, only a small percentage of the global workforce was involved; the topic should not dominate discussions.
- 111.** Her group concurred with the view that the base of Part 3 was narrow; it should take a broader approach than the report of the Global Commission on the Future of Work and consider inputs from the constituents, whose ownership of the outcome document was important to ensure its tripartite balance. The commitment to place people at the heart of social and economic development must not overshadow the crucial importance of an enabling environment for the creation of employment through open, dynamic and inclusive labour markets. The ILO and all constituents must reach consensus on developing a strategy to improve equal opportunities for inclusive prosperity based on a human-centred agenda. In that connection, the three pillars of the future of the ILO should be: equal opportunities for inclusive prosperity; a human-centred agenda – meaning the development of lifelong learning, support for people through future-of-work transitions, tailor-made policies on gender equality, strengthened social protection and improved promotion of collective representation and social dialogue; and an agenda to promote the goals listed under SDG target 8.3. That pillar required the promotion of sustainable enterprises. The outcome document should be accompanied by a resolution with time-bound priorities for action, a “Roadmap for action”.
- 112.** The ILO should prioritize its role as a global leader on skills anticipation and guidance for policymakers. In addition, it should support member States seeking to enhance productivity, develop leadership in member States addressing informality by seeking solutions through a

bottom-up and differentiated approach and ensure that international labour standards and other non-normative guidance were effective, universal, balanced and relevant. Furthermore, it should develop expertise on job transition support schemes to design support for agile mobility; support member States in building and reforming policies aimed at achieving dynamic and efficient labour markets; develop programmes to foster youth employment; strengthen social dialogue and share good practice on how to modernize it, in particular in the digital context; and support the development of social protection. In view of the need for the ILO to focus on capacity building, a tripartite approach and targeted responses to the needs of member States, she proposed that the outcome document might be entitled: “Shaping the future of work: A shared responsibility of governments, employers and workers”. She asked the Office to establish a mechanism for regular and close consultations with the secretariats of the various groups while producing the initial draft.

- 113.** *The Worker spokesperson* said that the Employers’ extensive explanation of its views had created an uncomfortable imbalance; the agreement had been to provide preliminary explanations at that stage of the session. Such an imbalance must not be allowed to happen again.
- 114.** *The Director-General*, noting that not all inputs had been given at the current stage of the Governing Body, said that some points needed to be considered prior to the second round of discussions. The Office had sought to conduct consultations in line with its commitments and to the satisfaction of constituents and had provided substantive topics for discussion. The initial draft of the outcome document would be made available by mid-April. In view of that deadline, he invited members to make proposals on the content of the draft at the current session and to anticipate the appropriate open, transparent, and inclusive processes after the publication of the draft. The report of the Global Commission on the Future of Work would be an important source of inputs for the outcome document; however, he agreed with the Employers’ group that the Commission was not fully tripartite and its recommendations would not bind the Governing Body. The Office would also acknowledge the points made by the Government representative of Brazil on the importance of the Panama Declaration, as well as those made by the Africa group regarding the continuing national dialogues on the future of work that had begun prior to the Commission’s work. It would be challenging to incorporate the extensive content proposed for inclusion in a concise, impactful declaration that would be universally applicable at all stages of development and not purely conjectural. He had recommended the Declaration of Philadelphia and the Preamble to the ILO Constitution to the Governing Body in his opening speech as a good example of an extensive yet concise and significant declaration. Members should be guided by the principle of restraint with a view to developing a concentrated, concise and impactful outcome document with consequences, rather than one that would celebrate the ILO’s Centenary and be disregarded in the future. The Governing Body should consider the appropriate format for the outcome document, as well as the mechanism for ensuring that it had consequences; some had proposed a built-in follow-up mechanism, while others had proposed an accompanying resolution in order to set time-bound parameters. Proposals would require careful consideration as they would affect the length, conciseness, universal applicability and durability of the declaration. Further conclusions would be drawn from the considerations of the Governing Body later in the session, once all sides had been heard.
- 115.** *The Worker spokesperson*, noting with satisfaction the general support for an ambitious Declaration to mark the Centenary of the ILO, said that her group was in favour of requesting the Office to prepare a draft Declaration to be available for the consultations scheduled for April 2019. It should be as powerful and inspirational a document as the ILO Constitution and the Declaration of Philadelphia. Although the scourges of the twenty-first century would be different to those of the twentieth, they could have similarly devastating consequences. The Organization should reconfirm that social justice, decent work and the protection of workers and their families, as part of a fair model of globalization, continued to be the best

recipe for peace and stability. The Workers' group strongly supported the call by the Global Commission on the Future of Work for a fundamental, human-centred, change of direction in economic and social policies, and its call to reinvigorate the social contract. The ILO must have a leadership role not only in the future of work, but also in sustainable development more broadly. The Declaration should be concise but meaningful, making the case for immediate action in terms that would stand the test of time.

- 116.** Referring to the building blocks for a Centenary Declaration set out in the appendix to document GB.335/INS/2/3, she said that her group supported the proposal for Part 1 (Reaffirming the mandate of the ILO). The Organization's tripartite governance system and emphasis on enabling the rights of freedom of association and collective bargaining was vital to a future of work with social justice at its centre. There could not be human-centred and inclusive growth without respect for those rights. Emphasizing that any outcome document must go beyond previously adopted texts, but not replace them, she said that the notion that labour was not a commodity, as stated in the Declaration of Philadelphia, must continue to be a key guiding principle.
- 117.** With regard to Part 2 (Identifying the challenges and opportunities for the future of work), the Workers wanted to include clear references to increasing income inequalities and gender pay gaps, an issue that should be followed up in the operative parts of the Declaration. Furthermore, there should be explicit references to minimum living wages and collective bargaining. The refugee crisis should be mentioned in connection with labour migration. There should also be recognition of the fundamental change in the composition of the workforce, with the massive increase of women workers in both the formal and informal labour markets. The risks relating to the closure of democratic space and assaults on workers' rights must also be addressed. Just transition should be included as a key concept, not only in relation to environmental sustainability, but also in other areas, such as digitalization. The challenges of the digital economy relating to working time, data protection and privacy must also be addressed, and the "right to disconnect" should be included in any debate on working time regulation. It was also important to mention the changing patterns of production and work, business models and employment relationships.
- 118.** The Workers' group supported legitimate demands to recognize the fundamental changes in the composition of ILO membership and constituencies, but requested clarification from the Office on the meaning of point 2(h). That part must also more clearly address the need for the ILO to take a leadership role to ensure coherence across the multilateral system. There should also be a separate point addressing the need for quality public services. Austerity measures had meant that legitimate demands for essential services remained unmet. Public services had an enormous impact on women's employment opportunities, in particular, by providing both jobs and services for working women.
- 119.** In Part 3 (A commitment to action), the order of elements should be altered so that section (2) on "Increasing investment in the institutions of work" came first. A universal entitlement to lifelong learning should be linked to access to quality education for all. An agenda for gender equality should reflect the need for a more equal division of labour in both paid and unpaid work, which must be supported by measures including strong public services, as well as investment in the care economy, working-time arrangements and social security. Her group agreed with the provision of universal social protection, but recalled that social security embodied both social insurance and social assistance. The issue of pensions must also be explicitly addressed as part of the package.
- 120.** Noting that point (2)(a) covered a lot of issues, she said that there should be a separate point on the normative and rights-based mandate of the ILO, with a reference to the universality of international labour standards and the important role played by the ILO supervisory system.

121. There should be a clearer reference to the continued importance of the employment relationship as a means of providing legal protection to workers. The decent work impacts and challenges of digitalization needed to be addressed, including by developing a new standard for digital labour platforms. When referring to technology, regional inequalities, including how to address the enormous and growing digital divide, should be taken into account.
122. The Workers' group firmly supported the establishment of a Universal Labour Guarantee for all workers, which should include as a minimum limits on working hours, an adequate living wage and the protection of safety and health at work. With respect to the latter, the Workers' group continued to support the need for the protection of safety and health at work to become a fundamental labour standard and asked for clarification from the Office as to how that could be achieved.
123. Strong and representative organizations of employers and workers were vital to a future of work with social justice at its centre, and the key role of coordinated and centralized collective bargaining as a public interest, should be acknowledged. The references to the care economy and the social economy were important, but there should be a more explicit reference to the public sector as well. Productive and decent work needed to be pursued jointly. The concept of sustainable enterprises must also include environmental sustainability. There also needed to be a focus on the macroeconomic environment needed to promote full and sustainable employment and decent work. The Workers' group strongly supported the proposal to focus on addressing decent work deficits in the rural and informal economies.
124. In Part 4 (Means of action), the Declaration must reaffirm the standard-setting function of the ILO and the need to promote the ratification of up-to-date international labour standards and the importance of the ILO supervisory system. It should acknowledge the need to promote cross-border social dialogue and compliance with standards and remedies across borders, with a view to addressing decent work deficits in global supply chains. The ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and the UN *Guiding Principles on Business and Human Rights* provided relevant guidance. There must also be a reference to the ILO Declaration on Social Justice for a Fair Globalization. If the Declaration was to be forward-looking, it had to indicate new ways to implement established policy and provide global direction for an integrated and inclusive framework.
125. As a follow-up to the Declaration, the ILO could strengthen partnerships with multilateral institutions in order to promote common employment objectives. Development cooperation activities should meet the needs of the social partners as well as member States.
126. The Declaration was missing any reference to labour statistics, which should be added. In that connection, the ILO should pursue the suggestion made by the Global Commission to develop indicators that went beyond gross domestic product in order to encourage and track progress on a human-centred development agenda. That could become part of a report that would promote coherence and be used to provide assistance to constituents in achieving the objectives set out in the Declaration.
127. The programme and budget would of course have to be formulated to give effect to the Declaration, but the Declaration also needed to have political follow-up that communicated with the outside world. The International Labour Conference resolution referred to in paragraph 5 of the document should, in addition to issues related to the programme and budget, outline the institutional arrangements needed for the ILO to give effect to the Declaration, support its constituents, clarify its role towards the other organizations and reinforce its normative mandate. Nothing in the follow-up should lower the level of ambition

set by the founding texts of the ILO. Since time might not allow a fully-fledged proposal on implementation and follow-up to be developed at the Conference, the resolution could perhaps outline the main ideas that would then be further developed by the Governing Body.

128. *The Employer spokesperson* said that the principles of the Declaration of Philadelphia must be reaffirmed and applied to the context of the twenty-first century. Several of the ILO's core values that were also contained in that Declaration – and which were preconditions for social justice and lasting peace – had been neglected and required increased attention as the Organization entered its second century. Those included equal opportunities, full and productive employment, training and the transfer of labour, the continuous improvement of productive efficiency and a high and steady volume of international trade.
129. The draft Declaration should contain three parts, rather than the four suggested in the appendix to the document, and should be followed up by a time-bound road map with priorities for ILO action and an indication of its means of action. The first part would reaffirm the ILO's principles and objectives, especially those that had not yet been fully achieved.
130. The second would focus on the transformational changes facing the world of work, including: the effects of globalization on trade, poverty reduction and employment creation; labour informality; declining global productivity growth and its impact on inequality; the role of primary education and the urgent need to reform it; flexible workplace arrangements; access of women to the global labour market; the digital gap; the remaining deficits to freedom of association, the rule of law, and other fundamental principles and rights; health and safety in the workplace; recent migration trends; and the high level of corruption within institutions.
131. The third part would contain the Declaration's core message and purpose, drawing not only on the "human-centred agenda" approach recommended by the Global Commission on the Future of Work, but also on the need for an enabling environment for employment creation through open, dynamic and inclusive labour markets.
132. If the outcome document aimed to consolidate the ILO as the global authority on labour and employment and strengthen its role and influence, the ILO should start playing a concrete role in the generation of full and productive employment. It must become a centre of excellence for knowledge and skills regarding employment creation, providing leadership and vision on the generation of full and productive employment and supporting member States in helping companies to thrive and to create productive and decent jobs – ensuring their competitiveness and sustainability – while taking into account each country's specific circumstances.
133. The ILO constituents must reach a consensus on a strategy to improve equal opportunities for inclusive prosperity based on a human-centred agenda – comprising ideas inspired by the Global Commission – complemented by an agenda to promote policies that supported productive activities, decent work creation, entrepreneurship, creativity and innovation, and encouraged the formalization and growth of enterprises, as set out in target 8.3 of the SDGs. The second agenda represented the improvement of productive efficiency as set out in the Declaration of Philadelphia and built on the idea that without a better future for production there could be no better future for work, a concept that necessitated the promotion of sustainable enterprises.
134. The views of her group were flexible with regard to the format of the follow-up, although it should align with the dates and activities relating to the SDGs, and SDG 8 in particular. While there was insufficient time to fully negotiate the outcome document and its time-bound priorities before the Centenary Session, it was important that the session included

discussion of the ILO's next century and a plan of action for the next decade. The ILO's activities must be based on the real needs of member States and produce measurable outcomes, and its priority areas should focus on skills anticipation, enhancing productivity growth and addressing informal work through innovative solutions that did not focus exclusively on decent work deficits in the informal economy, but also examined its root causes, which often stemmed from limitations on the formal sector. The ILO should also develop expertise on job transition support schemes, support member States in adopting policies to develop dynamic and efficient labour markets, consider the employability of young people and support the development of social protection schemes.

- 135.** Its efforts to strengthen effective social dialogue and capacity-building for representative organizations should be balanced, robust and up to date, as must its international labour standards. Social dialogue and international labour standards were ineffective where there were high levels of informal work and could not address the challenges of the twenty-first century alone; new tools and approaches were needed. The focus on the platform economy was disproportionate given that around 60 per cent of the world's workers were employed in the informal economy, and the phenomenon could help reduce informal work in developing countries. When examining new ways of fulfilling its mission, the ILO should, as a matter of urgency, liaise with relevant national institutions, such as those responsible for education, the economy and technology.
- 136.** Her group proposed the title "Shaping the Future of Work: A Shared Responsibility of Governments, Employers and Workers" for the draft Declaration and called on the Office to establish a mechanism for regular, close consultation with the group secretariats and with ACTRAV and ACT/EMP when building on the first draft. She requested that a plan of action with a clear time frame for negotiating the outcome document and the agenda of the Committee of the Whole be presented to the group secretariats by the end of the current session of the Governing Body.
- 137.** *Speaking on behalf of the Africa group*, a Government representative of Nigeria reiterated that, if a draft Declaration was to be pursued, it should address the question of the democratization of the Governing Body. The ILO should conclude any unfinished business before moving into its next century, including by overcoming the failure to ratify the 1986 Instrument for the Amendment of the Constitution of the ILO, which would grant equal opportunities for all regions by doing away with the notion of permanent seats. That failure was a source of shame and provided a weak foundation on which to build a draft Declaration, plans for which should be abandoned if there was a lack of belief in the process of democratization. Indeed, it was unclear whether the Office of the Director-General was committed to the ratification of the 1986 Amendment, and efforts to promote its ratification among the Members of chief industrial importance had been lacking. He called on all Governments to commit to that process and on the Workers' and Employers' groups to support it. A sense of unity was vital if the current global transformational changes were to produce positive developmental outcomes. Noting the proposal that the outcome document should be action-oriented but not time-bound, he said that if a draft Declaration was to be pursued, a road map and timelines must be drawn up to ensure implementation and follow-up.
- 138.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. The group of countries that he represented still held the same views it had expressed previously. He added that the drafting process for the outcome document must be transparent, inclusive and tripartite to ensure that it fully reflected the vision and principles of the three groups of ILO constituents. He supported the structure of the document proposed by the Office and remained open to the Employers' proposal to include a more detailed road map. He emphasized the importance of following a human-centred approach, facilitating job creation and considering new ideas,

such as a universal labour guarantee. The document must reaffirm the value of genuine tripartism and the input of governments in tripartite dialogue. Emphasis should be placed on the impact of rapid technological change and the importance of skills training and lifelong learning. The outcome document must also address inclusive and sustainable social protection systems. The group would like Part 2 of the document to include a reference to the importance of youth employment.

139. *Speaking on behalf of ASPAG*, a Government representative of Australia asked how many consultations on the outcome document would be held before the International Labour Conference in June. The document must set a flexible and forward-looking agenda that could be adapted to respond to new challenges and opportunities. Part 2 of the document should therefore provide broad context, rather than a definitive list of the challenges and opportunities inherent in the future of work.
140. Part 3 of the document required further consideration. While the report of the Global Commission on the Future of Work was a useful reference point, the outcome document should not simply replicate its recommendations. Nevertheless, her group supported the human-centred agenda. In that regard, the social economy should be stressed in the document as a key human-centred business and economic model. Affirming the importance of committing to further action on broad themes, including those identified in the Centenary Initiatives, she noted that the position of ILO Director-General had never been filled by someone from the Asia and the Pacific region, nor by a woman. The ILO must commit to improving cooperation with other multilateral organizations and maximizing the potential of existing mechanisms such as the SDGs.
141. While her group did not underestimate the many challenges to decent work, identifying too many areas as priority risked diminishing the impact of the ILO's work. The focus of the Centenary should be the ILO's unique strengths, namely tripartism, social dialogue and international labour standards. Part 4 of the document was therefore particularly important.
142. The ILO's structures, processes and mandate needed to be fit for purpose and reflect its diverse membership. The Office should do more to help strengthen national capacities. It must also work with its member States, the social partners and other actors in the UN system to shape international and regional economic and financial policies and actions, with a view to achieving sustainable development, a fair global economic order and a decent world of work. The implementation of the resolution concerning effective ILO development cooperation in support of the Sustainable Development Goals was therefore imperative.
143. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania thanked the Office for its flexibility in preparing a first draft of an outcome document by mid-April 2019. Having put forward its views and listened with interest to the views and proposals of the Employers, Workers and Governments, the EU and its Member States were convinced that there was a good basis from which to make progress. They therefore looked forward to the informal consultations to discuss further the content of and follow-up to the draft Declaration and to build consensus on what would be a key outcome document for the Organization.
144. *Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)*, a Government representative of Thailand welcomed the drafting of an outcome document that would have a long-term strategic direction and focus. The building blocks for the outcome document must be practical and relevant and create a sound environment for greater collaboration across regions, sectors and organizations. He appreciated the proposal to reaffirm the ILO's mandate as the first building block of the document, since it emphasized the fundamental importance of the ILO's leadership. Part 2 of the document provided a connection between global and regional issues: democratic change, digital transformation and the changing

nature of the world of work were global issues that fed into regional priorities to prepare green jobs, green skills and to harness digital technology, in accordance with the recommendations of the Global Commission on the Future of Work.

145. Part 3 of the building blocks was essential to build the solid ground required for Part 4. The latter, in particular, must have concrete means for implementation, clear-cut roles and responsibilities of ILO constituents, and effective methods for monitoring and evaluation. Emphasis must be placed on the means of action in order to produce an outcome document that was both practical and achievable. He expressed the hope that the document would help to narrow development gaps, in particular by harnessing and managing technology for decent work.
146. *A Government representative of India* agreed that a Centenary Declaration should set the long-term strategic direction and focus for the ILO, promoting and building on previous outcome documents. It should also reflect on how the ILO could be reformed and strengthened through greater transparency and meaningful social dialogue. ILO constituents must work together to create an organization that was more fit for purpose and democratic, and the expansion in its membership should be reflected in its governance structures and processes, including through equitable geographical and gender representation.
147. It was essential that the document should identify the challenges and changes the world was currently facing and would face in the future due to artificial intelligence and globalization and emphasize the various partnerships required to face the challenges and optimize opportunities through a coordinated approach.
148. While the focus in Part 2 of the building blocks on demographic change, labour migration, gender gaps, addressing future skills and multilateralism was appreciated, emphasis should also be placed on challenges such as informality, social security, the sustainability and productivity of microenterprises and intergovernmental cooperation to enhance female participation in the workforce. Gender initiatives were a core part of the ILO and it should develop a clear, robust and updated body of international labour standards that were applied through a transparent, participative and more credible supervisory system. The ILO should continue to provide technical expertise on tripartite questions and engage in research and analysis in order to advance social justice and promote decent work. The ILO should also do much more to help strengthen national capacities and work with other sectors in the UN multilateral system in order to shape international and regional economic and financial policies, help eradicate poverty and ensure full and productive employment. There should be arrangements to follow up the Centenary Declaration through the International Labour Conference.
149. *A Government representative of Bangladesh* said that the world of work was rapidly changing and a Centenary Declaration must give a clear direction on how to address the challenges and opportunities of the future of work, taking into account the recommendations made by the Global Commission on the Future of Work.
150. People and the work they carried out must be at the centre of ILO policies and practices and the outcome document must focus on the skills needed for the future, as well as making learning lifelong. Priority must be given to unskilled youth and migrant workers, the possible impact of modern and future technology, and opportunities for regular migration. The vast impact of climate change must also be recognized in the document. Social protection was one of the four pillars of the ILO and it must be included in Part 2 of the document, as providing technical assistance to developing countries would be vital for ensuring quality social protection. In Part 4 of the document, actions must be based on priorities, rationality and the possibility of achieving the highest benefit. There should be clear guidance and policies and the Office must have the necessary resources.

- 151.** *A Government representative of the United Kingdom*, expressing pride in his country's long and shared history with the ILO, supported the drafting of a Declaration for adoption at the Centenary Session of the Conference. There appeared to be agreement that the outcome document should reaffirm the ILO's principles and mandate: as the Director-General had stressed, it must be aspirational, precise and represent a true tripartite consensus. In order to make a Declaration accessible, it must be free of jargon or academic or philosophical concepts and any ideas taken from the report of the Global Commission on the Future of Work must be translated into plain language.
- 152.** The document must also address areas of unfinished ILO business. The Government representative of the United Kingdom would welcome stepping up efforts on forced and child labour in support of efforts to eradicate modern slavery and thereby achieve target 8.7 of the SDGs. The work of the ILO on decent work in global supply chains was important in that context and the timetable for the ILO's programme of action should not be allowed to slip. The Government representative of the United Kingdom joined the Government representative of the United States in urging caution with regard to commitments to provide universal entitlements. In accordance with Part V of the Declaration of Philadelphia, due regard must be given to the stage of social and economic development of each people, and therefore the aims of the Declaration must be nationally appropriate.
- 153.** As stated both by the Government representative of Romania on behalf of the EU and its Member States, and by the Government representative of Switzerland, the ILO must seek a balance in addressing the challenges and opportunities presented by a changing world, such as providing technical assistance to help constituents harness the opportunities for economic development brought about by technological advances. The ILO should also be committed to action in providing economic policy expertise to help States to create an environment for productive work and in finding innovative ways of ensuring better employment engagement and workforce relations. The Government representative of the United Kingdom further supported the suggestion by the Government representative of France speaking on behalf of France and Germany to hold a thematic debate at the International Labour Conference in June on reducing inequalities through better coherence between the ILO and other relevant international institutions.
- 154.** *The Director-General* thanked constituents for their contributions to the second round of discussions on the outcome document noting the Governing Body's strong support for a declaration that adequately reflected the ILO's ambition. The Office was committed to distributing a draft declaration at least one week prior to the first round of consultations, scheduled for 25–30 April 2019. Those consultations would also include discussion on how the Committee of the Whole would work at the Conference. Following that, a second draft declaration would be produced, and a second round of consultations organized, if required. The Report of the Global Commission on the Future of Work would not be the only source document for the draft declaration; the Office would also take into account the outcomes of relevant National Dialogues and Regional Meetings. He recognized constituents' desire for a concise, impactful declaration. However, constituents had mentioned a large number of issues not all of which could be individually listed, particularly if the goal was to produce a text as short as the Declaration of Philadelphia or the Preamble to the ILO Constitution. He recognized the general consensus that the Declaration should not simply celebrate the ILO Centenary but should have consequences. Lastly, further discussions were required on the form that follow-up should take.
- 155.** He reassured constituents that their comments would be taken into account when preparing the draft declaration and noted their general support for the four building blocks set out in the appendix to document GB.335/INS/2/3. Lastly, he reminded the Governing Body that the Declaration should be clear to readers who were not members of the Governing Body or

even the ILO and should be drafted in such a way that it would remain relevant in another 75 years, which might mean that some current issues were not specifically included.

156. *The Employer spokesperson* reiterated that the ILO's mandate in its second century should be focused on achieving equal opportunities, decent work for all and improvements in productive activities, which were preconditions for social justice and lasting peace. Thus, it should help Governments and enterprises to develop policies that created quality employment through a human-centred agenda based on achieving SDG target 8.3, which would lead to a better future for work. The Centenary Conference was an opportunity to build on long-standing tripartite consensus and ensure that the ILO remained relevant, effective and innovative. An ambitious outcome document, with priority areas and timeframes, and an appropriate follow-up mechanism, were essential, and his group – having submitted various proposals – looked forward to receiving the first draft of the declaration. He asked the Office to produce a time-bound plan of action for the consideration of the draft Declaration and the agenda of the Committee of the Whole before the end of the current session of the Governing Body.
157. *The Worker spokesperson* took note of the planned process for negotiations on the outcome document. She noted that there had been no proposed change to the ILO's mandate, which was right as there were still elements of that original mandate that were unfinished. She recognized the request from the Employers' group to focus on productive employment and enterprises, and said that several instruments would be required to make that a success, including collective bargaining and mechanisms to address income inequalities.

Outcome

158. *The Governing Body provided guidance on the building blocks for a Centenary Declaration as detailed in the appendix of document GB.335/INS/2/3.*

(GB.335/INS/2/3, paragraph 9)

Third item on the agenda

Revised plan of action on social dialogue and tripartism for the period 2019–23 to give effect to the conclusions adopted by the International Labour Conference in June 2018

([GB.335/INS/3\(Rev.\)](#))

159. *The Employer spokesperson* said that the revised action plan was more concise and focused than the first version and one reflected the conclusions of the second recurrent discussion on social dialogue and tripartism. In particular, it devoted adequate attention to research on the business case for social dialogue and to strengthening the capacity of the social partners to contribute to skills development and productivity enhancement. However, as the revised action plan did not include all ILO initiatives on social dialogue, the Office should ensure that work remained streamlined, coordinated and avoided duplication. The Governing Body needed to see the overall picture with regard to the Office's activities on social dialogue and tripartism, including its financing.
160. The Employers were broadly in favour of the proposed draft decision, subject to three considerations. First, the timing of the high-level event on freedom of association and

collective bargaining during the Centenary Session of the International Labour Conference, as stated in paragraph 20 of the document, was problematic as that would make it difficult to involve the ILO supervisory bodies, in particular the CAS of Standards. The Employers urged the Office to hold tripartite consultations on the timing, content and participants before taking further decisions with respect to the organization of the event, which would require careful planning. Second, the Office's request, in paragraph 28 of the document, that the Governing Body provide guidance regarding priority activities and outputs from those proposed in the plan of action, was misplaced. It would not be appropriate for the Governing Body to engage in priority-setting with respect to a Conference decision. The Office should consider the entire gamut of social dialogue activities within the context of the programme and budget proposals, with a view to achieving coherence and facilitating the full attainment of the objectives set by the Conference and make sure that resources met priorities. Third, while the Employers' group highly appreciated the proposals set out in paragraphs 23 and 24 regarding coordination, monitoring and review of implementation, those were confined to the Office. The Governing Body should have an overview of the progress made. More specifically, a new section should be included in future programme and budget implementation reports that would outline how the action plan had been resourced and implemented. The aim was to keep constituents fully informed, in a comprehensive manner, of the activities undertaken each biennium, leading up to the next recurrent discussion on social dialogue and tripartism in 2023. The Office should also consider how best to streamline the relationship between the conclusions of the International Labour Conference, resulting plans of action and the programme and budget, since the proliferation of action plans, roadmaps and similar documents of a semi-programmatic nature created confusion.

- 161.** *The Worker spokesperson* noted with appreciation that the revised action plan reflected most of the points arising from the conclusions of the second recurrent discussion on social dialogue and tripartism. The Office's efforts to provide cost estimates were also welcome, but the basis on which they had been elaborated was not very clear. For example, staff costs did not appear to be included in all items, some activities were planned for a particular year while others were not, and it was unclear which activities were new or ongoing, budgetary or extra-budgetary, already funded or yet to be funded. The Workers, like the Employers, did not wish to engage in detailed debates on those issues that would result in the Governing Body micro-managing the Office.
- 162.** The Workers were concerned that only two activities were presented as extra-budgetary, and wondered how those activities would be funded. They agreed that paragraphs 27 and 28 were misguided; by asking the Governing Body to cherry-pick among activities, the Office was effectively requesting it to revise a Conference resolution based on mutual compromise and hard-won consensus. The Workers would not engage in such discussions. If in doubt, the Office should refer to the reports of the 2018 ILC committee on social dialogue and tripartism, and of the discussion at the 334th Session of the Governing Body. The Office should engage in a campaign for the ratification and effective implementation of Conventions Nos 87 and 98, which should be launched at a high-level event during the Centenary Session of the Conference. The Office should also promote collective bargaining and extension mechanisms in both the private and public sectors in order to promote equal pay for work of equal value and help ensure that the rewards of progress were fairly shared. With respect to paragraph 27 of the document, the Office must allocate adequate resources to producing a new yearly flagship report on social dialogue and tripartism, as specified in the Conference conclusions. The Workers noted with concern that the Office was not taking its demands for such a report seriously despite its close connection to the core business of the ILO and the value it would add in the context of UN reform and the Future of Work report, which called for a new social contract. Resources from the regular budget should be allocated to the implementation of the internationally agreed methodology to measure national compliance with labour rights, namely, freedom of association and collective bargaining, in the programme and budget for the next biennium. That work would most

likely also facilitate the development of the flagship report and drive down its cost. Lastly, the Workers requested that all the measures to promote social dialogue and tripartism, included in paragraph 3 of the “Framework for action” of the Conference conclusions, be embedded in the revised plan of action so that resources would be mobilized for their implementation. The Workers’ group would support the draft decision provided that it received assurances from the Office in respect of its concerns.

- 163.** *Speaking on behalf of the Africa group*, a Government representative of Eswatini commended the Office for producing a revised action plan that covered all of the components and key outputs contained in the Conference conclusions. With regard to the budgetary shortfalls alluded to in paragraphs 26 and 27 of the document, he reiterated his group’s call for the Office to make efficiency savings by merging interrelated and cross-cutting outputs, some of which could be pursued together. The Office should identify and explore partnerships with other UN agencies and strategic partners with similar mandates, for example for the implementation of components 1(b)(ii) and (f)(ii), detailed in Appendix I. Indeed, the Conference resolution itself requested the Office to communicate the conclusions of the second recurrent discussion on social dialogue and tripartism to relevant organizations; his group wondered whether that request had already been executed. Only if the above measures did not yield sufficient resources to enable full implementation of the plan of action should the Office consider proceeding to the prioritization of activities and outputs. On the understanding that the Governing Body would receive periodic updates on the implementation of the action plan without the need for a Governing Body decision to that effect, his group supported the draft decision.
- 164.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that his group welcomed the fact that the plan of action mainstreamed social dialogue across all policy outcomes, Decent Work Country Programmes (DWCPs) and development cooperation programmes and projects. With regard to thematic priorities for strengthening the capacity of constituents to engage in social dialogue, the group attached great importance to labour market policies for the future of work, including on skills development and lifelong learning; the transition from the informal to the formal economy; and enhancing enterprise productivity, inter alia. The International Training Centre of the ILO had an important role to play in such capacity-building. With regard to research and training, it was crucial to build on the previous plan of action 2013–17 and to widely disseminate any generated knowledge or findings through a variety of media so as to maximize outreach. As knowledge-sharing events, including South–South cooperation, would facilitate the implementation of the plan of action, experiences and best practices should be shared in an effective manner. ASPAG was of the view that there was no one-size-fits-all approach to organizing and strengthening social dialogue and that countries’ specific needs should be taken into account in the plan of action to ensure its effectiveness.
- 165.** *Speaking on behalf of IMEC*, a Government representative of the United States said that while the plan of action should be ambitious, it must also be realistic and remain within the ILO’s mandate and reasonable budgetary parameters. The size and significant resource implications of the proposed plan of action, which bore a minimum price tag of US\$15 million, gave cause for deep concern. IMEC wished to know how the Office intended to fund the two important outputs for which there were no specific budgetary provisions. While component 1 of the plan of action appropriately recognized the importance of capacity-building for effective social dialogue at all levels, there was no description of the activities and costs for the follow-up to the Meeting of Experts on Cross-border Social Dialogue or for the global and sectoral meetings; IMEC wished to know when that information would become available. With regard to component 2(a), IMEC expressed concern at the stated lack of resources to produce an annual flagship report and would welcome guidance on alternative options, such as linkages with existing reports or publications, if appropriate and relevant. As to component 4, the focus should be on what

the ILO should be doing to enhance its internal and external policy coherence on social dialogue, particularly in its engagements within the UN system and in forming strategic partnerships. While recognizing that the plan of action might have to be adjusted in the light of the outcomes of the Centenary Session, inter alia, IMEC supported the draft decision.

- 166.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that Turkey, North Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina and Georgia aligned themselves with his statement. The EU and its Member States supported the statement made by IMEC. They considered that the institutional capacity-building of social dialogue actors and mechanisms should be integrated across all ILO policy outcomes and DWCPs. They welcomed the determination of the Office to intensify its campaign for the universal ratification and effective application of Conventions Nos 87, 98 and 144, as their ratification and implementation would enable countries to have an operational social dialogue built on mutual trust. Policy coherence must be enhanced if the ILO wished to expand its partnerships and cooperation with the UN system and other international and regional institutions. The promotion of tripartism and the participation of the social partners in national strategies to deliver on the 2030 Agenda for Sustainable Development and in the UN reform should also be a priority. The EU and its Member States expressed concern at the absence of specific budgetary provisions for the flagship reports and the implementation of the internationally agreed methodology to measure national compliance with labour rights. The Office should prioritize activities in the revised plan of action, shift allocated budgets between activities and avoid duplication in order to ensure the feasibility of the plan. The EU and its Member States supported the draft decision.
- 167.** *A Government representative of Indonesia* said that national social dialogue mechanisms should be tailored to national circumstances. Her country attached importance to strong and effective national tripartite institutions, labour administrations and dispute prevention and resolution bodies. It supported the integration of the institutional capacity development of social dialogue actors and mechanisms across all ILO policy outcomes and DWCPs; the expansion of publicly accessible databases on industrial relations and social dialogue; and the development of user-friendly policy and training tools for constituents, which should take into account limited Internet access in some countries and the need for policy and training tools in national languages. Indonesia welcomed the provision of technical assistance to countries undertaking reforms of their legal frameworks on freedom of association, collective bargaining, social dialogue, and tripartism and considered that such assistance should be developed in close cooperation with constituents and in line with the DWCPs. It also supported the promotion of strategic partnerships with the broader UN and development communities at the global, regional and national levels, and encouraged the Office to continue promoting the role of the social partners and tripartism in the reform of the United Nations development system (UNDS). Indonesia supported the draft decision.
- 168.** *A Government representative of the United States* said that she wished to clarify her country's position on component 4(g) of the plan of action. The United States did not support the Global Compact for Safe, Orderly and Regular Migration and could not allow its financial support to be used for ILO activities undertaken with the specific purpose of implementing it. It would, however, continue to support the fulfilment of the ILO's own mandate for labour migration.
- 169.** *A Government representative of Poland* said that since her country had not signed the Global Compact, it could not support the allocation of ILO financial resources to component 4(g).
- 170.** *A Government representative of Brazil* said that the Governing Body had decided at its 333rd Session (June 2018) that the allocation of resources for the various programme priorities would be not be defined before the second half of 2019; therefore, any decisions taken during current session should not prejudice or pre-empt the outcome of the discussions

to be held at its 337th Session (October–November 2019). The Office should explain why the document stated that implementation of the internationally agreed methodology to measure national compliance with labour rights would cost an estimated US\$1.88 million over a five-year period, when GB.335/INS/14/1 provided an estimate of US\$860,000 per biennium. Moreover, since not all member States supported the Global Compact, any activities aimed at its implementation should not be financed by the regular budget of the ILO. Furthermore, a final decision on the allocation of resources for a high-level event on freedom of association and collective bargaining should not be taken prior to discussion of document GB.335/INS/2/2. It was unclear why the Governing Body should consider, at its 337th Session, whether it would be appropriate to convene a tripartite meeting on freedom of association and the effective recognition of the right to collective bargaining of digital platform and gig economy workers. He asked whether the matter had been discussed and approved by the screening group or by the sectoral advisory bodies, and what the estimated US\$80,000 would cover.

- 171.** *A Government representative of Chile* said that his country wished to associate itself with the statement made by Brazil. In particular, having not signed the Global Compact it agreed that any activities aimed at its implementation should not be financed by the regular budget of the ILO.
- 172.** *A Government representative of Bangladesh* said that his country encouraged the Office to take national norms and traditions into account when designing programmes and providing services aimed at strengthening social dialogue. National circumstances should also be taken into consideration when implementing the intentionally agreed methodology to measure national compliance with labour rights. Cross-border social dialogue was particularly complex in the globalized economy, and therefore the Office should step up its knowledge-sharing efforts and generate more data on its scope and impact on enterprises and employment, particularly in developing countries. Lastly, as migrant workers were especially vulnerable to exploitation and the denial of their rights in destination countries, Bangladesh welcomed the Office's efforts to promote the engagement of ILO constituents in the Global Compact.
- 173.** *A representative of the Director-General (Deputy Director-General for Policy)*, in response to comments on streamlining activities on social dialogue, said that the Office had made, and would continue to make, efforts to identify existing activities that could operationalize the Conference conclusions and, thereby, realize synergies. With regard to the high-level event on freedom of association and collective bargaining, there would be an opportunity for further discussion of that matter during the discussion on GB.335/INS/2/2. The Office had taken careful note of the comments of Governments relating to the permissible use of their resources in respect of the Global Compact. In response to concerns that the Office was engaging in “cherry-picking” of elements of the Conference conclusions, she emphasized that the Office had no intention of doing that, and that all elements of those conclusions had been included and translated into tangible activities in the revised plan of action. Regarding the indicative costing, she underscored that the lack of budgetary provision for a particular activity did not imply that that activity should not be implemented. The Programme and Budget Proposals for 2020–21, to be discussed at the 337th Session of the Governing Body, would contain proposals on how to fund implementation of the ILC conclusions.
- 174.** *A representative of the Director-General (Head of Social Dialogue and Tripartism Unit, Governance and Tripartism Department (GOVERNANCE))* explained that the Office had based the costing in the revised plan of action on its experience of implementing similar activities. The estimated cost of US\$1 million for the flagship report was based on the costs of comparable reports, such as the employment and social outlook report. However, that figure was conservative; the actual cost could be much higher. With regard to the alignment of the revised plan of action with the proposed Programme and Budget for 2020–21, the

Office would consult with constituents and report to the Governing Body on its subsequent implementation. In response to questions concerning costing for the follow-up to the Meeting of Experts on Cross-border Social Dialogue and the sectoral meetings, that element had been omitted from the document since key information – namely, the outcome of the meeting of experts and the decision by the Governing Body on sectoral meetings programming – was pending at the time of drafting. The item regarding the decision to be taken by the Governing Body at its 337th Session on whether to convene a tripartite meeting on digital platforms and the gig economy came directly from the Conference conclusions. The Office had taken note of requests to specify the kinds of partnerships it would engage in, especially with other international organizations, to promote policy coherence and social dialogue and tripartism across the UN system. The Office had also taken note that some Governments did not wish their resources to be used to finance the ILO's engagement with the Global Compact. He confirmed that the cost for the implementation of SDG indicator 8.8.2 indicated in document GB.335/INS/14/1 corresponded to one biennium while that in document GB.335/INS/3(Rev.) corresponded to five years.

- 175.** *A Government representative of Brazil* asked the Office to clarify exactly how it would ensure that resources from Governments that were not party to the Global Compact would not be used for related purposes. That point was key for Brazil to agree to the draft decision.
- 176.** *The Worker spokesperson*, echoing the Employers' point, said he would welcome more information for the Governing Body regarding implementation of the plan of action, including its costs. Information on the cost of implementation of the previous plan of action on social dialogue (2013–17) would be useful in order to contextualize the sum of US\$15 million attached to the current revised plan. He expressed concern that that amount was disproportionately small considering the central importance of social dialogue to the ILO. He asked why, in paragraph 27 of the document, two specific activities had been singled out as lacking funding. He did not see how such a funding gap could have been identified prior to the deliberations that would occur during the Governing Body's 337th Session. He asked whether the Office considered that implementation of the methodology for SDG indicator 8.8.2 on labour rights might serve to reduce the cost of producing the flagship report, at least for the first year. He emphasized that constituents must be convinced that the Office was not cherry-picking items to include in the Programme and Budget proposals for 2020–21.
- 177.** *The Employer spokesperson* asked the Office to respond regarding the timing of the high-level event on freedom of association and collective bargaining during the 108th Session of the Conference, as no consultation had taken place and, in the Employers' view, such timing would prevent members of the ILO supervisory bodies from participating. She echoed the Workers' insistence that the Governing Body must not only be informed about progress in implementation but be involved in oversight of implementation, based on concrete evidence.
- 178.** *The Director-General*, in response to the Workers' concern on paragraph 27, clarified that the statement was one of fact, not of judgement: the allocation of additional resources would be required if the flagship reports were to be produced. He emphasized that it was the Governing Body's role to decide during its 337th Session, in the light of the decisions taken at the current session, which programmatic activities, including those on social dialogue and tripartism, would be apportioned funding. The Office's role was not to pre-empt the Governing Body's decisions, but to carry out what it had been instructed to do by the Governing Body. He observed that "cherry-picking" for some was the same as "prioritizing" for others. Careful note had been taken of Governments' remarks on the use of ILO resources on the Global Compact and that issue would be discussed comprehensively under GB.335/POL/1. He acknowledged that discussion of the timing of the high-level event would take place later that day.

179. *The Worker spokesperson* expressed again his group's concern that no specific budgetary provision had been identified for the flagship reports or the implementation of the methodology to measure national compliance with labour rights. In the absence of a clear explanation for this, his group would be inclined to amend the draft decision. He requested the Office to provide greater clarity on that point.
180. *The Director-General* clarified that the lack of funding allocated in the current biennium for those two items did not imply any future intention. The Governing Body would have the opportunity to decide on an allocation for that purpose. The process was in line with standard practices respecting the views of both the 107th Session of the Conference and the Governing Body at its 334th Session.
181. *The Worker spokesperson* said that his group would support the draft decision on the understanding that all the activities deriving from the Conference conclusions would be included in the Director-General's programme and budget proposals and would not require additional extra-budgetary resources.
182. *The Employer spokesperson* said that the draft decision stated that the Office would take account of the guidance that had been given by the Governing Body.
183. *The Worker spokesperson* said that research on access to freedom of association and the effective recognition of the right to collective bargaining of digital platform and gig economy workers, as outlined in the plan, would require funding in advance of the decision to be taken by the Governing Body at its upcoming session.

Decision

184. *The Governing Body requested the Director-General to:*

- (a) *take account of its guidance in implementing the plan of action on social dialogue and tripartism for 2019–23 as set out in document GB.335/INS/3(Rev.); and*
- (b) *consider the plan in the preparation of future programme and budget proposals.*

(GB.335/INS/3(Rev.), paragraph 29)

Fourth item on the agenda

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

([GB.335/INS/4](#))

185. *The Worker spokesperson* said that the group remained concerned by the low reporting rate. He urged Governments to submit their reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work and to provide updated information on all fundamental Conventions and called on the Office to continue to promote reporting.

- 186.** Dedicated efforts were needed to ratify Conventions Nos 87 and 98, which remained the least ratified of the fundamental Conventions. Reports from several States indicating that the ratification of one or both of those Conventions was likely were welcome. He called for particular efforts to increase ratifications in the Asia and the Pacific region and the Arab States, which had the largest number of reporting States that had not ratified those Conventions.
- 187.** He welcomed the fact that all States in Africa, the Arab States and Europe had ratified Conventions Nos 29 and 105, but regretted the lack of new ratifications during the reporting period and the low reporting rate for Convention No. 29. He noted with concern that nine countries were yet to ratify Convention No. 29, and 14 had yet to ratify Convention No. 105, but welcomed the intention conveyed by the United States and the Republic of Korea to ratify Convention No. 29. While 28 ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930, were welcome, he urged member States to increase efforts to achieve the goal of 50 ratifications under the “50 for Freedom” campaign to end modern slavery. He welcomed the detailed reports provided by member States, of which 38 had indicated their intention to ratify the instrument. However, with no ratifications among the Arab States, he urged the region to make special efforts to ratify the Protocol. He noted with satisfaction that a number of Governments had reported national policies and plans of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour and also measures and specific actions for combating trafficking in persons. Governments should make a special effort to achieve universal ratification of the Protocol for the Centenary year of the ILO.
- 188.** He congratulated the regions of Europe and the Arab States for full ratification of Conventions Nos 138 and 182 and noted with concern that the Asia and the Pacific region had the fewest ratifications of those Conventions. He welcomed Australia’s comprehensive legal assessment of its compliance with Convention No. 138 with a view to ratification and expressed the hope that Palau would soon complete the ratification process for Convention No. 182.
- 189.** He expressed deep regret that no new ratifications of Conventions Nos 100 or 111 had been registered and noted with concern that the Asia and the Pacific region, followed by the Arab States, Africa and the Americas, had the highest number of reporting States that had not ratified those Conventions.
- 190.** He called upon Governments to continue their efforts to overcome obstacles to ratification. Noting the numerous calls by member States for more technical assistance, he urged the Office to further intensify its technical assistance in response to those requests. In addition, technical difficulties in the online reporting system should be resolved. He supported the draft decision.
- 191.** *The Employer spokesperson* thanked the Office for its efforts to obtain 100 per cent reporting and for addressing technical difficulties with online reporting, which had seen an increase in use by reporting States. He welcomed the increase in the reporting rate compared to the previous cycle and the rich content of the reports submitted. He welcomed the main positive developments, which included: three new ratifications of fundamental Conventions and the indication or confirmation by many States of their intention to ratify one or more of those Conventions; the ratification of the Protocol by five member States in the reporting period and the intention of 38 others to do so; the increasing quality of information provided by member States, which indicated how the Office could support constituents to overcome challenges, such as through technical assistance.
- 192.** In order to improve implementation of the Declaration, the Office must focus on finding ways to support implementation at the national and local levels while following the practice

of extensive tripartite consultation. However, while ratification of the fundamental Conventions was an important way for a member State to demonstrate its commitment to ILO core values, there were alternatives, such as policy initiatives. Whether a member State met its responsibilities under the Declaration depended on practical implementation, which did not necessarily tally with ratification of fundamental Conventions. The Office should support member States in all policy initiatives to implement the Declaration. He noted the positive trend among member States reflected in the review in the document, including ratifications of fundamental Conventions, promotional and legal policies to realize the effects of the Conventions, and requests for technical assistance. He urged the Office to respond to those requests and also to continue to build the capacity of the social partners on the ground. Developing constituents' institutional capacity to more effectively support the realization of fundamental principles and rights at work was vital.

- 193.** *Speaking on behalf of the Africa group*, a Government representative of Senegal commended the significant number of ratifications of the eight fundamental Conventions across the five regions as a reflection of the vitality of the ILO and the strength of tripartism. At the same time, he recognized that significant progress remained to be made. The review showed that Conventions Nos 87 and 98 were the least ratified of the fundamental Conventions, which should be of concern to member States and the relevant ILO supervisory bodies. His group welcomed the high number of ratifications by African States of the fundamental Conventions; four of the eight had been fully ratified across the region and considerable efforts had been made to ratify the remaining four. However, additional efforts must be made to ratify the Protocol, which only six of the 54 African States had ratified. He welcomed the fact that seven member States had requested technical assistance to overcome difficulties in relation to the Protocol. ILO technical assistance should strengthen the technical capacity of member States and support their efforts to promote the fundamental rights and principles enshrined in the ILO Constitution, taking into account different national contexts and identifying areas where assistance would be useful. He reaffirmed the Africa group's commitment to the ideals upheld in all of the instruments promoting fundamental rights at work and urged relevant States to make special efforts to ratify those instruments. He also urged all member States to contribute to achieving the ILO's goal of universal ratification of the fundamental Conventions. He supported the draft decision.
- 194.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries Turkey, North Macedonia, Montenegro, Serbia and Albania and the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, and EFTA country Norway, members of the European Economic Area, as well as Georgia, aligned themselves with his statement. He called on all member States to step up their ratification efforts and join the ILO Centenary ratification campaign. It was regrettable that Conventions Nos 87 and 98, the cornerstones of the ILO's work, were the least ratified of the fundamental Conventions. Noting that some countries had made progress in ratification, he urged the ILO to provide technical support to any countries requesting it. It was commendable that 30 ILO member States had ratified the Protocol, 14 of which were EU Member States, and notable that another 38 had indicated their intention to ratify it. He highlighted the importance of the "50 for Freedom" campaign to end modern slavery launched by the ILO in collaboration with the IOE and ITUC. The ILO should continue to assist member States in their efforts to respect, promote and implement fundamental principles and rights at work through the universal ratification of the fundamental Conventions. He acknowledged the challenges and technical difficulties encountered by member States in adapting to online reporting and expressed the hope that the Office would make the system more user-friendly to encourage a significant increase in reporting rates. His group supported the draft decision.

195. *A Government representative of the Republic of Korea* expressed his appreciation for the Office's efforts to achieve universal ratification of the fundamental Conventions and described efforts made by his Government to ratify key ILO Conventions.
196. *A Government representative of Greece* said that the information submitted by her Government regarding the Protocol did not justify the inclusion of Greece in table 1, specifically under the categories of "Social values, cultural traditions" and "Political situation". The comments inserted in the report form had indicated ongoing work and had not demonstrated challenges or obstacles in those areas. The inclusion of Greece in those categories was oversimplified, misleading and incorrect. Consequently, she asked for a corrigendum to document GB.335/INS/4, to remove Greece from the two categories.
197. *A representative of the Director-General* (Director, NORMES) agreed that the Office should support all efforts towards ratification of the fundamental Conventions. She took note of the comments made by the Government representative of Greece and said that the Office would amend the information accordingly. She shared the positive news that since the publication of the document, Palau and the Marshall Islands had ratified Convention No. 182, leaving only three States yet to ratify that instrument, and Ireland and Malta had ratified the Protocol.

Decision

198. *The Governing Body:*

- (a) took note of the information presented in the Annual Review under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work for the period from January to December 2018;*
- (b) invited the Director-General to further take into account its guidance on key issues and priorities, including as to the interest in the further elaboration of a specific application with a view to facilitating online reporting and data analysis; and*
- (c) reiterated its support for the mobilization of resources with regard to further assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work, through universal ratification and action, including with a view to combating the global scourge of forced labour including trafficking in persons.*

(GB.335/INS/4, paragraph 215)

Fifth item on the agenda

The Standards Initiative: Overall review of its implementation (GB.335/INS/5)

1. General observations on the implementation of the Standards Initiative – draft decision 84(a)

199. *The Worker spokesperson*, highlighting the key relevance of progress made regarding the Standards Initiative, said that her group welcomed the opportunity to evaluate, in a holistic manner, the progress made in relation to the Standards Review Mechanism (SRM) and the strengthening of the supervisory system. The ILO was uniquely placed in the UN system as a result of its normative framework and mandate consisting of standard-setting, ratification, implementation, supervision, enforcement and technical support. With regard to evaluating the progress made so far and future developments, equal importance should be given to various aspects of the Organization's framework and mandate. Noting the decision from the 334th Session of the Governing Body, the Workers' group expressed the hope to further develop the discussion rather than revisit earlier elements that had been discussed extensively and decided with a great majority at the previous session. Considering that that was a document providing a comprehensive review of the Standards Initiative and not a report inviting the Governing Body to consider taking new decisions on strengthening the supervisory machinery, the document should not have been marked GB.335/INS/5.
200. *The Employer spokesperson* expressed his group's disappointment at the late publication of the document. However, it reflected the progress and the outcomes which had been achieved by the Standards Initiative. The Standards Initiative process reflected a strong consensus among ILO constituents to preserve and improve the ILO supervisory system as one of its main means of action to address its existing limitations and to adapt it to new needs in the world of work. He said that, on the occasion of the ILO's Centenary, the supervisory system was particularly needed to guide member States in various labour and social issues. Efforts to improve the transparency, balance and relevance of the system in the world of work should continue through ongoing support to the supervisory mechanism by the Office and constituents. The Employers supported subparagraph (a).
201. *Speaking on behalf of the Africa group*, a Government representative of Namibia recalled that the objectives of the Standards Initiative were to enhance the relevance of international labour standards through the SRM and to consolidate tripartite consensus on an authoritative supervisory system. The Africa group supported the draft decision.
202. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that the countries in his region had very high rates of ratification of ILO Conventions and were constructive participants in ILO initiatives. Freedom of expression, freedom of association, collective bargaining and social dialogue were key components of their labour legislation and policies. The group of countries that he represented sought to develop solutions to reinvigorate and consolidate true tripartism, drawing inspiration from the best practices of other multilateral organizations; to promote transparency and accountability; and to establish a system free from selectivity and politicization. The fact that most of the cases before the Committee on Freedom of Association (CFA) came from Latin America and the Caribbean was a source of grave concern to the members of his group, as it led them to question the efficiency and effectiveness of the CFA in ensuring respect for freedom of association principles

worldwide. The CFA was not a regional mechanism, and the disproportionate focus on one region could not be explained solely by the number of complaints coming from the region.

- 203.** The current working methods of the CEACR were at odds with any concept of good governance and due process and prevented governments from being able to properly prepare for and participate in its procedures. The introduction of baseline-based report forms, bringing baseline information on thematically related Conventions together in a single form, was welcomed, but raised the question whether countries would be asked to report on all Conventions or only on one of them. The Office should support the implementation of practical suggestions and gradual changes with a view to improving the supervisory system, particularly any proposals regarding the CFA and the CAS that were in line with the approaches put forward by his group in the context of the Standards Initiative. The Office should consider more robust changes to the system and make every effort to avoid the duplication of initiatives and procedures, the saturation of the system, and the overburdening of States brought about by the examination of a single case in the three main supervisory bodies.
- 204.** A guide consisting of a web-based tool on established practices of the ILO supervisory procedures was of vital importance and should include at a minimum: the definition of every supervisory body; the competence of each body; the requirements for the admissibility of cases; the procedure for the examination of cases; the effects of recommendations; the time limits for cases; the terms for the examination of cases; and definitions of what was meant by closed, follow-up and active cases before the CFA. As to the CEACR, he proposed that the Office review the selection process of the members of the CEACR; increase transparency in the selection process; establish a tripartite advisory committee to produce a short-list of proposed experts, which would then be presented to the Governing Body for decision; ensure geographical and gender balance in the composition of the CEACR; and ask the CEACR to explain and justify in detail the grounds for breaking the reporting cycle of a certain country in a certain context. Moreover, the Chairpersons of the CAS and the Government group should be able to meet with the CEACR at its November meeting, as the social partners regularly did.
- 205.** The Office should review and improve the criteria for the selection of cases to be examined by the CAS, with an emphasis on geographical balance and a balance between developed and developing countries, to ensure that such criteria were clear, objective and impartial, and the Governing Body should develop standing guidelines on the selection of cases. The Office should also encourage the use of new technologies to enable the publication, at least 30 days prior to the opening of the Conference, of the final list of the 24 countries to be examined by the CAS. Moreover, it should allow the representatives of the relevant governments to take the floor following the presentation of the proposed conclusions to the cases concerning them prior to the adoption of such proposals by the CAS. Furthermore, the Chairperson of the CAS should be involved in the drafting of conclusions to ensure that the justifications set forth were technical and that priority was given to truly urgent cases. Prior consultations on the General Survey should also be established following the publication of the report of the CEACR to enable proper preparation for the Conference.
- 206.** As to the CFA, voluntary mechanisms based on the recommendation of its subcommittee on working methods should be created to enable the suspension of proceedings so as to permit conciliation efforts or other measures at the national level emulating the mechanism that had been adopted for representations submitted under article 24 of the ILO Constitution. The CFA should also take into consideration structural constraints for addressing complaints at the local level and encourage the strengthening of mechanisms and the resolution of cases at the national level. Lastly, with regard to commissions of inquiry, the Office should codify the article 26 procedure and establish a hierarchy of norms in order to ensure that the article 26 procedure would be used only as a last resort. The Office should also formalize

the rule whereby the establishment of a commission of inquiry suspended the actions of other supervisory mechanisms directly related to the case. In the light of the above, he was not in a position to support the draft decision and proposed replacing the word “welcomed” with “took note of” in order to acknowledge both the progress already made and the steps yet to be taken. It also proposed omitting “which was the result of consensual tripartite decisions”, as there was no need to refer to a tripartite consensus, since all Governing Body decisions were based on such consensuses.

207. *Speaking on behalf of IMEC*, a Government representative of the United States said that her group welcomed the progress made thus far under the Standards Initiative. The work of the SRM TWG was well under way, having already reviewed 160 of the 235 international labour standards included in its initial programme of work. The changes to the reporting cycle and the institution of an electronic document management system should enhance the effectiveness and efficiency of the supervisory system, and the modifications to the article 24 procedure should strengthen that process and ensure that it was balanced, objective and rigorous. IMEC commended the commitment of the tripartite partners and the Office to strengthening and upholding the supervisory system and supported subparagraph (a), as originally drafted.
208. *A representative of the Director-General* (Director, NORMES) said that every effort would be made to ensure the timely publication of Governing Body documents in the future.
209. *The Worker spokesperson*, referring to the amendment proposed by the Government representative of Brazil, said that her group considered a tripartite consensus to be a decision supported by a considerable majority of the Governing Body. The Governing Body had adopted a decision, with the support of a considerable majority, at the previous session, and the Workers did not wish to see that consensus challenged in the wording of subparagraph (a) of the current draft decision or elsewhere.
210. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin American and the Caribbean. He said that a consensus, regardless of whether it was tripartite, was the absence of explicit dissent. His group was not in any way challenging the decision adopted by consensus at the previous session of the Governing Body and simply wished to point out that all Governing Body decisions were essentially the result of tripartite consensus.
211. *The Chairperson* said that, given that the Governing Body was engaged in a tripartite dialogue, it did not seem necessary to mention the word “consensus” every time a decision was taken.
212. *The Worker spokesperson* said that she had understood that the Governing Body would discuss the proposed amendments in detail at the end of the discussion, at which point members might also discuss the difference between unanimity and consensus. It was important to the Workers that the Governing Body should build on the consensus that had been reached at its previous session.

2. Review of the functioning of the Standards Review Mechanism (paragraphs 6–21) – draft decision 84(b)

213. *The Employer spokesperson* said that the SRM TWG had already delivered a major part of its initial programme of work and may need to determine a new programme of work once it was completed. Review of standards by the SRM TWG was only the first step in the process of keeping ILO standards up to date and relevant. SRM TWG decisions should be followed

up by the Office, the Governing Body, the ILC, other ILO tripartite meetings and the constituents in ILO member States. He noted that the SRM TWG had determined follow-up to 63 instruments that had previously been determined to be outdated or in need of revision, and had classified 14 of the 28 standards it had reviewed as either outdated or as requiring further action to ensure their continued and future relevance. In addition, 34 standards had been classified as outdated by the Special Tripartite Committee under the MLC, 2006. To prevent another such “modernization backlog” from recurring in the future, effective measures should be taken to ensure standards were gradually and continuously modernized and updated, without losing sight of the needs of the standards system as a whole. He welcomed the discussion relating to the shape of new standards and processes for their adoption and revision as an opportunity to concentrate, refocus and ensure that the standards system was ‘future proofed’. Ratification and implementation of instruments was crucial. The extent to which the pioneering approach of the MLC, 2006, which appeared to have facilitated the promotion of ratification, implementation and supervision of standards, could be adopted in other areas should be explored. In relation to the lessons learned by the SRM TWG, not every gap in regulation needed to be filled by standards as other rule-making could be considered. Further, while the new three classification system was welcomed, eventually “up to date” would be the only classification, as the other two classifications were temporary. In addition, the Employer group supported the proposal to provide additional resources for the SRM TWG and its follow up, the bulk of which should be invested in creating new sustainable standards. Finally, the statement in paragraph 10 of the document concerning promoting the ratification or implementation of all active standards could not be correct, as that included outdated standards proposed for abrogation. His group supported subparagraph (b).

- 214.** *The Worker spokesperson* said that the tripartite agreement that all standards remained legally active unless otherwise decided by the Conference confirmed that all active standards should be promoted, and allowed the SRM TWG review to take place without questioning the validity of the body of standards. She was satisfied that the SRM TWG was performing its mandate to identify gaps in coverage that required standard-setting action as well as practical and time-bound follow-up action in terms of the promotion of the ratification of up-to-date instruments. While the SRM TWG had succeeded in reaching consensual tripartite recommendations over its first four sessions, the discussions had not been easy. The Workers remained concerned about the absence of adequate follow-up action with respect to addressing identified gaps in standards, as opposed to the swift action taken to abrogate or withdraw a large number of instruments. The group would assess the success of its continued engagement in the SRM TWG on the Organization’s capacity to place proposals for new standards on the Conference agenda and increase ratification rates of up-to-date standards, especially those replacing older instruments on the same or similar subjects. When considering whether standards were outdated, it was necessary to take into account the fact that there was no automatic obligation on member States to ratify revising Conventions, thereby denouncing older Conventions. Progress in those two critical areas would allow movement towards a coherent standards policy that aligned standards supervision, standard-setting and standards review.
- 215.** The Workers were concerned about the risk of repeating a critical weakness of the Cartier Working Party, namely the failure to galvanize a serious ratification campaign for up-to-date standards, the ratification rates of which remained dangerously low. Consequently, while the action taken by the Office to encourage the ratification of such standards was welcome, a more proactive and ambitious approach was required. Rather than merely writing to member States, the Office should engage directly through technical assistance and DWCPs. Increasing ratification rates of relevant standards also required the political commitment from member States, including the support of the social partners at the national level. She requested the Office to inform the Governing Body at its future sessions about the impact and outcome of the campaign, under way in 136 member States, to promote the ratification

of 17 up-to-date Conventions related to 30 instruments previously identified as outdated. With respect to new standards, the effectiveness and credibility of the SRM TWG required a firm commitment from Employers and Governments to follow up on its recommendations. It was not acceptable for groups to cherry-pick recommendations, after negotiations to reach tripartite consensus. The establishment of institutional arrangements for the Conference to follow up on the standard-setting items identified by the SRM TWG remained an important priority and the Workers hoped that the discussions under way would soon lead to a feasible solution as to how to prevent a traffic jam while ensuring action to place proposals on the Conference agenda. A commitment to dealing with the question of how to transfer ratifications from older to newer instruments was necessary. A key consideration was to ensure that no gaps in protection resulted from decisions taken by the SRM TWG. At the previous meeting, the Workers had reluctantly agreed to recommend abrogation dates for outdated instruments while there continued to be member States bound by them that had not ratified the related up-to-date Conventions. In the absence of mechanisms to ensure that up-to-date Conventions would be ratified in the near future, the Workers would closely monitor the follow-up to recommendations and would want to see effective action to improve the ratification rate of up-to-date instruments in order to prevent gaps in protection. Until her group saw that activities to promote ratification bore fruit, it would not agree to abrogate outdated instruments without ensuring that new instruments were first ratified. With those remarks, the Workers accepted subparagraph (b).

- 216.** *Speaking on behalf of the Africa group*, a Government representative of Namibia commended the SRM TWG on the new three classification system for standards. He called for an increase in the number of Government members participating in SRM TWG meetings and supported continuous improvement of the preparatory process for them, especially the organizing of information sessions with member States and progress towards more transparency. The Africa group reaffirmed its commitment to pursuing efforts to ensure that appropriate working methods and procedures were respected. He supported subparagraph (b).
- 217.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. The group of countries that he represented had consistently supported the efforts of the SRM to modernize and improve the standards system, which were in line with his group's own aims in relation to the standards system. The group had always maintained its commitments in relation to the recommendations of the SRM TWG. His group would support subparagraph (b) with no amendments.
- 218.** *Speaking on behalf of IMEC*, a Government representative of the United States said that the relationship between the SRM and standard-setting mechanisms must be strengthened, and she reiterated two main points in that regard. First, the success of the SRM depended not only on the work within the working group, but also on the implementation of the group's recommended practical and time-bound follow-up actions. The discussions of the two option papers in 2018 on the way forward would continue at the 2019 meeting, and it is critical that it has conclusive discussions to ensure that follow-up work is timely, effective and sustainable. This would be crucial for ensuring that the ILO's body of standards was up to date without decreasing the level of protection of workers, and taking into consideration the needs of sustainable enterprises. Second, the outcomes of the SRM should be fully integrated into the activities of the Office, including when proposing items for inclusion on the agenda of the Conference as a matter of institutional priority. IMEC invited the Office to continue its efforts to find ways to ensure concrete and timely follow-up to the SRM TWG recommendations with regard to standard-setting. IMEC would appreciate further explanation from the Office regarding the indication, in paragraph 21, that the Governing Body would be asked to consider the need for additional resources during its 337th Session. Lastly, IMEC requested confirmation that the report of the fifth meeting of the SRM TWG

would be discussed by the Governing Body at the 337th Session, and that the functioning of the SRM would be reviewed at the 338th Session. IMEC supported subparagraph (b).

219. *Speaking on behalf of ASEAN*, a Government representative of Thailand said that his group applauded the SRM TWG for its vital contribution in ensuring the relevance and responsiveness of international labour standards and took note of the lessons learned as well as the remaining challenges. ASEAN looked forward to the review of the functioning of the SRM TWG in March 2020, and to further reflecting on how the Organization could optimize the working group's recommendations in a sustainable and practical manner, and systematize their follow-up for substantial and meaningful results. He supported subparagraph (b).

220. *A representative of the Director-General* (Director, NORMES), responding to the request for clarification made by IMEC in relation to paragraph 21, said that the Office took seriously the Governing Body's insistence on the need for comprehensive and time-bound follow-up to all SRM-related recommendations. The Office had set up a mechanism to coordinate the various follow-up actions taken by colleagues in the field and headquarters, in accordance with the list of necessary follow-up actions that was added to at each successive meeting. While up until now the follow-up had been financed through existing resources, the Office planned to present a concrete proposal with respect to resources to the Governing Body at its 337th Session to ensure the continued quality of its follow-up to the SRM TWG recommendations.

3. Workplan to strengthen the supervisory system – draft decision 84(c)

3.1. Relationships between procedures (paragraphs 30–37) – draft decision 84(d) and (e)

221. *The Worker spokesperson* said that the emphasis in paragraph 24 on the role of the supervisory system in giving effect to the ILO founding values and constitutional objectives was welcome. The Workers would prefer the guide on established practices across the supervisory system to be descriptive and to help improve the transparency of and accessibility to the existing system. The guide itself must not become a vehicle for introducing changes to current practices. Collaboration with the ITC–ILO on the development of the Guide was welcome. The Workers remained opposed to regular meetings of the supervisory bodies, which would undermine the independence of those bodies, thereby weakening them. However, in line with the Joint Position of the Workers' and Employers' groups on the ILO Supervisory Mechanism (13 March 2017), her group supported the presentation by the CFA of the first annual report by its Chairperson to the CAS in 2019. She supported subparagraphs (c), (d) and (e).

222. *The Employer spokesperson* said that, while the proposed guiding principles for the supervisory system presented at the start of the current session had been rather abstract and vague, all constituents agreed that the supervisory system must be transparent, protect workers, take into account the needs of sustainable enterprises to flourish and create jobs, and be flexible enough to adapt to the changing world of work. It would be desirable to make the guide on established practices across the supervisory system available, as an electronic tool, before the Centenary Session of the Conference. It should be regularly updated and not taken as a pretext for ceasing efforts to remedy identified shortcomings in the supervisory procedures. The Employers took it that the invitation to the Chairperson of the CFA by the CAS would operate in line with the March 2017 Joint Position of the Workers' and Employers' groups that required a proper clarification of the role and mandate of the CFA. The CFA did not have the competence to make interpretations of ratified Conventions and

had no supervisory function. Its mandate, as clarified in its first annual report and in the introduction of the new compilation of decisions, should be recalled when its Chairperson was introduced to the CAS to present its annual report. He welcomed the fact that the CEACR had begun systematically examining, in its observations, the follow-up given to the conclusions of cases discussed by the CAS. He urged the Office to ensure that the CEACR fully accepted the CAS's findings, interpretations and conclusions as a basis for its own examinations and observations. In order to facilitate such exchanges between the two Committees, the Office could provide electronic platforms or other channels. The Employers supported subparagraphs (c), (d) and (e).

- 223.** *Speaking on behalf of the Africa group*, a Government representative of Namibia said that his group welcomed the proposal for a regular conversation between the supervisory bodies but would like clarification of when the annual report of the CFA would be submitted and of the role that the report would play in the examination of the implementation of ratified Conventions by the CAS. His group supported subparagraphs (d) and (e) of the draft decision.
- 224.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He reiterated the importance of the guide on established practices across the system and proposed two amendments to subparagraph (c) of the draft decision. Firstly, the word "welcomed" should be replaced by "noted" because, in the view of a significant majority of governments from Latin America and the Caribbean, the progress made in strengthening the supervisory system was insufficient. Secondly, the phrase "and confirmed at its 337th Session" should be added to the end of the sentence to ensure that the Governing Body re-examined the workplan at its next session.
- 225.** *Speaking on behalf of IMEC*, a Government representative of the United States said that her group supported subparagraph (c) of the draft decision. She also noted it is unclear what material was encompassed in subparagraph (d) and requested clarification before adopting. IMEC supported the proposed timeline for providing feedback on the guide on established practices and welcomed information on how it could be accessed during the consultation phase. Her group looked forward to the report from the Office on the guide's delivery at the next session of the Governing Body and agreed that the conversation on the codification of the article 26 procedure could be taken up in March 2020, after the review of the guide had been completed.
- 226.** Her group had supported more regular exchanges between the supervisory bodies, insofar as they would advance the objective of greater coherence across the supervisory system. IMEC appreciated that the proposed annual meeting had not been pursued due to concerns of incurring additional expenses and yielding little utility. She requested further information on the genesis of the invitation extended to the Employer and Worker Vice-Chairpersons of the CAS to meet the CEACR at a special session held for that purpose and asked why the Chairperson and Reporter of the CAS were not also invited. Her group welcomed the proposal to invite the Chairperson of the CFA to present the CFA's annual report to the CAS and supported subparagraph (e) of the draft decision. She also requested clarification on whether the Governing Body could extend the invitation to the CFA Chairperson, as drafted, or whether it must be extended by the CAS itself. In the case of the latter, the Office may wish to propose an amendment to subparagraph (e).
- 227.** *Speaking on behalf of ASEAN*, a Government representative of Thailand said that his comments related to focus areas 1, 2 and 3. His group commended the ongoing improvements to the supervisory system, including efforts to make it more accessible by means of the guide on established practices. However, the guide should not replace regular training and knowledge dissemination at the national level. He reiterated his group's call for

an independent body under article 37 of the ILO Constitution and its support for the proposed informal tripartite exchange of views. The outcomes and proposals of that exchange regarding the establishment of a tribunal should be submitted to the Governing Body by its March 2020 session.

- 228.** His group welcomed the new reporting arrangements, which promised to improve operational clarity and reduce the heavy reporting burden on member States. Nevertheless, regular and accessible training on the online platform should be provided to tripartite constituents at the national level. His group welcomed the pilot project on establishing baselines for the article 22 reporting process, which would complement other changes introduced to streamline reporting. After the pilot project had concluded, it should be evaluated to examine which information had been made public and how it had been used so as to reach a decision on extending the project to other ILO standards.
- 229.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that the words “and also invited the Chairperson and Vice-Chairpersons of the Conference Committee on the Application of Standards to meet with the Subcommittee on Working Methods of the Committee of Experts on the Application of Conventions and Recommendations at its November–December meetings of 2019 and 2020” should be added to the end of subparagraph (e) of the draft decision. Paragraph 36 of the document revealed that the Employer and Worker Vice-Chairpersons of the CAS were invited to meet the CEACR to discuss issues of common interest within the framework of a special session held for that purpose; the Chairperson of the CAS should also be invited to the same or similar sessions to afford governments the same opportunity.
- 230.** *The Worker spokesperson* said that the mandate of the CFA included Conventions as well as principles on freedom of association and effective recognition of the right to collective bargaining. This was clarified in the annex to the *Compilation of decisions of the Committee on Freedom of Association*, the entirety of which had been approved by all three groups of constituents and which contained references to Conventions throughout. It was also expressed in the International Labour Conference Resolution of 1970 concerning trade union rights and their relation to civil liberties. The communication between the Employer and Worker Vice-Chairpersons of the CAS and the CEACR focused on improving communication between the two bodies, rather than methodology or content.
- 231.** *A representative of the Director-General* (Director, NORMES) said that Governing Body members would receive a password enabling them to access the draft guide by 15 April 2019 and would have one month to provide feedback. The Office aimed to finalize the guide by the 108th Session (2019) of the Conference, although that would depend on the feedback received. The second annual report of the CFA would be released the week following the current session of the Governing Body and would provide non-country-specific statistical data on its work over the previous year. Subparagraph (d) of the draft decision was intended to summarize the Governing Body’s previous discussions and decisions on elements of the workplan.
- 232.** It was true that the CAS retained authority over its agenda and programme of work; the word “invited” in subparagraph (e) of the draft decision should therefore be replaced by “proposed that the Conference Committee on the Application of Standards (CAS) consider inviting the Chairperson of the Committee on Freedom of Association ...”. The Office was certainly willing to follow up on the Government representative of Brazil’s suggestion of holding consultations on the General Survey to enable proper preparation for the Conference. As to why the Worker and Employer Vice-Chairpersons of the CAS were invited to the special session of the CEACR but a Government representative was not, it was perhaps to ensure continuity, although more investigation into the matter was required.

233. *The Employer spokesperson* said that his group had never agreed to the Worker spokesperson's interpretation of the CFA's mandate. His group could therefore no longer support subparagraph (e) of the draft decision, and CFA members should discuss the matter outside the Governing Body.
234. *The Worker spokesperson* reiterated that her interpretation of the CFA mandate was based on the *Compilation*, which had been drafted and agreed upon by all three groups of constituents. Any discussion on that point should take place during plenary sessions of the Governing Body.
235. *The Employer spokesperson* said that his group's agreement that the Chairperson of the CFA should be invited to the CAS was predicated on the CFA having a clear mandate. As that was no longer the case, the Employer representatives in the CFA needed further consultations so as to clarify the situation for the Governing Body.
236. *The Worker spokesperson* said that she had made her point about the CFA's mandate in plenary so as to involve all parties in the discussion. Subparagraph (e) of the draft decision related only to the presentation of the CFA's annual report to the CAS, as agreed by tripartite consensus the previous November.
237. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that it was important that the mandate of each body was legally and politically clear. His group would support discussions outside the Governing Body to reach a compromise on the issue, provided that they were tripartite.

3.2. Rules and practices (paragraphs 38–50) – draft decision 84(d), (f) and (g)

238. *The Worker spokesperson* said that the Governing Body could return to the discussion of a codification of the article 26 procedure if the guide on established practices proved to be insufficient. However, she doubted whether codifying the procedure would improve its efficiency. The real challenge it faced was that reaching a consensus for the establishment of a commission of inquiry took a long time and was often impossible, even in serious cases.
239. With regard to the article 24 procedure, her group would be closely monitoring the suspension of the examination of the merits of representations in order to seek conciliation at the national level, a measure that would be reviewed after a two-year trial period, to ensure that it did not create further delays in the procedure. She emphasized the need to maintain a coherent interpretation of Conventions relating to freedom of association and its related principles. She would like to know whether the Office planned to explore the other measures mentioned in paragraph 43(g) of the Office report.
240. Her group supported the proposal to hold informal tripartite consultations on the elements and conditions necessary for the operation of an independent body under article 37(2) of the ILO Constitution. It was important that those discussions should enable the ILO to improve legal certainty with regard to the interpretation of Conventions, especially when it came to fundamental issues. The questions proposed in paragraph 49 required revision. Question (1), rather than asking about the number of instances of significant disagreements on major issues of interpretation, should focus on when an independent body under article 37(2) might be invoked. The Workers would appreciate an explanation of what was meant by "the existing ILO internal machinery for handling questions relating to the interpretation" in question (3). Her group had concerns related to question (4) and was strongly opposed to any measures that could affect the integrity of the current supervisory bodies. Question (5) required revision as the Constitution already made it clear what the possible alternatives to

establishing a tribunal were, notably article 37(1). With regard to question (6), she believed that the pros and cons would become clear after the other questions had been answered. The answer to question (7) also depended on the answers to the other questions, including question (8). The questions should therefore be reordered. Tripartite consultations on that issue should first examine the procedures that could be established under article 37(2) and then consider the cost of those procedures. Potential costs should neither be overestimated, nor be the primary consideration.

241. With regard to the parameters of a possible tripartite exchange of views on legal certainty, the Workers believed that the Office document should focus on the necessary elements for the operation of an independent body under article 37(2), rather than on other possible solutions. It was necessary to fully explore options under articles 37(1) and (2) before considering other suggestions. The informal consultations on those issues should be held after the 336th Session of the Governing Body in order to allow time for discussion of the issues within the group.
242. *The Employer spokesperson* reiterated his group's support for a staged approach to the codification of the article 26 procedure. A codification should be considered only if the clarification of the rules and practices in the guide was insufficient and if it was guaranteed that a codification would not restrict the existing flexibility of the procedure. His group appreciated the efforts to improve the article 24 procedure.
243. His group supported the proposal to hold informal tripartite consultations on the issue of legal certainty in October 2019, and agreed with the content and the order of the questions set out in paragraph 49 as the basis for the consultations. It was important to address the issue in a comprehensive manner, considering all options and not limiting the discussion to article 37(2). The Office document and the related consultations should focus on consensus-based options. The Office should explore approaches to address possible disagreements regarding the interpretation of Conventions before they developed into major controversies. The ILO constituents had the primary responsibility for the functioning of the standards supervisory system. Related decisions should not be easily outsourced to a new body, as would be the case if the chosen option were article 37(2). Nevertheless, the Employers were keen to engage in discussions regarding all possible options. The Employers supported subparagraphs (d), (f) and (g) of the draft decision.
244. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that article 26 was a key provision of the Constitution and should be seen as the last resort procedure of the supervisory system and as superior to article 24. Such an important provision of the Constitution should be regulated and rely on Standing Orders. More detailed proposals should therefore be developed on how a greater level of legal certainty could be enjoyed in respect of the procedure. He proposed that the words "further information" should be replaced by "detailed proposals" in subparagraph (f).
245. Noting that it was unnecessary and premature to refer to the specifics before the tripartite consultations had taken place, he proposed the deletion of certain references from subparagraph (g), so that it would read: "with respect to the proposal to consider further steps to ensure legal certainty, decided to hold informal consultations in October 2019 and, to facilitate that tripartite exchange of views, requested the Office to prepare a paper on article 37(2) and other consensus-based options".
246. In the light of the comments made by the Worker spokesperson, he emphasized that the cost of establishing a body under article 37(2) should be considered before discussing the consequences of its establishment.

247. *Speaking on behalf of the Africa group*, a Government representative of Namibia reiterated his group's support for subparagraph (d) of the draft decision. In addition, his group supported the amendments proposed by the Government representative of Brazil to subparagraphs (f) and (g).
248. *Speaking on behalf of IMEC*, a Government representative of the United States noted that her group was in favour of a staged approach to the codification of the article 26 procedure and expressed support for subparagraph (f). IMEC welcomed the decision to modify certain aspects of the article 24 procedure on a trial basis. With regard to future steps to ensure legal certainty, IMEC found the questions proposed to be addressed in the Office's background paper for the informal consultations later in the year to be generally appropriate. The document prepared by the Office to guide the consultations must include information on costs, the anticipated workload for such a tribunal, an analysis of its limitations and possible alternatives to be explored. It was important not to pre-empt the outcome of the discussion. Information should also be included on the article 37(2) and 37(1) procedures, including regarding how article 37(1) would work if activated, the options for requesting an opinion and the procedure for obtaining a decision. Participants in the consultations should be able to assess the procedure under article 37(2) in terms of its comparative advantages over the procedure under article 37(1). Her group therefore proposed that the following words should be added at the end of subparagraph (g): "as well as the article 37(1) procedure".

3.3. Reporting and information (paragraphs 51–55) – draft decision 84(d)

249. *The Employer spokesperson* supported the measures proposed for the streamlining of reporting, particularly regarding electronic and online reporting. He welcomed the CEACR's proposed criteria for breaking its cycle of review when receiving comments from workers' or employers' organizations. It was important that observations from the social partners were used to assess compliance with technical Conventions. The CEACR's new practice of addressing in a consolidated manner the issues of application arising under various related Conventions would help avoid repetitive comments. While the Employers supported that approach in principle, they would like to highlight that the underlying reason for repetitive comments was the existence of overlapping provisions in the Conventions. The consolidation of Conventions on related subjects should therefore be considered.
250. It was unacceptable that the examination of reports received by the deadline could be deferred for reasons such as the need for translation into the ILO working languages. If more time was needed for translation, either the deadline should be extended, or the resources for translation should be increased to avoid deferral.
251. His group would like more information regarding the proposed establishment of baseline-based reporting, including the concrete benefits of such a procedure.
252. The Employers wondered how compliant practices would be established and whether any practice that had not been addressed in a comment by the CEACR would be considered to be compliant.
253. The Employers requested the Office to provide specific information more regularly to the Governing Body on information sharing and cooperation with other international organizations, particularly on the objectives and outcomes of such cooperation with regard to standards-related work. His group would also like more information relating to the implications of the reform of the UNDS for the ILO's normative and supervisory work. The Employers supported subparagraph (d).

- 254.** *The Worker spokesperson* said that her group supported greater thematic coherence in reporting but cautioned against blurring the distinct obligations of the member States under the various Conventions. More transparency with regard to the reasons for the deferral of examination of reports would increase the credibility of the work of the CEACR. The Workers would like to see an example of the model electronic article 22 baseline report and would like to know how it would be shared with the social partners and the governments for validation purposes. The Workers supported subparagraph (d).
- 255.** *Speaking on behalf of the Africa group*, a Government representative of Namibia requested the Office to provide feedback to the Governing Body at its 337th Session on the effectiveness of urgent appeals. The practice of urgent appeals must not replace the reporting obligations of member States. The CEACR must note with regret a member State's failure to submit a report in the first year. His group called upon the Office to systematically enhance technical cooperation in order to ensure the effective and timely compliance of governments with their reporting obligations. He reiterated his group's support for subparagraph (d).
- 256.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He supported subparagraph (d).
- 257.** *Speaking on behalf of IMEC*, a Government representative of the United States requested the Office to provide additional, specific information with regard to Focus Area 3 and reiterated its request for clarification of all the timelines set out in paragraph 84(d). Recalling reservations expressed about electronic reporting, her group reiterated its interest to participate in electronic reporting trials and remained willing to take an active role in ensuring that the system was fit for purpose with the expectation that there will be ample opportunities to provide feedback. Her group also advised that the pilot for article 22 baselines should be carefully considered as the initiative develops. IMEC would also like clarification regarding the government validation process for article 22 baselines and whether the process would take place each time a baseline was updated. With regard to information sharing with other international organizations, the ILO should give priority to raising awareness and understanding of its normative work throughout the UN reform process. Her group looked forward to updates in that regard.
- 258.** *A representative of the Director-General (Director, NORMES)* said that in phase 1 of pilot testing of the e-reporting system, the Office would establish a baseline report using information previously submitted by the government and the social partners, and information examined by the CEACR. The baseline report would then be transmitted to the government for validation and updating, and the social partners would be invited to provide their comments. The procedure would be followed only within a reporting year; it was not an additional reporting exercise. The pilot currently involved six member States due to report in 2019 on the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The lessons learned from the pilot phase would be presented in 2020, and any expansion of the procedure would be prepared so that it would take place from 2021. The procedure would reduce the reporting burden on all parties and facilitate the sharing and comparing of compliant practices, namely practices that had not been identified by the Committee of Experts as non-compliant.
- 259.** The Office would heed the calls for more details on information-sharing with other organizations. Increased visibility and understanding of the ILO's normative work was important in view of the coordination of UN work at the country level by resident coordinators. The Office would follow up on the request from the Africa group for technical assistance on reporting.

3.4. *Reach and implementation (paragraphs 56–70)* – *draft decision 84(d)*

260. *The Worker spokesperson* sought assurances as to how the ILO would continue to service the supervisory system even if standards-related aspects were not reflected as priorities in the UN Development Assistance Frameworks (UNDAFs), and pursue DWCPs that allowed for broader ILO activities at the country level. On the establishment of ILO country offices and development cooperation projects, the reference in the UN General Assembly resolution to UN norms and standards should ensure that the normative role of the ILO was recognized, but it would be important to see how that worked in practice. With regard to UN resident coordinators, guarantees were needed that ILO standards and the recommendations of the supervisory system would be adequately reflected in country-level priorities. It was to be hoped that systematized follow-up at the national level on recommendations of the supervisory system would lead to increased ratification rates for Conventions.
261. Her group welcomed the proposals to make better use of article 19. Possible follow-up through article 19 could be one of the criteria for the choice of instruments to be reviewed by the SRM TWG. However, the SRM TWG may consider it more appropriate to review instruments following a General Survey, thus the sequence in table 5 would not necessarily apply in all cases. It was unclear whether follow-up on the implementation of recommendations under article 19 would be in addition to the instruments selected for General Surveys. The proposal for the Office to promote denunciations in the context of follow-up to the SRM TWG was a cause of serious concern, unless those were automatic denunciations linked to the ratification of up-to-date ILO instruments. No longer using the General Survey to identify new standards, as indicated in table 5, would defeat one main purpose of the General Survey, and thus required careful consideration.
262. With respect to the annual reviews, the 2017 Conference resolution concerning the second recurrent discussion on fundamental principles and rights at work contained a commitment to assess more fully the efforts made by Members that had not yet ratified the fundamental Conventions and the Protocol, thus permitting the identification of areas for technical assistance. The Organization should therefore not focus solely on making follow-up more accessible and visible, and instead aim to increase ratification levels. She supported subparagraph (d) of the draft decision.
263. *The Employer spokesperson* said that clear recommendations from the CEACR would help governments to take appropriate remedial measures and improve compliance. A balance was needed, however, between preciseness and the inherent flexibility of provisions of the Conventions, for example allowing governments to choose the most appropriate course of action for their situation. A standardized structure and terminology for the CEACR could also help improve clarity.
264. The Employers acknowledged that the Office was piloting a strategic approach to promoting standards in ILO interventions in several countries, but stressed the need to promote a proper pre-ratification process that included full consultation with the social partners. Member States should be assisted, where necessary, in determining the extent to which ratification would meet the country's needs and priorities in labour and social policy, and countries' abilities to implement and meet their reporting obligations for a Convention should be taken into account.
265. As to the design, preparation and discussion of General Surveys and their follow-up, the Employers reiterated their support for the measures that had received tripartite consensus. The Office should focus on obtaining complete and meaningful reports from as many governments as possible and encouraging social partners to contribute. Where no information was provided by governments, the Office should attempt to obtain relevant

information from other reliable sources. Representative conclusions and assessments could be made only when complete information from member States was available, and only then could a solid basis be provided for targeted follow-up actions. In view of the wide acceptance by governments of online reporting on the annual follow-up to the Declaration on Fundamental Principles and Rights at Work, the Office should explore further measures to facilitate reporting. The Employers supported subparagraph (d).

266. *Speaking on behalf of the Africa group*, a Government representative of Namibia commended member States that had submitted online reports on the follow-up to the Declaration on Fundamental Principles and Rights at Work. However, as response rates were low overall, he urged member States to honour their reporting obligations. The Africa group supported subparagraph (d).
267. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He emphasized the importance of clarity in the supervisory bodies' recommendations and proposed that the Government group should be included in discussions on producing more user-friendly, precise and concise comments. His group supported subparagraph (d).
268. *Speaking on behalf of IMEC*, a Government representative of the United States requested clarification as to whether the Office was proposing a new report on follow-up to the recommendations of the SRM TWG in addition to that requested to generate the General Survey, noting that the 2016 Conference resolution on advancing social justice through decent work had stated that the reporting obligations of member States should not be increased.

3.5. Review by the supervisory bodies of their working methods (paragraphs 71–83) – draft decision 84(h)

269. *The Employer spokesperson* highlighted that there should be an ongoing review and improvement of the working methods of the supervisory bodies, and noted that the structure of future CAS reports would be discussed in informal tripartite consultations. Efforts by the CEACR to consider proposals on improving their reports were appreciated, as was the extension of criteria to break the review cycle when comments from employers' and workers' organizations were received outside the reporting year.
270. Concerning the CFA, he welcomed efforts to improve efficiency and transparency. It should be noted that representations under article 24 relating to freedom of association and collective bargaining were not automatically referred to the CFA. If referred, they should be treated by the CFA under the article 24 rules, not those of the CFA, meaning that article 24 representations referred to the CFA were considered by an ad hoc committee composed of three members of the CFA. Article 24 representations should not be assigned a case number, to maintain a distinction between them and CFA cases. The Employers supported subparagraph (h).
271. *The Worker spokesperson* said that, during informal consultations, all constituents had supported the production of a verbatim report for the CAS. However, her group was against separating the conclusions from the debate, as they were brief and required the context of the related discussion to be understood. The swift response of the CEACR to the observations received from employers' and workers' organizations outside a reporting year was welcome, providing an essential safeguard for the extension of the reporting cycle.
272. She welcomed the compilation of decisions of the CFA and the annual report for submission to the CAS. The Workers strongly supported the holding of a high-level event on freedom of association and collective bargaining during the Conference, which should involve an

exchange of views on enhancing ratification and implementation rates of Conventions Nos 87 and 98. She asked whether the Office had followed up on the proposal to use the Centenary year to hold regional and national conversations on promoting freedom of association and collective bargaining. The Workers' group supported subparagraph (h).

273. *Speaking on behalf of the Africa group*, a Government representative of Namibia encouraged the continued improvement of the working methods of the supervisory bodies and therefore supported subparagraph (h).

274. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He noted the concerns in relation to working methods previously raised by his group. He had no amendments to subparagraph (h); however, as it did not fully develop the ideas considered during consultations and discussions on the review of the Standards Initiative, he proposed the addition of four subparagraphs:

- (i) instructed the CFA to include in its working methods the possibility of a suspension of the consideration of the merits of a case in order to address the allegations by seeking conciliation or other measures at the national level for a period of six months, and requested the CFA to provide it with detailed information in that regard for review in March 2020;
- (j) requested the Office to present to the Governing Body detailed proposals regarding a review of the receivability criteria of CFA complaints for consideration in March 2020;
- (k) requested the Office to present to the Governing Body detailed proposals for consideration in March 2020 on bringing forward the publication of lists of cases regarding which information is requested from governments at the ILC Committee on the Application of Standards;
- (l) requested the Office to undertake inclusive tripartite consultations with a view to reviewing the working methods of the supervisory system for consideration in its October–November 2020 session.

275. Subparagraph (i) proposed a suspension of the consideration of merits of a case, in the same way as for representations under article 24, which could be introduced initially for a trial period; the aim was to strengthen national procedures and bodies and avoid overloading the CFA. Subparagraph (j) referred to a review by the Governing Body of the receivability criteria, which would provide instructions or guidance to the CFA. Subparagraph (k) aimed to give governments more time to provide information on specific cases; use of technology should also be considered to allow groups to agree on the list of cases prior to attending the Conference. Subparagraph (l) addressed the need for a more structured discussion of the working methods of the supervisory system.

276. *Speaking on behalf of IMEC*, a Government representative of the United States expressed appreciation for the supervisory bodies' review of their working methods and the resultant improved efficiency and effectiveness. IMEC supported subparagraph (h).

277. *The Worker spokesperson* recalled that the Governing Body had adopted a decision on INS/5 at its 334th Session (October–November 2018) after difficult but fruitful discussions and she had understood that constituents were ready to evaluate the implementation of the Standards Initiative rather than reopen discussions on it. Regarding proposed new subparagraph (i), the Governing Body had agreed to conduct a pilot study on the article 24 procedure, and it would not be helpful to establish a further pilot study on the CFA before the first was complete. As to (j) and (k), the compromise made by the Governing Body was to proceed on the basis of

its November 2018 decision. The intention of (I) was apparently to revisit the inclusive tripartite discussions of recent years and the agreed programme of work. It was inevitable that further improvements to the supervisory system would be needed in future, but the original draft decision reflected the route to be taken as agreed at the 334th Session of the Governing Body. The only outstanding aspect had been the potential application of article 37(2) of the Constitution in the event of major disagreement. Her group supported the original draft decision with the amendment to subparagraph (g) proposed by IMEC.

- 278.** *The Employer spokesperson* said that an ongoing review process was clearly necessary for continuous improvement, and requested time to consult with his group on the proposed new subparagraphs.
- 279.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He sought the Workers' group's views on his proposed amendments to subparagraphs (a), (f) and (g), which had been supported by the Africa group. The amendment to subparagraph (c) was a governance issue. The group of governments he represented were serious about their responsibility to ensure that the supervisory system was up to date and able to address present and future challenges in the world of work. The proposed amendments had been considered carefully and he would welcome careful consideration from the Governing Body. He recalled that countries in his group were the subject of 80 per cent of cases before the CFA.
- 280.** *A Government representative of China* said that he understood the position of the significant majority of governments from Latin America and the Caribbean, as cases had also been brought to the CFA in reference to his country. It was important to constantly work on improvements.
- 281.** *Speaking on behalf of IMEC*, a Government representative of the United States said that her group had considered the proposed amendments and supported the original draft decision with her group's amendment to subparagraph (g), on the understanding that it referred to a review of progress to date rather than an opportunity to reopen discussions on the matter. As the Office had clarified that subparagraph (d) referred to the approach already approved, her group could endorse it.
- 282.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He stressed that he was not suggesting that any previously agreed decisions should be reopened, but that the Governing Body should discuss how to improve the system in the future and address the long-standing concerns raised by his group at sessions of the Governing Body and the CAS.
- 283.** *The Worker spokesperson* clarified that the only amendment accepted by the Workers' group was IMEC's proposed amendment to subparagraph (g). Her group took the concerns of the other groups seriously. The concerns about the working methods of the supervisory system had been addressed in bipartite agreements between the Employers' and Workers' groups in 2015 and 2017 and in all tripartite discussions; decisions on the Standards Initiative had been made on the basis of extensive tripartite consultations since 2012, with agreements in 2015, 2017 and 2018. It was time to move forward on the basis of those agreements.
- 284.** *The Employer spokesperson* expressed his group's desire to complete the discussion at the current session, but requested time to consider the proposed amendments.
- 285.** *Speaking on behalf of the Africa group*, a Government representative of Namibia said that the Governing Body could not endlessly pursue perfection. After some time for reflection, the groups should find consensus.

286. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that countries in his region had engaged in efforts to strengthen the supervisory system and contributed consistently to the SRM. The amendment to the draft decision that they had presented the previous week sought to further improve the system, which played a fundamental role in the world of work. While progress had been made, there was always room for further improvement, in particular with regard to working methods of the supervisory bodies, and some important topics deserved further consideration. In that light, he put forward a set of revised amendments that did not ask the Governing Body to make any definitive decisions but, instead, requested that the working methods of the supervisory system be put on the agendas of the independent bodies so that they could review the proposals. The revised amendments also called for further discussion on certain topics.
287. He proposed replacing the words “took note of progress” in subparagraph (a) of the draft decision with the words “welcomed the efforts of all constituents and the Office towards the progress” and ending the subparagraph after the words “supervisory system”, as the reference to consensual tripartite decisions was superfluous. Taking account of views expressed, he proposed replacing the word “welcomed” with the word “recognized”, rather than “noted” in subparagraph (c). He further proposed adding the words “and confirmed in its 337th Session” to the end of the subparagraph. The workplan should be carefully considered and an agenda of discussions established for further progress as the workplan embodied an ongoing process, not a one-time decision.
288. The document referred to a special session of the Committee of Experts to which the Employer and Worker Vice-Chairpersons of the Conference Committee on the Application of Standards were invited. Since there was no voice from the Government bench at that session and since governments would ultimately be responsible for implementing the recommendations of the supervisory bodies, arrangements should be made for their participation.
289. In respect of subparagraph (e), he proposed further amending the words following the date “2019” to read “and also invited the Committee of Experts on the Application of Conventions and Recommendations (CEACR) to welcome the Chairperson of the Government group and the Vice-Chairpersons of the Committee on the Application of Standards to the CEACR’s special sittings of 2019 and 2020”. In subparagraph (f), the words “further information” should be replaced by the words “further proposals”, rather than the “detailed proposals” previously suggested. In subparagraph (g), he withdrew the first part of his earlier proposed amendment but continued to request the deletion of the words “of any”.
290. He proposed adding new subparagraphs (i) and (j), which would address the working methods of the CFA and the CAS. Again, the Governing Body would not make any substantive decisions but would call on those bodies to review certain aspects of their working methods and leave the door open for future discussion. Proposed new subparagraph (i) would read: “(i) encouraged further progress of the subcommittee on working methods of the CFA, including through the consideration of receivability criteria and other possible measures in order to address the allegations of complaints at the national level”.
291. Proposed new subparagraph (j) would include more options in the consultations on the working methods of the CAS, as his region had requested on a number of previous occasions, and would read: “(j) invited the informal consultations on the CAS working methods to consider information and technical options, to be prepared by the Office, on the possibility of anticipating the publication of the definitive and the preliminary lists of cases regarding which information is requested from governments at the ILC Committee on the Application of Standards.”

292. He recalled that, at the previous session of the Conference, the governments he represented had indicated that they did not agree with the working methods adopted by the CAS. Therefore, he requested the Governing Body to take account of that statement and the concerns that had been raised. It was important to strengthen the supervisory system to ensure that it was prepared to face the transformations, opportunities and challenges of the world of work.
293. *The Worker spokesperson* said that while she appreciated the commitment of governments in Latin America and the Caribbean to strengthening the supervisory system, she preferred the original text of the draft decision. However, she would be prepared to accept the inclusion, proposed by IMEC, of the words “as well as the article 37(1) procedure” at the end of subparagraph (g) if there was consensus. Furthermore, since her group wished to prepare for the proposed informal consultations during the 337th Session of the Governing Body, she reiterated her request to change the date of those consultations to late January 2020.
294. *The Employer spokesperson* said that although he wanted his previous comments with regard to subparagraph (e) to remain on the record, he would be prepared to support the adoption of the subparagraph as amended. With regard to subparagraph (g), he agreed with the change of date of the proposed informal consultations to January and supported the amendment proposed by IMEC. Having reflected and consulted on a number of other matters, his group agreed that work should be ongoing and would prefer not to further amend the draft decision for the time being. The Employers would work with GRULAC to ensure that the necessary improvements would be made as the need for them arose.
295. *Speaking on behalf of the Africa group*, a Government representative of Namibia said that he supported the amendments proposed by the significant majority of governments from Latin America and the Caribbean to subparagraphs (a), (b), (c), (f) and (g), and the original text of subparagraphs (d) and (e). With regard to proposed new subparagraphs (i) and (j), the consideration of receivability criteria and other possible measures to address the allegation of complaints at the national level, as well as the advance publication of cases, were matters that should be addressed in the context of subparagraph (h). The CAS, Committee of Experts and the CFA should continue to explore new proposals in order to improve their working methods. The Africa group supported the text of subparagraph (h) as drafted by the Office.
296. *Speaking on behalf of ASPAG*, a Government representative of Australia said that since the Standards Initiative was complex, it was crucial to maintain momentum by following the steps set out in the agreed workplan. It was also important to ensure that the Governing Body had sufficient time to consider any new proposals for substantive reform before they were discussed.
297. *Speaking on behalf of IMEC*, a Government representative of Canada reiterated her group’s support for the original draft decision, with the small amendment to subparagraph (g) that she had previously proposed. IMEC supported the workplan as previously decided upon by the Governing Body and was reluctant to introduce new proposals without having fully considered their merits and implications. Several of the new proposals concerned matters that could be, and in some cases already were being, discussed in the context of the supervisory bodies’ informal review of their working methods. As highlighted in subparagraph (h) of the draft decision, IMEC would encourage the CAS, the CEACR and the CFA to continue their regular consideration of their working methods, taking into account the views and concerns expressed by all tripartite constituents. Understanding that views differed on the level of progress achieved under the Standards Initiative, IMEC would be open to accepting the amendments proposed to subparagraph (a) by the significant majority of governments from Latin America and the Caribbean, as well as their proposal to replace the word “welcomed” with the word “recognized” in subparagraph (c). With regard

to the timing of the informal consultations on the operation of article 37(2), IMEC was willing to be flexible about the date.

- 298.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that he valued the support of the Africa group and urged the Office to consider the views of both regions, given that both regions were under the constant purview of the supervisory mechanisms. Furthermore, he highlighted that the workplan contained in Appendix II of the document ended in March 2019, noting that there appeared to be no agreed workplan for the future. He proposed that the Governing Body should review the workplan in November once it had been revised by the Office. He took account of the views expressed by the Workers' and Employers' groups and said that he had no issue with adjusting the date for informal consultations in subparagraph (g); he also accepted the IMEC proposal to include a reference to the article 37(1) procedure in subparagraph (g). He requested further information on whether the Office intended to put the ideas relating to working methods contained in proposed new subparagraphs (i) and (j) to the CFA and the CAS.
- 299.** *The Worker spokesperson*, drawing attention to subparagraphs (c) and (g) of the draft decision and the workplan contained in Appendix II of the document, said that the Standards Initiative required the Governing Body to conduct an evaluation in March 2019, whereas the Governing Body was proposing to hold that consultation at the end of 2019 or in January 2020. There seemed to be consensus in the Governing Body to build on the progress made so far. In the spirit of compromise, the Workers would join IMEC in accepting the amendment to subparagraph (a).
- 300.** *A representative of the Director-General* (Director, NORMES) said that the workplan was designed to provide a visual representation of work completed to date. A new workplan would be developed on the basis of the decisions taken by the Governing Body and its implementation would continue, in line with subparagraph (c) of the draft decision. Under the workplan, discussions on working methods were ongoing in all three of the supervisory bodies, and would continue. The Office had informed the supervisory bodies of the Governing Body's guidance, and would continue to do so; the supervisory bodies took action on the basis of that guidance, which was also taken into consideration in the discussions on working methods.
- 301.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that he concurred with the comments made by the Worker spokesperson and supported the amendment proposed by IMEC to the draft decision.
- 302.** *The Employer spokesperson* expressed support for the amendment proposed to subparagraph (a) by the significant majority of governments from Latin America and the Caribbean.
- 303.** *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that those governments would support the draft decision with its proposed amendment to subparagraph (a) and the amendment proposed by IMEC to subparagraph (g), with a view to reaching consensus and continuing a constructive dialogue. His region was engaged with the supervisory system and committed to continuing to examine proposals under the Standards Initiative and discuss working methods. The supervisory system was important and needed to be modernized.

Decision**304. The Governing Body:**

- (a) welcomed the efforts of all constituents and the Office towards the progress reported on the implementation of the two components of the Standards Initiative, namely the Standards Review Mechanism (SRM) and the workplan to strengthen the supervisory system;*
- (b) with respect to the component concerning the SRM, noted the information provided on the lessons learned and future directions; requested the Standards Review Mechanism Tripartite Working Group (SRM TWG) to take its guidance into account in continuing its work and to provide a report for the Governing Body's second review of the functioning of the SRM TWG in March 2020; and, to guarantee the impact of that work, reiterated its call to the Organization and its tripartite constituents to take appropriate measures to follow up on all its previous recommendations;*
- (c) having reviewed, against the common principles guiding the strengthening of the supervisory system, the report on progress in implementing the ten proposals of the workplan, welcomed the progress achieved so far and requested the Office to continue the implementation of the workplan which should be updated according to its guidance;*
- (d) approving the approach taken and the timelines proposed, requested the Office to ensure that action was taken with respect to producing the guide on established practices across the supervisory system, the operation of the article 24 procedure, the streamlining of reporting, information sharing with other organizations, the formulation of clear recommendations of the supervisory bodies, pursuing systematized follow-up at the national level and consideration of the potential of article 19, paragraphs 5(e) and 6(d);*
- (e) with respect to the proposal for a regular conversation between the supervisory bodies, invited the Chairperson of the Committee on Freedom of Association (CFA) to present its annual report to the Conference Committee on the Application of Standards (CAS) as from 2019;*
- (f) with respect to the proposal for codification of the article 26 procedure, recalled the decision to consider the steps to be taken after the guide to the supervisory system was available to constituents, and requested the Office to provide it with further information in that regard in March 2020;*
- (g) with respect to the proposal to consider further steps to ensure legal certainty, decided to hold informal consultations in January 2020 and, to facilitate that tripartite exchange of views, requested the Office to prepare a paper on the elements and conditions for the operation of an independent body under article 37(2) and of any other consensus-based options, as well as the article 37(1) procedure; and*
- (h) with respect to the proposal for review by the supervisory bodies of their working methods, invited the CAS, the Committee of Experts on the*

Application of Conventions and Recommendations (CEACR) and the CFA to continue their regular consideration of their working methods.

(GB.335/INS/5, paragraph 84, as amended by the Governing Body)

Sixth item on the agenda

Progress report on the implementation of the Enterprises Initiative ([GB.335/INS/6\(Rev.\)](#))

- 305.** *The Employer spokesperson* recalled that SDG 17 recognized the essential role of the private sector in the implementation of the 2030 Agenda and the need for partnerships with the sector. His group fully supported the Office's assessment that engagement with enterprises would enhance the scale, impact and sustainability of its work. Engaging with enterprises of all sizes and in all regions afforded the Office a better insight into the challenges they faced, which would help it to develop more practical approaches to problem-solving. He applauded the diverse nature of the ILO's engagement with enterprises, including through the business networks and programmes described in the document. Working with groups of companies was highly valuable, as collaboration across the private sector often helped enterprises to face systemic challenges requiring comprehensive resources and would result in useful benefits to the ILO and those it served. He also applauded the Office's engagement in 133 public-private partnerships (PPPs).
- 306.** However, the Enterprises Initiative must be more than just a process. The ILO and enterprises should take steps to leverage the value of their engagement, and the Initiative must reflect a coherent and purposeful approach. Companies had suggested that the processes for engaging with the ILO should be quicker and less bureaucratic; the clearance process for PPPs should take 30 days. Undue levels of ILO bureaucracy could prompt enterprises to engage instead with peers or in other initiatives. The Office should establish a clear process with appropriate deadlines to protect its reputation as a reliable partner and to grant companies a reasonable level of predictability and certainty.
- 307.** With regard to the Common Approach to Due Diligence for Private Sector Partnerships, which was highly relevant to the Enterprises Initiative, it was illogical that the inter-agency task team had not consulted with the private sector in its work. Furthermore, some of the provisions in the outcome document were questionable, such as the exclusionary criteria and the role given to the UN Global Compact. The Governing Body should receive a full update on the Common Approach and then decide on its application to the ILO.
- 308.** Despite the acknowledged importance of the Enabling Environment for Sustainable Enterprises (EASE) programme, it had not been expanded, as decided at the 104th Session (2015) of the International Labour Conference and confirmed at the 2017 Meeting of Experts on Decent Work in Export Processing Zones, and was instead still in a review process. The Office should scale up EASE and roll it out in further countries without delay.
- 309.** As productivity was key to decent work and the discussions on the future of work, the ILO should have a clear focus on productivity, informed by engagement with companies and highly productive countries in a holistic approach.
- 310.** The Office should improve its consultation and engagement with the IOE and the relevant employers' organizations on projects for and with the private sector, as such engagement was critical to the projects' success. The role of ACT/EMP as the entry point for the Office's

engagement with the private sector should be fully respected. For example, employers' organizations had not been consulted on the inter-agency partnerships announced in paragraph 34 of the document. Furthermore, the Global Deal partnership had been designed without the involvement of organizations representing the social partners. As a consequence, it did not adequately frame the role of employers' representatives, respect the diversity of social dialogue systems and cultures or have any added value over existing initiatives. Since the Global Deal had not been mentioned in the recurrent discussions on social dialogue and fundamental principles and rights at work, it was unclear why the Office had decided to expend resources on the initiative without a mandate from constituents.

- 311.** As the success of the private sector would be essential to the success of the ILO's agenda, future programme and budget frameworks should prioritize smarter, more robust engagement with the private sector. The Employers' group applauded the work done in the scope of the Enterprises Initiative, which would prove increasingly relevant in the ILO's second century. His group supported the draft decision.
- 312.** *The Worker spokesperson* recalled that, when the strategy for wider ILO engagement with the private sector was adopted at the 321st Session (June 2014) of the Governing Body, her group had welcomed it, provided that it was based on ILO values and principles, in particular international labour standards, trade union rights and tripartism. Her group had also called for the Enterprises Initiative to encourage the building and consolidation of mature industrial relations with participating companies, indicated that the ILO should not engage with enterprises in which trade union rights were violated, and declared its desire to be involved in the process of engaging with enterprises.
- 313.** The Office had made significant efforts to reach out to the private sector, as evidenced by the large list of actions in the document. She asked how that outreach had influenced the implementation of and compliance with labour standards and whether enterprises' behaviours and practices in relation to decent work had improved. Engagement with the private sector should be aligned with ILO instruments such as the ILO Declaration on Social Justice for a Fair Globalization and the conclusions concerning the promotion of sustainable enterprises adopted at the 96th Session (2007) of the International Labour Conference.
- 314.** As tripartism was a core principle of the Enterprises Initiative, she would have liked to have seen more information in the document on international labour standards, as well as the inclusion of social dialogue, freedom of association and collective bargaining. There had apparently been limited involvement of workers' organizations in activities under the Enterprises Initiative; in the future, ACTRAV should be consulted at every step of the process and the Workers' group secretariat should be directly involved in the consultations.
- 315.** Her group appreciated its involvement in the Sustaining Competitive and Responsible Enterprises (SCORE) programme and recognized that progress had been made in several areas. Sound industrial relations must be ensured in all SCORE interventions. Respect for fundamental principles and rights at work was a key condition, and a mechanism should be established to exclude enterprises engaging in anti-union practices.
- 316.** As tripartism represented the ILO's greatest added value, the section of the document on global business networks could highlight how those networks were related to workers' networks and issues relevant to workers, such as decent work and industrial relations.
- 317.** The Workers' group had repeatedly raised concerns about the EESE methodology and the limited involvement of workers' representatives in the programme. She requested the Office to review the EESE programme in 2019 with the full involvement of both social partners, as agreed in the conclusions concerning small and medium-sized enterprises (SMEs) and

decent and productive employment creation, adopted at the 104th Session (2015) of the International Labour Conference.

- 318.** As her group had concerns surrounding the ILO Social Finance Programme, she requested clarification as to whether private sector actors had endorsed the ILO PPP requirements; whether the projects included a due diligence procedure; whether checks to demonstrate the added value of actions had been contemplated; and whether they helped to foster social dialogue in the implementation process. In terms of results assessment, she asked whether the jobs created were decent and sustainable; whether the projects contributed to the creation of local, sustainable enterprises; and whether the projects were aligned with national development plans.
- 319.** She welcomed the work done on the MNE Declaration, which should be promoted further to enable the continued creation of national focal points and to raise awareness of its potential among social partners. Her group supported the draft decision.
- 320.** *Speaking on behalf of the Africa group*, a Government representative of Lesotho noted that, although the ILO was still in the early stages of implementing the Enterprises Initiative, there had been broad engagement with enterprises, which went a long way towards helping address the challenges of decent work. The Initiative was clearly a two-way learning process. The critical role played by programmes such as the Better Work Programme and SCORE in the implementation of the Initiative was appreciated. Taking into account those programmes, the global business networks that had been established and the Office's engagement with SMEs and cooperatives, the Initiative would surely lead to improved working conditions and sustainable productivity.
- 321.** Efforts such as the Global Apprenticeship Network might contribute to reducing youth unemployment, which remained a challenge in Africa. Efforts to develop disability inclusion principles for business were also noted. The Director-General should continue to engage with enterprises outside the formal business networks. While her group welcomed the development of the ILO Register of Enterprises, it remained unclear how governments would benefit from it. Insufficient information was provided on challenges encountered in implementing the Initiative; it was important to highlight these in order for the Governing Body to give proper guidance.
- 322.** Recalling that the Director-General had been called on in the past to facilitate the involvement of constituents in the implementation of the Centenary Initiatives, she noted that governments' involvement in the Enterprises Initiative had thus far been minimal. She also recalled that her group had previously been assured that governments' interest in the implementation of the Initiative would be kept in mind. The Office had to ensure that the tripartite nature of the ILO was upheld and that the role of governments in the implementation of the Initiative was made clear. Taking account of those concerns, the Africa group supported the draft decision.
- 323.** *Speaking on behalf of IMEC*, a Government representative of Ireland said that IMEC had consistently supported wider engagement with the private sector. While recognizing that the Initiative was an ongoing process, IMEC would welcome further analysis of any implementation challenges – including difficulties in engaging with SMEs – and proposals to address those issues. IMEC would also welcome the provision of indicators, including information on the Office's response time in engaging with proposals or requests from the private sector and an assessment of feedback from enterprises seeking to engage with the ILO.
- 324.** IMEC strongly encouraged the Office to clearly define how governments could actively engage with the Enterprises Initiative. Governments did not yet have access to the ILO

Register of Enterprises, for example, which should be made available to all constituents. Governments could potentially leverage a multitude of national forums, but only if the Initiative was truly operating on a tripartite basis.

- 325.** In order to fully realize its objectives, the Initiative should deliver a process that was clear, rapid and pragmatic for enterprises and provide the Office with sufficient flexibility to be responsive to their needs. It could be a real step change to respond to key areas of unmet demand and engage with enterprises on a qualitatively different basis.
- 326.** The ILO should take a more visible and substantive role in its engagement with the private sector. The momentum generated by the Enterprises Initiative, as well as progress made through other Centenary Initiatives, must be maintained beyond the Organization's Centenary. The Office should provide guidance on how the programme of work undertaken through the Enterprises Initiative would be advanced.
- 327.** Lastly, he underlined the synergies between the Enterprises Initiative and innovative finance, and emphasized the need for the Organization to deepen, expand and diversify its partnerships and harness that cooperation to support the achievement of decent work. IMEC supported the draft decision.
- 328.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the following countries aligned themselves with the statement: North Macedonia, Montenegro, Serbia, Albania and Georgia. The EU and its Member States supported the statement made by IMEC. The Enterprises Initiative was particularly important in the implementation of the 2030 Agenda and the Paris Agreement on Climate Change and in ensuring global policy coherence in respect of established intergovernmental initiatives that provided guidance to businesses. The private sector was fundamental to the creation of decent jobs, inclusive economic growth, the transition to a green economy and the empowerment of women and young people, and a pivotal partner with regard to the challenges and opportunities of technological development, climate change, demographic shifts and globalization. The ILO should therefore build strong synergies and ensure that there was a framework to engage with enterprises of all sizes, in all regions and across all its strategic objectives.
- 329.** He congratulated the Office for its engagement in the networks and programmes mentioned in the progress report and for developing various international partnership initiatives. The EU and its Member States were pleased to support those efforts and cooperate in their development, particularly in the areas of occupational safety and health, gender equality, social dialogue, global supply chains and responsible business conduct.
- 330.** He requested a critical assessment of the achievement of the strategic objectives of the Initiative, in particular: whether it had delivered a process that was clear, rapid and pragmatic for enterprises engaging with the ILO; whether the Initiative had sufficient flexibility to be responsive to the needs of enterprises; and whether the Office was satisfied that the Initiative provided a platform for the ILO to fully realize its potential to engage with the private sector.
- 331.** Particular attention should be given to capacity-building and entrepreneurship programmes, to initiatives in the field of social finance and to the focal points and facilitators under the MNE Declaration. The ILO should take on a more visible and substantive role in its engagement with the private sector and continue exploring different avenues, with a view to delivering a more integrated approach. He expressed support for the draft decision.
- 332.** *A Government representative of Switzerland* said that her country aligned itself with the statement of IMEC and supported the ILO's commitment to closer cooperation with the private sector. Noting with satisfaction the project evaluations that had shown that

cooperation with the private sector increased impact and sustainability, she pledged her Government's continued support for the ILO in its implementation of the SCORE and Better Work programmes and praised its efforts to promote a systemic approach to work in global value chains. Switzerland would continue to support the ILO in promoting the ILO Global Business Network on Forced Labour, and she encouraged the Office to disseminate more information to member States and relevant associations on the network and on the activities of Alliance 8.7. Her Government supported the draft decision.

- 333.** *A Government representative of Uruguay* said that her country valued highly ILO initiatives in engaging with enterprises, given their vital contribution to meeting the goals of the 2030 Agenda by promoting economic growth, employment, investment, training and well-being. The private sector played a crucial role in creating decent work, and her Government therefore welcomed the results obtained through the ILO's various engagement activities, particularly in Latin America and the Caribbean, which addressed issues such as child labour and gender equality. As in many countries, most enterprises in Uruguay were small and medium-sized; the role of the ILO was therefore very useful in providing information for businesses and the Government and involving them in initiatives to improve employment quality. Tripartite consideration of the contribution of women to the world of work was needed, along with the dissemination of good business practices to reduce pay gaps, eliminate discrimination and prevent harassment in the workplace. Her Government supported the draft decision.
- 334.** *Speaking on behalf of the Governments of Belgium, France and Sweden*, a Government representative of France welcomed the document's reference to the Global Deal partnership, which was headquartered at the offices of the OECD in Paris. The partnership aimed to respond to challenges in the world of work and promote globalization that was fair, sustainable and for the benefit of all through social dialogue and engaging enterprises in an open exchange with all stakeholders, thus contributing to SDG 8 on decent work and inclusive growth. The partnership worked closely with the ILO and with its 100 partners, which included governments and employers', workers' and business organizations.
- 335.** *A representative of the Director-General* (Director, Enterprises Department (ENTERPRISES)) said that the Enterprises Initiative was an all-encompassing, complex undertaking, involving all parts of the ILO and aimed at all enterprises, from multinationals to micro-enterprises. Enterprises played an important role in furthering the work of the ILO, and all constituents would be involved in improving engagement with them.
- 336.** The information recorded in the newly established register of enterprises engaging with the ILO would be made available, and staff would be encouraged to use it to record all engagements with enterprises to allow for analysis of the ILO's work with them. The Enterprises Department would follow up, by means of internal consultations, on how PPP approval processes could be accelerated. The common approach was taken into consideration regularly to ensure that the ILO's position was conveyed to stakeholders where necessary. The EESE programme was an important tool, which the Enterprises Department would continue to review in order to define a platform from which to scale up the work already under way. The Enterprises Department took productivity very seriously and would explore how best to address the topic. The Department would also address the demands for increased in-depth consultation with the social partners on cross-cutting programmes.
- 337.** Feedback on the analysis of its work on social finance would be provided. All of its private-sector engagement initiatives were underpinned by ILO standards and the promotion of decent work, even if there was no specific reference to them. Consultations on engagement with workers and governments would take place to identify appropriate opportunities for their involvement. The data recorded in the new register would contribute to the analysis of challenges and barriers in that regard, providing more accurate information

to assist future proposals. It was also necessary to examine how engagement with the private sector could be improved and leveraged. Although the Enterprises Initiative was due to conclude at the end of 2019, the Enterprises Department stood ready to increase its efforts in the area, building on the platform that the initiative had created.

338. Turning to the question of whether the Enterprises Initiative provided a clear process for engaging with enterprises, he said that the Initiative included a number of processes in several areas, including global networks and interaction with small businesses. The Enterprises Department must work with the social partners to increase flexibility by harnessing its proactivity and creativity. Engagement with the private sector had improved year-on-year, although there remained room for improvement.

Decision

339. *The Governing Body requested the Director-General to continue improving ILO engagement with the private sector, taking into account the guidance provided by the Governing Body.*

(GB.335/INS/6(Rev.), paragraph 43)

Seventh item on the agenda

Standing orders for tripartite meetings:

Introductory note

(GB.335/INS/7)

340. *The Employer spokesperson* said that the introductory note provided useful information about the purpose of technical meetings and meetings of experts and made it clear that balanced tripartism and efficiency must be preserved in all cases. The note could have included an explanation of the new provisions of the Standing Orders whereby Workers' and Employers' groups nominated advisers rather than observers for meetings of experts. Recalling that the IOE was the only organization acting as the secretariat for the Employers' group at all ILO meetings, he said that the words "relevant sectoral international employers' and workers' organizations" in paragraph 16 should be replaced by "relevant sectoral international workers' organizations" and the word "respectively" moved after that phrase. Although article 9 of the Standing Orders stipulated that members of the secretariat of the Employers' and Workers' groups may intervene in the debates, the role of the secretariats must not overshadow or replace that of the group spokespersons. Any such interventions should be limited to points of clarification. Otherwise, that question would have to be addressed in March 2022 when the implementation of the Standing Orders would be reviewed. The Employers supported the draft decision contained in paragraph 4.

341. *The Worker spokesperson* said that she agreed with the change suggested by the Employers' group and supported the draft decision.

342. *Speaking on behalf of IMEC*, a Government representative of Ireland said that the Eastern European group, the Africa group and ASPAG aligned themselves with his statement. Recalling the significant tripartite effort that had contributed to the adoption of the Standing Orders, which represented an outcome framed by consensus, he noted that the Standing Orders did not apply to symposia, seminars, workshops and similar meetings not convened by the Governing Body, which also included informal consultations between the Office and constituents. In that regard, while his group greatly appreciated the Office's efforts to

convene informal tripartite consultations on violence and harassment at work in advance of the standard-setting discussions on that topic at the 108th Session (2019) of the International Labour Conference, the configuration of those consultations had been unsatisfactory, as government representation had been limited. Those informal consultations had been configured as if they were meetings of experts and, as such, government representation had been limited to four governments from each region. However, informal consultations were not subject to the Standing Orders and those rules must not be applied to such meetings. IMEC was concerned that arbitrary limitations were being applied to informal consultations, thus undermining their legitimacy and transparency.

343. Noting that the active engagement of governments in formal and informal consultations was an indication of a dynamic and vibrant tripartite community and a consistent and sustainable forum for social dialogue, he said that the participation rights set out in paragraph 11(a) of the introductory note had to be fully respected by all participants in formal and informal meetings and promoted by the Office in its role as secretariat. He recalled that there had been some issues surrounding those rights at the recent Tripartite Meeting of Experts on Cross-border Social Dialogue. IMEC could support the draft decision, subject to the Office clarifying the issues raised in relation to the application of rules to informal meetings that were outside the scope of the Standing Orders.
344. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that informal consultations should involve the broad participation of all interested governments. When drafting the reports and draft outcome documents mentioned in paragraphs 17 and 19 of the introductory note, the Office should consult governments and the regional coordinators. He recalled that the question of participation in technical meetings and meetings of experts could be discussed again following the trial period that had been agreed upon at the previous session.
345. *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the Office would include the amendment to paragraph 16 of the introductory note as requested by the Employer spokesperson. Responding to IMEC's comments, he confirmed that the Standing Orders did not apply to symposia, seminars, workshops and similar meetings not convened by the Governing Body, including all forms of consultations. They did, however, apply to all technical meetings and meetings of experts convened by the Governing Body. The Standing Orders would be reviewed after three years and the issues raised would be taken into account during the review.

Decision

346. *The Governing Body decided:*

- (a) *to adopt the introductory note contained in the appendix to document GB.335/INS/7, as corrected during the discussion, to be published together with the Standing Orders for technical meetings and the Standing Orders for meetings of experts adopted at its 334th Session (October–November 2018); and*
- (b) *to remove Annex VIII from the Compendium of rules applicable to the Governing Body of the International Labour Office.*

(GB.335/INS/7, paragraph 4)

Eighth item on the agenda

Report of the 19th American Regional Meeting

(Panama City, 2–5 October 2018)

([GB.335/INS/8](#))

347. *The Employer spokesperson* welcomed the content of the Panama Declaration for the ILO Centenary, which, as recognized by the Office, would be a valuable contribution to the outcome document of the Centenary Session of the International Labour Conference. He highlighted the particular relevance of paragraph 4 of its preamble, as recent years had demonstrated that, without sustained growth, social progress might stall or even be reversed. Therefore, investment and sustainable economic growth were essential for generating decent and productive employment, and for reducing inequalities. In Part II of the Declaration, 17 policy priorities for the Office were listed. Of particular importance to the Employers was the need to promote synergies between education, vocational training and the world of work to match present and future labour supply and demand; moreover, workforce development policies must be aligned with policies on productive development and attracting investment. In Part III, the lines of action for the future should be implemented and followed up as soon as possible with determined action from the Office and the involvement of the social partners.
348. He called on the Office and the Regional Office for Latin America and the Caribbean to prepare a report on the implementation of the Panama Declaration and on progress in and expansion of the actions agreed with respect to productive development some three years prior. In particular, the Office should conduct an in-depth analysis of systemic challenges in economies in the region; develop a programme to encourage agreements for productive development in each country of the Americas needing them, identifying the institutional elements and factors necessary for their design and implementation; and strengthen internal staff capacity of the Regional Office in the short term, through a regional post to develop new collaboration partnerships with key institutions with expertise in productive development.
349. To foster sustainable enterprises, the meeting had proposed that the Office should promote programmes to encourage enabling environments for business development and present its achievements so as to compare different projects implemented in different countries; employers' organizations should be encouraged to take leadership of those projects where possible, in particular in the design of proposed reforms to business regulations. It had also proposed that the main challenges faced by countries in the region in the promotion of enabling environments should be identified as well as the progress made in recent years by the Office through technical assistance in the design of public policies for sustainable enterprises.
350. Concerning the transition from the informal to the formal economy, the Employers requested a critical examination, from a results-based perspective, of the different programmes and actions implemented by governments and the ILO. They also proposed that in-depth empirical studies should be conducted to discover why people entered and remained in the informal economy, with data disaggregated by sector to show the productivity and profitability of those economic units and their correlation with informality. The Office was requested to provide technical assistance to governments in the design of results-based public policies to support the transition to the formal economy. The Office was also requested to map existing skills and those demanded by the labour market and employers currently and in the coming decade and to present the findings by November 2019. He requested the Office to make a clear distinction between publications containing ILO policy recommendations and those based on empirical research or containing recommendations

made by individual researchers to avoid any potential confusion between the two. The Employers trusted that the Office would address the group's proposals reflected in paragraph 42 of the meeting report and stood ready to support the ILO to ensure full and timely implementation.

- 351.** Regarding the operation of the Credentials Committee, the Employers' group was particularly concerned about the number of incomplete and non-accredited delegations, the number and content of complaints and objections submitted, and the significant gender imbalance among delegates. Governments must intensify their efforts to ensure that Employers' and Workers' representatives were accredited to attend ILO meetings in future, and all constituents should take steps to significantly improve women's participation in delegations.
- 352.** As to the report of the meeting, he highlighted the content of paragraphs 164–166, which should be taken into consideration, also in connection with the Centenary. He reiterated the need to address, as a number of governments in the region had done, apparent discrepancies in consultations with indigenous communities with various UN organizations and other regional integration organizations; the ILO should designate a regional specialist for indigenous peoples to strengthen its technical and operational capacity and maintain its leadership in that area. He requested the Office to amend the reference to employers in paragraph 237, and to reflect the closing statement of the Employer Vice-Chairperson in paragraphs 261–263 in more detail, as it was important to the Declaration.
- 353.** As to the organization of the meeting, the Employers' group wished to place on record that the parallel events and information sessions had proved particularly difficult to arrange. The number of those sessions should be reduced and the topics covered should be agreed through tripartite discussions at the regional level, facilitated by the Office. His group supported the draft decision, on the understanding that the Office would ensure that the text of the Declaration was made available to all three groups of constituents.
- 354.** *The Worker spokesperson* said that the 19th American Regional Meeting had recognized that the debate on the future of work in the Americas was complex and wide-ranging, and was affected by a high-debt burden and economic contraction that was worsened by climate change. It had also acknowledged the challenges facing the region and the impact of the fourth industrial revolution. The Declaration was therefore timely in forecasting that a better future of work was possible; it called for the ILO's assistance in: ensuring strict adherence to the principles of freedom, democracy and social justice, the rule of law and respect for human and labour rights; contributing to strengthening democratic institutions in formal and informal economies, and in preventing and combating corruption; and enhancing social dialogue. The call for capacity-building was consistent with her group's views. Given the labour migration challenges facing the region, her group was pleased that the Declaration called for ILO assistance in ensuring the timely implementation of the labour-related aspects of the Global Compact for Safe, Orderly and Regular Migration.
- 355.** The Workers' group welcomed the inclusion in the outcome document of the conclusions of the four thematic sessions, particularly the importance of prioritizing care work and investing in public services to close the gender pay gap. The Declaration also recognized the critical need to prioritize policies to prevent violence and harassment in the world of work; it was therefore to be hoped that constituents of the Americas would support the proposed Convention and Recommendation at the 2019 session of the International Labour Conference.
- 356.** Her group expressed satisfaction that the Declaration recognized that child labour could only be eliminated by addressing deficits in decent work for adults and providing quality education for children. The Workers' group strongly supported the ILO's call for national

tripartite constituents to appoint focal points to promote the MNE Declaration, although it was unfortunate that there had been significant reluctance to include a reference to it in the final text of the Panama Declaration. The Governing Body would recall its decision that ILO member States and tripartite constituents should lend their full support to promoting the MNE Declaration at the global, regional and country levels. Her group was satisfied at the general agreement among the tripartite constituents on how the obstacles facing the region could be addressed; however, social dialogue must truly become an established practice. She reiterated the Declaration's call for the Office to provide technical assistance to constituents in implementing the commitments made for the next four years.

357. Noting the low number of young people at the meeting, she reiterated the need to establish intergenerational dialogue and ensure the active participation of young people in decision-making processes for the achievement of all of the ILO's objectives, especially as the issues being addressed had a deep impact on present and future generations. While progress towards gender parity in delegations had been made, it remained slow, and her group recognized the need to address its own shortcomings in that regard. The Centenary Session of the Conference should sound a clarion call for all member States and social partners in the Americas to redouble efforts to ensure balanced participation including women and young people at that session and beyond. Her group supported the draft decision.

358. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. Those governments welcomed the success of the meeting and the efforts of all tripartite constituents in reaching consensus on the Panama Declaration. The Report of the Director-General, *Preparing the future of work we want in the Americas through social dialogue* had served as an excellent basis for discussion. He welcomed the efforts made by the drafting group on the Panama Declaration. He recalled the observations of the Government group of the 19th American Regional Meeting on the meeting's composition and the participation of governments, and reiterated the Governments' desire to contribute effectively to all ILO meetings. He praised participants' contribution to discussions on the future of work and supported the policy priorities set out in the Declaration to be developed in national and local contexts. He encouraged future American regional meetings to continue to advance social dialogue and the pursuit of decent work for all.

359. He said that the tripartite delegates at the meeting had welcomed the Report of the Director-General, which had provided a basis for deliberations on matters of common concern. He reiterated that the ILO must adapt to the modern challenges in the world of work through international cooperation, innovative partnerships and social dialogue. He welcomed the tripartite efforts that had led to the adoption of the Panama Declaration. He therefore urged the Office to strengthen its internal capacities to promote the policies prioritized in the Declaration, provide assistance on the ground to the tripartite constituents, and draw up and make available a plan for key activities in the region. The Panama Declaration was the only outcome document of an ILO regional meeting dedicated to the Centenary, and he urged the Office to take it into consideration when preparing the draft of the outcome document for the Centenary Session of the Conference. He supported the draft decision.

360. *A Government representative of Panama* said that the meeting had involved four days of intense work, where the spirit of consensus prevailed, with inputs from more than 350 delegates representing tripartism in the Americas. She thanked the Office for its significant work prior to and during the meeting. Panama had been aware of its responsibility for hosting a highly anticipated meeting at a historic moment; in that respect, the meeting had served as a preamble to the ILO's Centenary celebrations. The Declaration adopted by the meeting captured the challenges and opportunities in the world of work discussed by participants, reflected the constituents' expectations and set out a clear road map for the ILO for the following four years.

361. *A representative of the Director-General* (Regional Director ad interim for Latin America and the Caribbean) said that behind the meeting was a collective process involving initially sectoral, then bipartite and subsequently tripartite consultations. The Office had begun to implement the Panama Declaration as soon as it had been adopted. As well as being a source of pride, the Declaration brought with it significant responsibility to implement it.
362. *The Director-General* said that the extremely successful meeting had produced a Declaration that was viewed positively by all parties. It was an important resource not only to guide the ILO's future activities in the Americas region, but would also assist the completion of the programme and budget for the entire Organization and the preparations for the outcome document of the Centenary Session of the Conference.

Decision

363. *The Governing Body requested the Director-General to:*

- (a) *draw the attention of ILO constituents, in particular those of the Americas region, to the Panama Declaration for the ILO Centenary by making the text available to:*
- (i) *the governments of all member States, requesting them to communicate the text to national employers' and workers' organizations;*
 - (ii) *the official international organizations and non-governmental international organizations concerned;*
- (b) *take the Panama Declaration for the ILO Centenary into consideration when implementing current programmes and in developing future programme and budget proposals.*

(GB.335/INS/8, paragraph 274)

Ninth item on the agenda

ILO-wide strategy for institutional capacity development

([GB.335/INS/9](#))

364. *The Worker spokesperson* expressed concern that too much prominence had been given in the introduction of the proposed strategy to the reform of the UNDS, when emphasis should be on achieving the ILO's broader mandate of social justice for all. The strategy should strengthen the capacities of the social partners to work both together – through consultation and social dialogue – and separately on their individual mandates. Her group appreciated that consideration had been given to the high-level evaluation in designing the strategy, but would like to see greater emphasis on building capacity at the national level. It would also like further explanation of what appeared to be an attempt to merge the DWCPs with processes carried out in the context of the UN Country Teams and UNDAFs. She stressed that the evolution of the reform of the UNDS should not undermine the key role of the ILO's local or regional offices or programmes. She requested clarifications with regard to the plans to strengthen the capacities of ILO staff in the area of social dialogue and the knowledge of respective roles of ILO constituents, and said that the Office should consult the Staff Union

on all issues related to staff training. Turning to the plans to expand partnerships, she sought clarification as to whether the partnerships would be selected at the local or global levels and whether participation would be decided in consultation with the social partners in each case. While partnerships would undoubtedly bring some benefits, care should be taken to ensure that the unique tripartite structure of the ILO was not undermined or its strategy diluted.

- 365.** The Workers' group was in favour of encouraging lesser degrees of earmarking and supported the proposals to increase South–South and triangular cooperation and promote exchanges among constituents. The Workers also endorsed the focus on better integrating institutional capacity development into ILO-wide programming. A planning meeting of the internal steering committee with the secretariats of the Employers' and Workers' groups should be the first step in the road map outlined in the document. The Workers' group supported the draft decision on the understanding that the further steps outlined in the document would be taken and that the guidance provided by her group in designing and implementing the strategy would be taken into account.
- 366.** *The Employer spokesperson* reaffirmed the critical and timely nature of the proposed strategy, commending the recognition in the strategy of the social partners' mandate as the basis for capacity development, especially given the challenges of integrating capacity development priorities into broader priorities and into much of the development cooperation that donors wished to fund, and given the lack of rigour in consulting with constituents. In that regard, strategic discussions between the Office and constituents were required to ensure that ILO activities built on the Organization's institutional strengths. The Employers welcomed the explicit mention of three levels of capacity development and hoped that they would indeed be mutually reinforcing. The common approach to diagnostic methods must be flexible and adapt to ongoing changes. Methodologies that resulted in self-assessment should be avoided. As the strategy would be ILO-wide, every component of the Organization should play a role. Noting that the Governing Body would have to constructively exercise its role of governance in the implementation of the strategy, he called for the incorporation of a feedback mechanism in that regard.
- 367.** The Employers were concerned about the increasing involvement of non-governmental organizations and non-traditional counterparts in the capacity development space and budget without prior consultation with the tripartite constituents. The strategy should include guiding principles on collaboration between such counterparts and the Organization. In terms of funding, he reiterated that the Office should ensure that the programme and budget would reflect the importance of strengthening the institutional capacities of the social partners. With regard to the two stages of implementation, he said that it would not be realistic to implement the strategy over two biennia. The Employers' group expected regular feedback on the execution of the strategy. His group endorsed the strategy as proposed by the Office.
- 368.** *Speaking on behalf of the Africa group*, a Government representative of Morocco noted with satisfaction that the Office distinguished between three capacity development levels in order to develop both the functional and the technical capacities of the ILO's constituents and to fully implement changes under the reform of the UNDS. The aim was to contribute both to the achievement of the SDGs and to advance social justice. Endorsing the further steps for the implementation of the strategy, his group supported the draft decision.
- 369.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that the strategy should focus in particular on coordinated action at all three levels of capacity development based on the evolving needs of constituents. Effective capacity development required an in-depth understanding of the recipients' needs and priorities, which needed to be identified through a process of consultation with the concerned parties and warranted tailor-made responses. Regarding South–South and triangular cooperation,

further expansion would be required to assist the Organization in fulfilling its objectives. His group encouraged the ILO to further engage with other UN agencies to strengthen coordination and common approaches in its capacity development efforts. His group recognized the relevance of the report of the Global Commission on the Future of Work and the role of the International Training Centre of the ILO in Turin (ITC–ILO) in advancing capacity development. The function of the ITC–ILO should be expanded to allow new approaches to be tested. ASPAG supported the appointment of an internal steering committee and agreed that the strategy should be periodically reviewed and adjusted when necessary. ASPAG supported the draft decision.

- 370.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that Montenegro, Serbia, Albania, Bosnia and Herzegovina and Georgia aligned themselves with the statement. Noting that capacity development was key to achieving decent work and furthering social justice, he said that the strategy could address the capacity needs of the tripartite constituents while ensuring meaningful participation in broader national policy processes and frameworks, including in the context of UN Country Teams and UNDAFs. His group supported an approach based on long-term institution-building rather than on individual projects. He welcomed the strategy's focus on increased gender equality, which included efforts to build the gender mainstreaming capacities of ILO staff, and on deepening partnerships through collaboration with other UN agencies, including through the ILO's programming processes. Institutional capacity development could be key in promoting the ratification of labour standards and capacity development of the social partners, labour administrations and other key actors should include the implementation and enforcement of subscribed international standards. At the national level, the ITC–ILO could be instrumental in providing capacity-building for labour administrations as required. Financial support should be diversified to ensure an adequate resource base for institutional capacity development efforts. He supported the draft decision.
- 371.** *Speaking on behalf of ASEAN*, a Government representative of Myanmar noted with appreciation the three key elements of the strategy and encouraged the Office to build more accessible platforms for its tripartite constituents to facilitate participation in broader national policy processes and frameworks. The Office should also increase its engagement with constituents to identify the assistance required to address their priorities. Support should be provided for both functional and technical capacity development, including research and policy development skills. ASEAN noted with satisfaction that the Office intended to expand partnerships not only at the international level but also at the regional level. His group fully supported the idea of enhancing the capacity of local training providers and welcomed the ITC–ILO's new approaches to capacity development, including the investment in a learning laboratory in 2019. ASEAN supported the draft decision.
- 372.** *A Government representative of the United States* questioned the need to mainstream institutional capacity development in the ILO's global frameworks, given that it had always been a core ILO function. There could be no one-size-fits-all approach and the delivery of programmes and services should be closely aligned to specific local and functional challenges. In particularly difficult circumstances, there should be an increased focus on building the capacity for technical assistance. Finally, he asked the Office how much it would cost to institutionalize the proposed changes and what conclusions had been drawn in that regard. His Government supported the draft decision.
- 373.** *A Government representative of India* said that the ILO's capacity development activities should be aligned with national priorities based on a detailed assessment of needs and the beneficiary organizations must be involved in their planning and implementation. In terms of the DWCPs, his country supported the integration of institutional capacity development into their overall programming and reporting cycles. His Government supported the initiatives of the ITC–ILO to strengthen partnerships with regional and national training

institutes and to establish a learning laboratory. The current collaboration between the V.V. Giri National Labour Institute of India and the ITC–ILO was an important step towards institutional capacity-building and could have the potential to further expand its outreach to other regions. Priority issues and the areas of focus for capacity development should be reviewed periodically in the light of emerging challenges. His Government supported the draft decision.

- 374.** *A Government representative of Brazil* asked for clarification on the extent to which the report of the Global Commission on the Future of Work had been used in drafting the document. He noted that there appeared to be some confusion in the document with respect to the use of the terms “constituents” and “social partners”. He noted with interest that the internal steering committee would be composed of representatives of ACTRAV and ACT/EMP, “the regions” and the ITC–ILO; in that connection, he asked for confirmation as to whether “regions” referred to the ILO regional offices and how governments would be consulted about their needs and priorities. The discussions on institutional capacity development, the South–South and triangular cooperation strategy and ILO engagement with innovative financial mechanisms had raised important complementary points that should be taken into account in discussions on the ILO Development Cooperation Strategy at the 338th Session of the Governing Body.
- 375.** *A Government representative of Bangladesh* took note of the strategy and said that capacity-building among constituents and the Office’s staff would play a significant role in the attainment of SDG 8. She described steps taken by her Government to reform labour inspection and training in Bangladesh, remarking that implementation of the strategy would help to intensify efforts to ensure full, productive and decent employment in developing countries, where there was the potential to make a significant difference. She welcomed the proposal to update existing tools and methods for capacity development, but noted that the design and implementation of such development should be closely linked to national priorities. Capacity development initiatives should be customized in consultation with national tripartite constituents, and new training materials should be developed under the guidance of the ITC–ILO and national experts. Work done by the ILO in partnership with other UN organizations should be integrated with the DWCPs. Implementing capacity development activities under the UNDAFs would be a cost-effective measure. She welcomed the proposal to expand partnerships with capacity development institutions working at the regional and national levels and urged the Office to develop long-term partnerships in that respect.
- 376.** *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships), responding to questions and comments, said that the strategy had been formulated with the needs of all the constituents in mind, through a process of in-depth consultations with ACTRAV and ACT/EMP. Non-traditional partnerships, in the context of UN reform, should be viewed as an opportunity to strengthen and expand the ILO’s mandate. The strategy had been designed on the basis of needs identified to ensure the continuation of the ILO’s work and to enable beneficiaries to obtain the technical expertise and develop the necessary capacities to improve their work. He noted that the social partners and governments had expressed a desire to be involved in the work of the steering committee, potentially in the form of consultations involving the secretariats of the Employers’ and Workers’ groups.
- 377.** The Office intended to continue in-depth consultations to develop a plan of action and explore how to implement, review and adapt the strategy on the basis of points raised in discussions on the programme and budget, on the future of work at the International Labour Conference and on other relevant topics. Regarding the proposal to strengthen the institutional capacity development competencies of ILO staff, including their understanding of the specific institutional roles and functions of the social partners and labour

administrations, he said that the Office had taken into account the views of the social partners that had been raised in the consultations and had responded accordingly in the document. The idea had been to hold induction sessions for new staff on the importance of tripartism and social dialogue, as well as refresher sessions where necessary.

- 378.** With regard to the mainstreaming of capacity development in all activities, he recalled that constituents had asked the Office at the 334th Session of the Governing Body to be ambitious in the realization of its vision with a particular focus on the strengthening of institutional capacities; the Office had taken steps to fulfil that request in its programming. On costing, he responded that if the Office could not secure an increase in resources in the programme and budget for the following biennium, it would need to explore how it could enhance its work to ensure it could fully implement the strategy. He confirmed that the document's reference to "regions" did indeed refer to the regional offices, which were in charge of responding to the needs of tripartite constituents.
- 379.** *The Employer spokesperson* said that discussion of the strategy should be separated from discussion of the programme and budget proposals. However, since the Office had made it clear that the two were intrinsically linked, he requested further clarification on how the strategy would be funded. The Director-General had proposed a budgetary reduction of US\$3.1 million for policy outcomes and the redeployment of around US\$948,800 of the savings made to fund the UN resident coordinator system. He was concerned that, if the strategy was to be implemented in the current biennium, budgetary reductions could affect the delivery of policy outcomes. He therefore asked the Office how it would mitigate the impact of those reductions.
- 380.** *The Director-General* said that decisions made with regard to the programme and budget for the coming biennium would have no implication for the current biennium. The ILO's work in the area would be subject to further consideration under the modified procedures for the adoption of the programme and budget in November 2019. If the Governing Body was to accept his revised programme and budget proposals, the Office would work within that framework to decide a way forward, what resources would need to be allocated to the implementation of the strategy and what implications that decision would have for other activities.

Decision

- 381.** *The Governing Body requested the Office to implement the ILO Institutional Capacity Development Strategy, taking into account the guidance received during the discussion of document GB.335/INS/9.*

(GB.335/INS/9, paragraph 34)

Tenth item on the agenda

Update on the United Nations reform

([GB.335/INS/10](#))

- 382.** *The Employer spokesperson* expressed support for the UN reform in principle, but emphasized the need to consider the major consequences of the reform for the ILO, particularly in the field. Tripartism was the key to the ILO's success and must not be undermined. He took note of the ILO's efforts to secure proper engagement between the social partners and the resident coordinators and to organize training for resident

coordinators at the ITC–ILO. The Employers were in favour of increasing the influence of the national social partners in the UNDAF process. Nevertheless, the Office had in the past been unable to secure the engagement of social partners in events that were jointly organized with UN agencies. It remained to be seen how the Office’s good intentions in that respect would turn out in practice.

- 383.** The Employers agreed with the Office’s decision to assess on a case-by-case basis the feasibility of relocating ILO country offices to common premises, provided that those premises were easily accessible to ILO constituents. It was reassuring that the DWCPs would continue to serve as the main accountability framework between the Office and the constituents at the country level and would form the basis for the ILO’s resource mobilization efforts. The group supported efforts to align the preparation of the DWCPs with the UNDAF process, which would enable the priorities of ILO constituents to be strengthened in UNDAFs.
- 384.** Nevertheless, increased coordination between different UN agencies on ILO matters might exclude ILO constituents from decision-making processes. The constituents should receive information at the beginning of intra-UN processes, to allow them to provide input. For example, the inter-agency task team set up to develop a UN common approach to due diligence for private sector partnerships had not engaged with or consulted the private sector. The Governing Body should receive a full update on the work carried out and the common approach should not be applied to the ILO’s engagement with the private sector without the Governing Body’s approval.
- 385.** Furthermore, the UN Global Compact should not have any coordinating role in respect of partnerships with the private sector. UN country-level engagement should not focus on UN Global Compact local networks, as they were multi-stakeholder initiatives without a mandate to speak on behalf of business with UN entities. The Office should be firm about the important role that must be played by the most representative organizations of workers and employers. Assigning a time slot for workers’ and employers’ engagement at the meeting of leaders of UN agencies to be hosted by the ILO in May 2019 would transmit a strong message to the wider UN system in that regard.
- 386.** He proposed an amended version of the draft decision, which had been prepared in collaboration with the Workers’ group, that read:

The Governing Body:

- (a) took note of the current status of the reform of the United Nations development system and the Office’s analysis of the challenges and opportunities of the reform for the ILO;
- (b) requested the Director-General to take a strong leadership in ensuring tripartism and promoting the specific role of the social partners in the implementation of resolution A/RES/72/279 of the UN General Assembly and related inter-agency coordination mechanisms;
- (c) asked the Director-General to ensure that the revised resident coordinator job description preserves the most representative workers’ and employers’ organizations as the main entities with which the resident coordinator should engage at country level on UN’s collective support to SDG 8 and other goals relevant to the ILO mandate;
- (d) conveyed the message to UN agencies and institutions about the importance of ensuring a regular dialogue also at global level, with international workers’ and employers’ organizations;
- (e) expressed its support for the demands of the International Trade Union Confederation and the International Organisation of Employers to be granted observer status in the United Nations General Assembly in order to allow for their participation in the sessions and the work of the General Assembly, with respect to the UN reform process and implementation of the 2030 Agenda;

- (f) invited the Director-General to take into consideration the views expressed by the Governing Body in the implementation of the plan of action in the appendix to document GB.335/INS/10.

- 387.** *The Worker spokesperson* said that the ILO should be proactive in ensuring that its unique tripartite governance structure and normative mandate were acknowledged as being intrinsic to UN reform, and adequately reflected in country-level activities. International labour standards and human rights' instruments should form the basis of the work to develop UNDAFs. The recommendations of the SRM TWG should be considered as part of the UN common country analyses, in addition to the comments of the ILO supervisory bodies, in order to promote the ratification of up-to-date international labour standards. Those standards might, however, be seen as a list of options from which governments could choose, and thus might be excluded from lists of country priorities. It was unclear whether rights issues could still be addressed through the DWCPs if they were not clearly reflected in UNDAFs and whether separate funding would be available for such work.
- 388.** Another concern was that there was no firm commitment from the UN to consult workers' organizations as a separate and specific group, which was essential if trade union priorities and labour issues were to remain at the core of country-level activities. Although the job description of resident coordinators required them to engage with the social partners, workers' organizations continued to be grouped together with other stakeholders. Trade unions and employers' organizations should have a dedicated space of engagement with resident coordinators.
- 389.** She asked the Office to clarify whether resident coordinators – who might have little knowledge of the world of work issues – would be able to request the ILO and its constituents to modify the DWCP priorities to reflect UNDAF outcomes and strategies. The DWCPs must remain the responsibility of the ILO, and must be used to influence UNDAFs, not the other way round. They should be used to ensure that the four strategic objectives of the Decent Work Agenda were adequately reflected in country-level activities. The Workers' group welcomed the proposed capacity development at the country level in that regard.
- 390.** The criteria for ILO country presence should reflect the role of the ILO supervisory mechanisms and the fact that development cooperation activities and projects were based on tripartite decisions. Evidently, it would be more difficult to reflect the priorities of the social partners in UNDAFs in countries where the ILO was not present. Arrangements to redeploy technical specialists to resident coordinator offices therefore required careful review. It remained to be seen how such arrangements would affect the support provided to the social partners in countries where the ILO had no office.
- 391.** The Workers' group supported the Office's case-by-case approach to common premises and agreed in particular on the importance of ease of access for ILO constituents and a visible ILO identity. With regard to common back offices and services, the group supported the idea of possibly opting in as the business case became clearer. The Office should adopt a cautious approach in implementing the commitments under the Mutual Recognition Statement of the Business Innovations Group.
- 392.** The ILO should ensure that respect for core labour standards was the main consideration in a common approach to due diligence for private sector partnerships. There should also be a commitment to the *Guiding principles on business and human rights*. Due diligence should discard partnerships with companies holding poor labour records. Instead, those companies should be asked to implement a road map to improve their labour records, which would be regularly monitored by the ILO in consultation with the company and workers' organizations. The partnership could then be reassessed.

- 393.** Noting that the United Nations was currently reviewing the role of the UN Global Compact, and given the lack of accountability mechanisms to ensure compliance with its ten principles, she said that the UN Global Compact was entirely inadequate as a model for private sector engagement. She hoped that the proposal to give the UN Global Compact local networks a key role in country-level engagement with the private sector would not be endorsed.
- 394.** With respect to the funding of the resident coordinator system, it was unclear how the new cost-sharing formula would affect the ILO's contribution beyond 2019. Such uncertainty caused concern, and might have implications for the ILO's programme and budget. While the Workers agreed that it was necessary to enhance the ILO's access to pooled funds, funding must be secured for issues related to the world of work. It was also important to strike a balance with access to direct voluntary contributions.
- 395.** UN reform would have several implications for ILO staff, particularly those in the field. Adequate consultations and negotiations with the Staff Union would therefore be necessary. In the UN common system, working conditions and wages should be the result of social dialogue and mature industrial relations; the ILO should play a leading role in that respect. Furthermore, the double reporting line for staff members of UN country teams raised a critical question of governance for the ILO. The group supported efforts for ILO officials to become resident coordinators.
- 396.** With regard to the plan of action, component 2 should also refer to standards, to reflect the need to preserve the ILO's tripartite governance structure, normative mandate and programmatic priorities. Standards priorities should also be included in the plan. Recalling that the ITUC and the IOE were working towards meeting the criteria to be granted observer status at the UN General Assembly, she said that the Workers' engagement in UN reform depended on the extent to which the group's concerns were addressed. She referred to the amended version of the draft decision which had been proposed by the Employers' group also on behalf of her group.
- 397.** *Speaking on behalf of the Government group*, a Government representative of Azerbaijan welcomed the active participation of the Office and the Director-General in the UN reform process and the efforts to ensure that tripartism was an integral part of that reform. It was vital that the Decent Work Agenda should be mainstreamed into the new system. Furthermore, the Office should continue to advance the ILO's normative agenda within the opportunities provided by the reform. The Governing Body's constructive three-step solution adopted in 2019 for the cost-sharing arrangement should be maintained for the 2020–21 biennium. The Office and the Director-General should continue to engage actively with relevant stakeholders and keep the Governing Body up to date with regard to the reform process.
- 398.** *Speaking on behalf of the Africa group*, a Government representative of Nigeria expressed appreciation for the ILO's reinforced support to officials interested in becoming resident coordinators. Noting the revised job description of resident coordinators and the plans for the ITC–ILO to prepare training materials for them, he said that a well-grounded coordinator would play a vital role in creating a smooth entry point for the DWCPs in the preparation of UNDAFs. The group welcomed the alignment of both new and active DWCPs with UNDAFs. The ILO remained responsible for approving the DWCPs and was expected to review them at the regional and subregional levels to ensure conformity with current reform outcomes.
- 399.** Noting the criteria for the sharing of office space and services and the co-location of some ILO field offices, he said that a cost-saving analysis of such arrangements should be provided in the plan of action. The group hoped that the discussions on the Programme and Budget proposals for 2020–21 had increased understanding of the funding arrangements for the

resident coordinator system. Further information was expected on the human resources implications of the reform. His group looked forward to the faithful implementation of the plan of action, taking into consideration the guidance from the Governing Body. The group endorsed the draft decision as presented in paragraph 46.

400. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that UN specialized agencies should always take into account nationally defined priorities and needs, in order to foster national ownership of activities. Moreover, the implementation of the UN reform process should be inclusive at the national level, and should draw on the ILO's experience in tripartism.

401. *Speaking on behalf of IMEC*, a Government representative of France said that the Office and the social partners should support the resident coordinator and UN country teams to ensure that common country analyses were rights-based and allowed development efforts to be aligned with international labour standards and the wider normative framework. Gender mainstreaming should be an integral part of those efforts. She welcomed the specific reference in the revised resident coordinator job description to engagement with employers' and workers' organizations at the country level. Noting that the priorities of ILO constituents should increasingly be reflected in UNDAFs, she said that tripartite contributions to the common country analyses, through stakeholder consultations called by the resident coordinator or through an aligned DWCP process, would increase policy coherence across the UN system and raise awareness of the ILO's work. Recalling that the 2016 quadrennial comprehensive policy review had called for more UN collaboration at the country level, she requested more information about the ILO's efforts in that regard. Regarding the planned UNDAF governance mechanism, she asked what the implications would be for the ILO and its Evaluation Office and technical cooperation projects. She expected the revised Management and Accountability Framework to provide further guidance on the arrangements concerning dual reporting lines. Recognizing that potential gains could be obtained from sharing back-office functions, she noted that the current management and accountability structures would need to be adapted to such circumstances. The ILO should continue to monitor the work of the Business Innovations Group to determine the feasibility of its proposals for the ILO and further guidance should be provided about efficiency gains. The plan of action demonstrated the Office's efforts to extract benefits from the UN reform process. She asked how the Office intended to ensure internal oversight and reporting on the plan of action. The training for ILO staff outlined in the plan of action would be essential for ensuring a successful transition to a reformed UN. It would also be necessary to provide training for resident coordinators and non-ILO country personnel on the ILO's normative and supervisory roles. Her group urged the Office to continue engaging in the UN reform process.

402. She proposed some sub-amendments to the version of the draft decision proposed by the Workers and the Employers, so that the text would read:

The Governing Body:

- (a) took note of the current status of the reform of the United Nations development system and the Office's analysis of the challenges and opportunities of the reform for the ILO;
- (b) requested the Director-General to continue to take a strong leadership in promoting the value of ensuring tripartism and promoting the specific role of the social partners dialogue in the implementation of Resolution A/RES/72/279 of the UN General Assembly on the repositioning of the United Nations Development System and related inter-agency coordination mechanisms;
- (c) requested ~~asked~~ the Director-General to do his utmost to ensure that in the revised resident coordinator job description the national ~~preserves~~ workers' and employers' organizations are designated as the main entities with which the resident coordinator should engage at

country level in the formulation and implementation of the Common Country Assessments and the UN Development Assistance Frameworks, in particular on UN's collective support to the SDGs 8 and other goals relevant to the ILO mandate;

- (d) requested the Director-General to inform the conveyed the message to UN Agencies and Institutions of the United Nations Development System on about the relevance of importance of ensuring a regular tripartite dialogue also at global level, with International Workers' and Employers organizations, also at global level;
- (e) expressed its support welcomed for the objective demands of the International Trade Union Confederation and the International Organisation of Employers to be granted observer status in the United Nations General Assembly in order to allow for their participation in the sessions and the work of the General Assembly, with respect to the UN reform process and implementation of the 2030 agenda;
- (f) took note that, with a view to the follow-up to the UN reform process and the implementation of the 2030 agenda, the International Trade Union Confederation and the International Organisation of Employers are going to actively engage in the United Nations Economic and Social Council (ECOSOC) processes;
- (g) invited the Director-General to take into consideration the views expressed by the Governing Body in the implementation of the plan of action in the Appendix to GB.335/INS/10.

403. *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that North Macedonia, Montenegro, Serbia, Albania and Georgia aligned themselves with his statement. He aligned himself with the statement delivered on behalf of IMEC. He welcomed the ILO's active engagement in the UN reform process, noting that the ILO could retain its influential role in the UN system by contributing to the common country analyses, thereby ensuring that UNDAFs reflected the ILO's assessment of national realities. Normative activities related to labour and employment should also be part of the resident coordinator's mandate. The DWCPs would safeguard the ILO's normative priorities, based on constituents' needs, and would remain a tool for bilateral dialogue with governments. Noting that resident coordinators would closely engage with the social partners, he said that employers' and workers' representatives should be adequately trained in UN processes. He agreed that the ITC-ILO should provide induction sessions for resident coordinators and other UN staff to raise awareness of the Decent Work Agenda, social dialogue and tripartism. Moreover, the Office should encourage its high-level officials to become resident coordinators. The Office should map potential gaps in each country to facilitate the deployment of personnel if required. The EU and its Member States had made a commitment to support the resident coordinator trust fund and the UN Joint Fund for the 2030 Agenda for Sustainable Development. His group welcomed partnerships with the private sector, but agreed that it was important to determine clear rules of engagement. The plan of action therefore rightly included an assessment of how a UN common approach to due diligence for private sector partnerships could be applied by the ILO. He supported the draft decision, as amended by the Workers and Employers and sub-amended by IMEC.

404. *Speaking on behalf of ASEAN*, a Government representative of Indonesia said that his group welcomed the ILO's active participation in the reform of the UNDS. He emphasized the importance of enhancing cooperation between the ILO and resident coordinators at the country level, and expressed support for the Office's initiative to provide training for resident coordinators on the ILO's unique mandate. The Office should continue to align the DWCPs with UNDAFs, and should hold further consultations on implementing reforms in country offices to ensure that member States could continue to promote decent work. The Office should maximize access to pooled funds, such as the UN Joint Fund for the 2030 Agenda for Sustainable Development, and ensure it had the relevant capacity to do so. Concerning human resources implications, the Office should continue revising the job description of its country directors, and adjust the performance management frameworks and staff regulations in its country offices where necessary. Noting the long-standing cooperation between the

ILO and ASEAN, he encouraged the Office to analyse the implications of the UN reform on its regional development assistance delivery programmes. Finally, he welcomed component 2 of the plan of action and expressed support for the draft decision as set out in the document.

405. *A Government representative of Mexico* said that the ILO's engagement in the UN reform process was essential not only because its priorities were inextricably linked to the SDGs, but also to safeguard the role of social partners, especially at the country level. The plan of action would allow the ILO to maximize opportunities resulting from the reform process through its engagement with the resident coordinators, and would strengthen its presence on the ground. The ILO's experience in supporting member States in the application of international labour standards would be a valuable element when developing UNDAFs; tripartism would also make that process more inclusive and ensure that national realities were taken into account.
406. *A Government representative of Brazil* said that the UN reform provided an opportunity to promote the added value of the ILO, but also to draw on the best practices of other UN agencies. Nationally defined priorities should be an essential element of the work conducted by the UN specialized agencies. All of the tripartite constituents had a role to play in establishing those priorities, including local governments. He could not agree with the inclusion of the new subparagraph (c) in the draft decision proposed by the representative of IMEC, as it did not reflect the reality in the field. He thanked the Office for providing an update on the funding of the resident coordinator system and asked why the lightly earmarked thematic or outcome-based funding from multiple donors was not included in the funds subject to the 1 per cent levy.
407. *A representative of the Director-General* (Director, ILO Office in New York) welcomed the positive tone of the discussions and the advances that had been made. The theme of social protection had been chosen as the focus of the first call for proposals for the new UN Joint Fund for the 2030 Agenda for Sustainable Development, and the ILO's comparative advantage in that area would help resident coordinators to decide on proposals and would guide the allocation of funds. In response to concerns that the UN reform would dilute the ILO's advantage, he gave his assurances that the opposite was true: it would reinforce the ILO's normative agenda and its tripartite nature. He recognized that the process was only in its initial stages, however, and the situation would be closely monitored. As decent work was a key part of SDG 8, the ILO's structures and methods were inevitably also becoming global. The entry points for the ILO's engagement in such activities would therefore be clear, and the ILO would have to seize opportunities when they occurred. The ILO's workload would likely increase as a result of the UN reform, and the Office would have to learn how best to work with other stakeholders, in consultation with the constituents. International labour standards, as legally binding international treaties, were more important than UNDAFs, which were simply planning mechanisms. Turning to the UN common approach and the UN Global Compact, he said that the UN reform would take into account the concerns expressed, particularly regarding local networks. Finally, as the UN reform would be implemented at the national level, he said that it would be the responsibility of governments and employers' and workers' organizations to ensure that they interacted proactively with the resident coordinator and the UN country teams to advance decent work in their country.
408. *The Employer spokesperson* said that his group wished to see two minor changes to the proposed IMEC amendment. In subparagraph (b), he proposed changing the words "continue to take a strong leadership" to "continue to strengthen leadership". In subparagraph (c), he proposed changing "the main entities" to "key entities".
409. *The Worker spokesperson* said that her group preferred the wording "social partners" to the "social dialogue" proposed by IMEC.

410. *Speaking on behalf of IMEC*, a Government representative of France said that she would accept those proposed sub-amendments.
411. *Speaking on behalf of the Africa group*, a Government representative of Nigeria said, with reference to subparagraph (c), that the words “national workers’ and employers’ organizations” should be replaced by “tripartite constituents” or perhaps “most representative workers’ and employers’ organizations”. In relation to subparagraph (e), he asked what welcoming the objective of the ITUC and the IOE to be granted observer status in the UN General Assembly would mean for the ILO. As legal procedures were in place for acquiring observer status, he would like the Office to present a legal opinion on the proposal.
412. *Speaking on behalf of ASPAG*, a Government representative of China expressed support for the amendment proposed by IMEC.
413. *The Worker spokesperson* said that since extensive exchanges had already taken place, she preferred to retain the reference in subparagraph (c) to “national employers’ and workers’ organizations”. While she would appreciate the Office’s legal advice in relation to subparagraph (e), the language appeared to have no legal implications. She invited all Governments to support the Workers’ and Employers’ groups in their worthy intentions.
414. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He said that the discussions must be based on the tripartite consensus reached in November 2018 and should be concluded at the current session. The proposed IMEC amendment appeared closest to capturing what had been agreed and, with a view to facilitating consensus, his group would support it. However, subparagraph (b) posed a difficulty. If the ILO remained firmly committed to promoting tripartism and its own fundamental principles, there would be challenges in guaranteeing participation in UN General Assembly discussions and implementing UN reform. Unlike the Millennium Development Goals, the 2030 Agenda was not intended to be about selecting individual goals. By the same token, the proposed amendment to subparagraph (c) appeared to suggest that the resident coordinator should prioritize contacting and working with the social partners to implement a specific goal. The implementation of the 2030 Agenda had to be holistic. It should be recalled that the Government of the country in which the resident coordinator was working was a key piece of the jigsaw, all the more so in the tripartite context of the ILO. UN agencies were not there to create or implement any priorities other than those of the State itself. He wished it to be recorded in the Governing Body minutes that the Government of the country in question should play a fundamental role in any dialogue relating to priorities with respect to the 2030 Agenda.
415. *The Employer spokesperson* said that his group fully supported the amendments proposed by IMEC and did not intend to endorse any further amendments.
416. *Speaking on behalf of IMEC*, a Government representative of France said that the proposal made by the Government representative of Brazil was covered by the Employers’ proposal to replace the words “main entities” by “key entities”. She reiterated her support for the formulation “national workers’ and employers’ organizations” in subparagraph (c).
417. *Speaking on behalf of the Africa group*, a Government representative of Nigeria said that, while he would accept “workers’ and employers’ organizations”, he wished it to be placed on record that his group preferred the formulation “tripartite constituents”.
418. *The Chairperson*, referring to the concerns raised by the Government representative of Brazil and the Africa group, said that mentioning the social partners in no way negated the

key role played by national Governments. She took it that the amended text had consensus support and needed no further amendment.

419. *Speaking on behalf of GRULAC*, a Government representative of Brazil said that he would not oppose the adoption of the text as amended, provided that the concerns he had expressed were faithfully recorded in the minutes.
420. *The Director-General* said that he wished to reassure the Africa group that subparagraph (e) merely welcomed the previously-known objective of both the ITUC and the IOE to seek observer status in the UN and entailed no legal consequences for the Governing Body or the Office.

Decision

421. *The Governing Body:*

- (a) *took note of the current status of the reform of the United Nations development system and the Office's analysis of the challenges and opportunities of the reform for the ILO;*
- (b) *requested the Director-General to strengthen leadership in promoting the value of tripartism and the role of the social partners in the implementation of United Nations General Assembly resolution 72/279 on the repositioning of the United Nations development system;*
- (c) *requested the Director-General to do his utmost to ensure that in the revised resident coordinator job description national workers' and employers' organizations are designated as key entities with which the resident coordinator should engage at country level in the formulation and implementation of the Common Country Assessments and the United Nations Development Assistance Frameworks, in particular on the Sustainable Development Goals that were relevant to the ILO's mandate;*
- (d) *requested the Director-General to inform the agencies and institutions of the United Nations development system of the relevance of regular tripartite dialogue with international workers' and employers' organizations, also at the global level;*
- (e) *welcomed the objective of the International Trade Union Confederation (ITUC) and the International Organisation of Employers (IOE) to be granted observer status in the United Nations General Assembly;*
- (f) *took note that, with a view to the follow-up to the United Nations reform process and the implementation of the 2030 Agenda for Sustainable Development, the ITUC and the IOE were going to actively engage in the United Nations Economic and Social Council (ECOSOC) processes; and*
- (g) *invited the Director-General to take into consideration the views expressed by the Governing Body in the implementation of the plan of action in the Appendix to document GB.335/INS/10.*

(GB.335/INS/10, paragraph 46, as amended by the Governing Body)

Eleventh item on the agenda

Decent work for sustainable development (GB.335/INS/11)

422. *The Worker spokesperson* said that the ILO should take the opportunity presented by the discussion of SDG 8 at the UN high-level political forum on sustainable development later that year to bring the four pillars of the Decent Work Agenda into the 2030 Agenda for Sustainable Development. In particular, the ILO should stress the key role of international labour standards in the attainment of decent work and the importance of the supervisory mechanism and industrial relations institutions. Since over half of the global population did not benefit from freedom of association and collective bargaining, the ILO should use the forum to invite UN member States to ratify Conventions Nos 87 and 98, and to showcase its key role and efforts to build a new social contract.
423. He thanked the Office for the support provided to trade union representatives to enable them to participate in the Expert Group Meeting to be held in April 2019. However, the Workers' group was concerned about the meeting's outcomes, given the broad range of participants and agencies, and asked how that meeting would feed into the high-level political forum. The Office should take the lead in raising the issues of tripartism, the supervisory mechanisms and the role of industrial relations.
424. In relation to the training course on decent work and the 2030 Agenda, he requested a full fellowship for some Worker participants to ensure balanced participation. He also sought further information on the decent work for sustainable development tool and the criteria for selecting the SDG targets included in it.
425. As to the contribution of the ILO to the SDGs to be discussed in 2019, further aspects could be included under SDG 4, such as early childhood education, quality and universal access to education, and the working conditions of teachers, with a reference to the *ILO Policy Guidelines on the promotion of decent work for early childhood education personnel* and the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel.
426. Regarding SDG 10, discrimination-driven income inequality was linked to obstacles to freedom of association and collective bargaining. The ILO could demonstrate its added value in contributing to that Goal by highlighting collective bargaining and a living wage, and the flagship report on collective bargaining should make the case for the promotion of coordinated and centralized collective bargaining systems to help to reduce inequalities. The ILO should promote the MNE Declaration and the outcomes of the Tripartite Meeting of Experts on Cross-border Social Dialogue in efforts to foster compliance with rights in a globalized world of production and consumption. Relevant instruments, such as the Equal Remuneration Convention, 1951 (No. 100), and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and joint work with other agencies to promote the UN Declaration on the Rights of Indigenous Peoples and the Global Compact for Safe, Orderly and Regular Migration should be showcased as ILO contributions to the elimination of discrimination. Major efforts should be made to tackle overwhelming inequalities in wealth, including fiscal redistribution through social protection systems and progressive taxation. Dependence on income from precarious working conditions applied not only to households in low-income countries but also to workers on zero-hours contracts and other precarious working arrangements, particularly migrant workers, in developed and middle-income countries. Under target 10.4, the ILO should further contribute to international macroeconomic and fiscal coherence by helping to create a narrative that could frame policy proposals and institutional reforms, beginning with how labour and macroeconomic policies

could contribute towards the achievement of the SDGs. Many programmes of international financial institutions had caused serious disruption at the national level by pushing for regressive labour reforms and taxation, and dismantling social security. Public policies and quality public services would be crucial to the attainment of the SDGs. Target 10.6 was in line with efforts to support the ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO.

- 427.** In relation to sustainable economic transformation, the ILO could make a key contribution to the SDGs by proposing that such transformation should be based on a just transition to a new paradigm of production and consumption founded on social dialogue to cope with the major changes in the world of work. That framework should guide discussions on the infrastructure, education, industrial policies, jobs and skills needed and the kind of society desired. The Workers' group welcomed further engagement of the ILO in the scope of the Solidarity and Just Transition Silesia Declaration and would appreciate further details on the proposed just transition platform.
- 428.** As to SDG 16, he welcomed the work done in relation to the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). Furthermore, the guidelines on decent work for public emergency personnel were an important tool that highlighted the role of first responders in conflicts and disasters, which could also be promoted in joint work with the UN Office for Disaster Risk Reduction. Since SDG 16 also included commitments to combat corruption and tackle illicit financial flows, research and discussions on the protection of whistle-blowers would be another important input.
- 429.** Regarding the global initiative on Decent Jobs for Youth, the ILO should apply the public-private partnership procedure to all partnerships with the private sector, even where there was no financial contribution to the ILO. It was concerning that throughout the development of the initiative, Worker representatives had not been consulted in the drafting of key documents, the selection of the thematic priorities, the development of campaigns and events and decisions on engagement with external partners. The themes chosen did not represent trade union priorities on youth employment, such as the role of the social partners in creating, securing and promoting decent work for all, the role of social dialogue and collective bargaining, young workers' participation in unions, the need to tackle contractualization, zero-hours contracts and bogus self-employment, the rising trend of unpaid and underpaid internships and ensuring that young workers enjoyed their full labour rights and protections while in employment, jobseeking, volunteering and vocational training. Moreover, a mechanism should be implemented to prevent multinational enterprises with a poor track record on labour and human rights from joining the initiative, to avoid damaging the ILO's reputation. The Workers' group supported the draft decision.
- 430.** *The Employer spokesperson* said that many enterprises had already integrated sustainable development into their strategies; however, there needed to be a balanced approach that incorporated economic, social and environmental aspects. Creating the conditions for sustainable growth would free production capacity, create employment, grow revenue sources and encourage social development. The ILO should indicate more clearly that sustainable enterprises played a key role in implementing and sustaining decent work, while also taking account of growing challenges, including technological development and demographic changes.
- 431.** "Empowering people" required encouraging an environment favourable to strengthening productivity and guaranteeing enterprise sustainability. Creating "many more employment opportunities" did not just mean allowing "effective access to rights and the application of standards". Economic incentives would be the best way to reduce unequal opportunities, by developing policies for investment in education and training to promote workforce integration. However, there also needed to be a change in attitudes and an evolution in certain

sociocultural practices. Over the past 25 years, inequalities had increased in many countries, but decreased in many others, demonstrating that national policies had borne fruit. One way to respond to income inequality was to work to reduce productivity gaps at the sectoral and regional levels, and to introduce progressive tax and social protection policies.

- 432.** The document treated productivity as a by-product of a favourable environment, rather than an essential condition enabling enterprises to create decent and sustainable jobs. The emergence of new business models and the future of work meant that the Organization had to review its approach. The Decent Work Agenda should go hand-in-hand with a growth and productivity agenda, which should be at the top of national development plans, through the DWCPs. More should be done to promote productivity growth, with priority given to measures that encouraged productivity and sustainable growth that generated employment and revenue.
- 433.** The section of the document on institutions and comprehensive policies did not give sufficient emphasis to the role of the social partners. Employers' organizations had a central role to play in cases where the regulatory environment needed to be adapted to new trends, and should therefore be strengthened. It was also critical for employers' and workers' organizations to be able to influence the priorities of the new generation of UNDAFs. Only national development strategies based on social dialogue could develop appropriate responses.
- 434.** Addressing unemployment, youth unemployment in particular, required the adoption of a set of holistic policy measures. National policies were not always effective in addressing the challenges, since they were often insufficient or badly implemented. There should therefore be a detailed study, examining issues of institutional capacity and national coordination, and mechanisms should be put in place to evaluate their impact.
- 435.** With regard to the transition towards the formal economy, easy access to property rights, for example, could provide the legal framework for informal enterprises to sign up and invest, alongside a reduction in registration bottlenecks and incentive mechanisms, such as access to credit and markets, to encourage formalization.
- 436.** Concerning the transition to low-carbon economies, the economic impact, on SMEs in particular, must be anticipated. A viable transition required moving from a regulatory approach to a broader approach that included a stable regulation framework and incentives, particularly in developing and emerging economies. In order to meet the socio-economic challenges of climate change, macroeconomic and sustainable development policies needed to be promoted, a commercial environment, industrial and sectoral policies conducive to productivity and improved access to financing and technology needed to be introduced, and training needed to be encouraged. The Office's primary objective, before establishing a global platform for a just transition, should be to develop an action plan to strengthen the capacities of the constituents to make those structural changes.
- 437.** With respect to migration, the document had only addressed the protection of migrant workers. In order to include migrant populations in the labour market, there needed to be specific education, training and apprenticeship programmes.
- 438.** *Speaking on behalf of the Africa group*, a Government representative of Senegal said that his group encouraged the Office to continue to find ways to speed up its progress in "empowering people and ensuring inclusiveness and equality" and to have member States provide updates on their progress with regard to SDG 8 in particular. The ILO's mandate based on social justice and the Decent Work Agenda could show the way towards the achievement of the SDGs by 2030. However, it would be an enormous challenge, particularly in Africa, given the magnitude of youth unemployment and the strength of the

informal economy, with poor access to social protection and collective bargaining. The ILO was undertaking important work in implementing its skill enhancement programme, taking account of national situations, in its development cooperation strategy. That work should be extended, in Africa in particular. The informal economy dominated the structure of the African economy, and efforts to facilitate formalization should be pursued.

- 439.** The Africa group made several recommendations: to support the implementation of action plans derived from the conclusions of the 106th Session of the Conference in 2017 with regard to the contribution of migrants to the 2030 Agenda for inclusive growth and sustainable development in countries of origin, transit and destination; to support strategies to formalize the economy and reduce decent work deficits, in particular through inclusive social security systems; to promote policies that guaranteed working conditions respectful of occupational safety and health regulations, to protect workers and improve productivity and economic performance; to create opportunities for all, reduce inequalities and end gender discrimination with regard to wages, access to employment and skills; to invest in direct and indirect employment creation, in particular with regard to physical and digital infrastructure to enhance connectivity, expand markets and support sustainable economic growth and social development; and to strengthen the technical capacities of national statistics services in order to effectively monitor the implementation of the SDGs.
- 440.** *Speaking on behalf of ASPAG*, a Government representative of Bangladesh said that achieving decent work for all was a critical pathway to empowering people. In addition to creating new employment opportunities, it was vital to ensure equal access to existing opportunities and resources, particularly for those who faced challenges and discrimination. The Office should work with the constituents and bolster inter-agency partnerships in addressing the issue. Promoting SMEs with a particular focus on young people would contribute to addressing unemployment in Asia and the Pacific; he asked the Office for its assistance in helping young people to develop the necessary skills. He also called on the Organization to assist the constituents in scaling up management training and establishing support systems to address the needs of SMEs.
- 441.** Many countries in Asia and the Pacific lacked institutional and technical capacity in the area of data generation, monitoring and reporting on the SDGs. He therefore encouraged the Office to provide more support through capacity-building, technical assistance and coordination with other custodian agencies.
- 442.** Studies should be carried out into the regional distribution of the new jobs created in achieving the objectives of the Paris Agreement on Climate Change. More investment should be directed towards low-carbon infrastructures, green construction and the creation of green jobs. He welcomed the proposal to create a global platform for a just transition, decent jobs and social inclusion, and requested further information, including on the possible structure and operation of the proposed platform. Lastly, while ASPAG appreciated the ILO's engagement with various multilateral and stakeholder initiatives to help member States achieve the SDGs, it must ensure that those activities did not overlap.
- 443.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that North Macedonia, Montenegro, Serbia and Albania, as well as Georgia, aligned themselves with the statement. Inequality and decent work deficits resulted from a lack of access to opportunities and were often rooted in forms of discrimination and a violation of fundamental principles and rights at work. Labour market institutions and policies were key to promoting just, peaceful and inclusive societies and comprehensive employment policies based on tripartite frameworks needed to be based on holistic approaches. That was particularly relevant to address the challenges of youth employment, eliminate child and forced labour and support peace building and the transition to formal

employment. Moreover, social and environmental conditions were vital drivers of sustainable development and sustainable global value chains.

- 444.** Although SDG 8 was at the core of the ILO's mandate, contribution to the other SDGs should continue to be made through cooperation with other organizations and the social partners. Actions aimed at achieving SDG 8 would contribute to the fulfilment of the other Goals, because decent work was at the heart of human development.
- 445.** The transition to a green economy was a complex process, and employers needed to adapt to new technologies and organizational methods by acquiring new skills. There needed to be an assessment of the impact of green job creation, in order to identify those economic sectors with the potential for developing green jobs, and to anticipate changes in occupational structure by the type of skills required. Anticipating changes in the labour market required proactive transformation management and improved data collection; long-term planning would be essential. With its research capabilities and commitment to the Decent Work Agenda, the ILO could contribute to the reflection on a shift towards an energy- and resource-efficient economy. A mapping of the future skills necessary for that shift was needed in order to anticipate workers' needs.
- 446.** Social dialogue and tripartism would play a critical role in restructuring the economic sectors affected by the move towards renewable energies. Digitization and new technologies raised multiple challenges for the future of the labour market and required the support of all institutions and economic and social actors. Effective social dialogue must emphasize the interests of national actors. There should also be easily accessible assistance mechanisms and funding, as well as training and organizational development for workers and employers. Governments had a duty to support the social partners. Workers in the informal sector were particularly vulnerable, especially in rural areas, so formalization was also essential to the realization of the SDGs.
- 447.** *Speaking on behalf of ASEAN*, a Government representative of Thailand said that his group supported the views expressed by ASPAG and viewed the implementation of SDGs 4, 8, 10, 13 and 16 as crucial to empowering people and ensuring inclusiveness and equality. Economic empowerment through decent and productive jobs required an enabling environment in which workers of all sectors were equipped with the right skills and training. With regard to inequality, considerable progress had been made in reducing income disparity worldwide. Quality jobs, along with social protection, must play a central role in achieving economic empowerment in order to bridge the income gap, and social protection was key to ensure that workers did not fall below the poverty line.
- 448.** Workers in the informal economy, who were often found in rural areas, were especially vulnerable to decent work deficits. The transition to formal employment and the extension of social protection coverage would help improve their working conditions, productive capacity and access to better job markets. The ILO should continue to support its member States by providing technical assistance programmes to ensure that recommendations concerning social protection and formalization of employment were translated into practical applications at national level. Many developing countries had gone through remarkable transformation and growth, which had led to a higher quality of life and equitable access to opportunities.
- 449.** *A Government representative of Ethiopia* said that achieving inclusive growth and creating jobs, particularly for young people and women, was crucial if the ILO and its member States were to make an impact collectively with respect to pressing development challenges. The engagement of the ILO with stakeholders at various levels and the efforts of the Office to support member States in submitting voluntary national reviews on SDG 8 were encouraging and should be further strengthened. Digitization and harmonization of labour market

information systems, particularly in Africa, were critically important, as ensuring decent work for all required evidenced-based policymaking and informed decisions.

- 450.** *A Government representative of China* said that the UN high-level political forum on sustainable development was an important platform for the ILO to mainstream decent work in the 2030 Agenda. The forum's theme was closely related to SDG 8 and other SDGs that were relevant to the ILO. Although working poverty had fallen globally, poverty was still the root cause of many economic and social problems, as well as a major obstacle to achieving sustainable economic and social development. China encouraged the Office to make full use of employment-based and vocational training and of social protection floors, which played a crucial role in poverty reduction and in realizing the SDGs, and to engage with the UN high-level political forum and other UN-related activities.
- 451.** *A Government representative of India* said that inclusive growth, productive employment, quality education, reduced inequalities, decent work, just transition, peaceful societies, access to justice and accountable and inclusive institutions were components of sustainable development and growth. He encouraged the ILO to contribute to development cooperation with respect to global skills partnerships through the provision of a platform to promote participation in apprenticeships in different countries, thereby helping young people to become productive members of the global workforce. There was a need to establish strong links between education systems and the labour market and the role of the ILO was particularly critical in responding to new trends in employment and emerging forms of employment through data collection, policy recommendations and devising platforms for coordinated efforts that would transform opportunities for the workforce. With respect to sustainable development, the ILO could support the move towards environmentally sustainable societies by intensifying its research, and providing technical assistance to developing countries, identifying the sectors that would be most negatively affected and estimating job losses due to the switch to green jobs.
- 452.** *A Government representative of Ecuador* said that Ecuador had demonstrated its commitment to the SDGs by participating in the 2018 voluntary national review of the UN high-level political forum. In that context, it welcomed the collaboration of the ILO with the Expert Group Meetings and in particular its work on SDG 8 for the progress report that would be presented at the 2019 high-level political forum. Ecuador was aware of the challenges that lay ahead and agreed that empowerment, training, capacity-building, the elimination of discrimination in all its forms, and strengthening of productive capacity were crucial for the creation of opportunities and decent work.
- 453.** *A Government representative of Indonesia* said that her country shared the concern that wage inequality had become a worldwide trend, particularly for women. It attached great importance to investing in skills to anticipate future work and supported the efforts of the ILO to continue providing technical assistance to member States on skills development and skill matching. Strengthening and transforming labour market institutions and policies were important challenges in promoting decent work, and measures must be taken to ensure that future labour policies would enable young workers to take full advantage of the labour market. Indonesia encouraged the continued commitment of the ILO to support reporting and monitoring of the implementation of the 2030 Agenda, notably by providing capacity-building and technical assistance to countries to improve their statistical systems and fundamental data.
- 454.** *A Government representative of Uruguay* said that clear guidelines from the ILO would help strengthen the commitment to social justice, freedom of association, social dialogue and collective bargaining. Uruguay looked to the Organization to continue to provide practical, flexible and efficient tools. The instability caused by economic crises, political and social conflicts and by the potential of technological change must be taken into account from a

holistic perspective, with a focus on its impact on human beings, particularly those in situations of vulnerability, including extreme poverty and forced labour. To those concerns were added youth unemployment, discrimination in all its forms, the effects of climate change and rapid technological change, all of which required countries to create effective public policies. While the international context was more challenging and uncertain, efforts by countries at the national level had achieved concrete results. The tripartite structure of the ILO enabled it to understand international realities and to identify appropriate responses, and its supervisory system played a crucial role in protecting labour rights in a balanced and inclusive manner.

- 455.** *A Government representative of Nepal* welcomed the ILO report *World Employment and Social Outlook: Trends 2019*, which contributed to the ILO's global vision for decent work, inclusive growth and social adversity advocacy. The report was also in line with the report of the Global Commission on the Future of Work, with its human-centred agenda and renewed focus on an individual's capability as well as the labour market situation. International collaboration was essential to address existing decent work deficits in most developing countries. His Government was grateful to the ILO for mobilizing collective efforts to eliminate child labour, forced labour and modern day slavery. It was a serious challenge that some 64 million young women and men remained unemployed globally. Youth unemployment must be addressed holistically with policy measures that promoted employment and economic development, education and skills development, labour market and youth entrepreneurship, self-employment and rights for young people.
- 456.** *A Government representative of Thailand* agreed that decent and productive employment was at the heart of the 2030 Agenda and supported the ILO's forecast on skills development and education. It was crucial that all workers should be covered by social protection; the ILO could contribute by developing capacity-building programmes at regional and national levels to provide guidance on implementing social protection policies.
- 457.** *A representative of the Director-General* (Deputy Director-General for Field Operations and Partnerships) said that the guidance received from member States and representatives during the discussions would inform the ILO contribution to the UN high-level political forum and the Expert Group Meetings.
- 458.** *A representative of the Director-General* (Special Representative and Director, ILO Office for the United Nations) agreed that it was an opportune time to connect SDG 8 across the entire agenda, since it was a goal that inspired collective ownership. The ILO was the custodian of 14 indicators, most of which were derived from SDG 8 and it was in that context that the ILO had been chosen to lead the Expert Group Meeting on SDG 8. With respect to training, the ILO had a limited budget, but it would make as much contribution as possible. The linkage between SDG 8 and the other goals was one of the main features of the workforce and development platform on which work was continuing. The Global Initiative on Decent Jobs for Youth was significant since young people were at the core of the SDGs and the ILO had been designated to lead the Initiative in view of its expertise. Rights at work must be mainstreamed across the Initiative, including those relating to formality, the rural economy and quality apprenticeships. Just transition had been chosen as one of the themes of the UN Climate Action Summit in 2019 and member States would be encouraged to include just transition policies as part of their nationally determined contributions.

Decision

459. *The Governing Body requested the Director-General to take account of its guidance in further developing the ILO contribution to the 2019 high-level political forum on sustainable development.*

(GB.335/INS/11, paragraph 52)

Twelfth item on the agenda

Follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013) ([GB.335/INS/12](#))

- 460.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) said that the Office had been working extensively with the Government of Myanmar, in particular the Ministry of Labour, to finalize the arrangements for a potential new mechanism for dealing with forced labour. The mechanism would mark a transition from the former Supplementary Understanding and associated action plan to addressing forced labour through the DWCP. Despite some delays, the Office had recently received indications from the Government regarding a way forward. Progress had also been made on a number of issues mentioned in the document.
- 461.** *A representative of the Director-General* (ILO Liaison Officer for Myanmar) said that the main goal, as set out in the DWCP, was to institutionalize a national mechanism for handling forced labour complaints that would replace the Supplementary Understanding that had expired in December 2018. The training and awareness-raising and capacity-building programmes on forced labour would continue under the new mechanism, but with much greater mobilization of the social partners. In recent days, the Ministry of Labour and the ILO Liaison Office in Yangon had agreed a draft plan for approval by other ministries, under which the Government of Myanmar would complete the design and consultation process for the new mechanism in April and May with a view to establishing the new mechanism by June 2019. The ILO and the social partners would be fully involved in the process in order to ensure that the new mechanism enjoyed the trust and confidence of the tripartite constituents and, above all, of victims of forced labour in Myanmar.
- 462.** The document before the Governing Body showed that forced labour and underage recruitment cases continued to be reported, especially in conflict areas in Myanmar. It was therefore important to consider how complaints would be investigated, how victims and complainants would be protected from reprisals and how the mechanism would relate to the justice system and ensure accountability and redress.
- 463.** The Government had agreed that until the national mechanism was in place and operational, the ILO should continue to submit any forced labour complaints to the existing High-Level Working Group through the current procedure. Moreover, the ILO would be able to channel complaints to the new mechanism once in place. Complaints regarding underage recruitment would still be handled by the Country Task Force for Monitoring and Reporting and the ILO would continue to channel complaints to it. The Government had also agreed to continue processing any existing cases of forced labour cases that had been received under the Supplementary Understanding prior to 31 December 2018.

- 464.** The recent enactment of the new Occupational Safety and Health Law was an important milestone for the DWCP, as it formed the basis for a comprehensive and unified national occupational safety and health system in Myanmar. It was a significant achievement for the tripartite process, as it had been discussed with the social partners for many years and demonstrated the value of social dialogue in the law-making process. Tripartite dialogue in Myanmar had developed significantly in recent years, but remained fragile and could not be taken for granted. There was a sense of frustration that the recommendations arising from it were not taken fully into account by Parliament in the labour law reform. The guidance offered by the CEACR had been helpful in that regard and Parliament had been holding further consultations on the laws. It was hoped that further progress would be made at the parliamentary session in May.
- 465.** In February, several trade union leaders in the city of Mandalay had been charged under the Peaceful Assembly Law for their participation in a peaceful demonstration against the labour laws. The charges appeared to be arbitrary and disproportionate and ran counter to the spirit of social dialogue and the democratic development of Myanmar, prompting the ILO to intervene in the case at a high level and to follow it very closely. The CEACR had already pointed out some of the shortcomings of the Peaceful Assembly Law in relation to freedom of association and called for it to be reviewed.
- 466.** *A Government representative of Myanmar* said that Myanmar wished to associate itself with the statement to be delivered on behalf of ASEAN, Australia and Japan. The current democratically elected civilian Government had been transforming Myanmar from an authoritarian to a democratic federal union since taking office in March 2016. As a result of reforms to public institutions and the strengthening of the rule of law to create a fair and just society, significant progress had been made in many areas, including the promotion and protection of labour rights. Such positive developments would be reinforced by the ongoing implementation of the Myanmar Sustainable Development Plan, which was aligned with the SDGs, including SDG 8. His Government firmly believed that through policy change, legislative reform and awareness-raising and training activities, it could change the behaviour of individuals and organizations, including those in the government sector, and could further develop a meaningful tripartite culture in its country. It had therefore endeavoured to step up labour law reforms, strengthen the culture of tripartite social dialogue and train those who were heavily involved in the promotion and protection of labour rights, in close cooperation with the ILO. One of its most significant achievements had been the signing of the first ever DWCP for Myanmar.
- 467.** His Government was strongly committed to the elimination of forced labour and had already transferred the General Administration Department, responsible for many issues relating to forced labour, from the military-designated Ministry of Home Affairs to the civilian Ministry of the Office of the Union Government. Since the expiration of the complaints mechanism for cases of forced labour in December 2018, his Government had been cooperating closely with the ILO under the newly signed DWCP and had developed an action plan for the establishment of national complaints mechanisms. It was also finalizing a new, time-bound action plan for the elimination of forced labour which included four priorities, namely: the institutionalization of the national complaints mechanism for cases of forced labour; training and awareness-raising on forced labour; capacity-building to end forced labour; and the mobilization of the tripartite partners to prevent forced labour in the private sector. The national complaints mechanism would be developed in consultation with the social partners and the ILO. Moreover, the Ministry of Labour, Immigration and Population would be focal in the mechanism.
- 468.** While significant progress had been made, his Government faced many challenges in its efforts to promote and protect labour rights, mainly due to a lack of awareness. It therefore wished to conduct more training and awareness-raising courses, including training for

trainers. His Government was also struggling to fulfil its reporting obligations for Conventions that it had already ratified. While it wished to ratify more ILO Conventions, including core Conventions, it would require capacity-building in order to meet its reporting obligations.

- 469.** His Government was aware of the concerns expressed by the social partners and the ILO on the need to promote relations with the tripartite partners and called on the ILO to provide specific training courses for each group. Aware of the shortcomings of some national laws, his Government had been undertaking reforms. The amendment of the Labour Organisation Law was being discussed with the tripartite partners. Moreover, various amendments to the Settlement of Labour Disputes Law had been adopted and were now being reconciled by a joint bills committee following consultations between Members of Parliament and representatives of workers' organizations to discuss amendments. A tripartite parliamentary committee was working to amend undemocratic constitutional provisions; its work would have an impact on other reforms, including labour law reforms.
- 470.** His Government upheld the right to peaceful assembly. The national culture of tripartite social dialogue had grown stronger and his Government had been proactive in preventing disputes between workers' and employers' organizations. The number of registered labour organizations was growing significantly. His Government was promoting responsible investment that took into consideration environmental and social matters. The newly created Ministry of Investment and Foreign Economic Relations sought to make the sector more systematic; investment permits were only granted to investors who met stringent criteria, including in respect of social responsibility and job creation. In 2017 and 2018, most foreign direct investment had been in the labour-intensive manufacturing sector, boosting trade and creating decent work for many. His Government requested investors to support its efforts to promote worker welfare.
- 471.** He expressed appreciation for the ILO's cooperation and engagement, which, at that juncture of democratic transformation, he hoped to deepen further in order to promote and protect labour rights. He further expressed appreciation to those countries that had supported endeavours to promote labour rights and social justice in Myanmar. His Government was resolved to overcome the remaining challenges. In view of the foregoing, it was time to normalize relations between Myanmar and the ILO by changing the status of the Liaison Office to Country Office. Furthermore, it would be opportune to remove the item from the Governing Body agenda at the Centenary Session.
- 472.** *The Employer spokesperson* said that the Governing Body appeared to be receiving mixed signals on Myanmar; on the one hand, significant progress appeared to have been made, while on the other hand, a new set of concerns had been raised. The Governing Body would consider removing the current item from its agenda when it observed a genuine change in the Government's approach.
- 473.** The Employers welcomed the signing of the DWCP for Myanmar and its alignment with the Myanmar Sustainable Development Plan. With reference to paragraph 17 of the document on the Settlement of Labour Disputes Law, the Government should consider the use of alternative dispute resolution, which would ensure efficiency, ease of access, low-cost participation and speed of outcome. Moreover, criminal penalties should be legally differentiated from penalties for administrative or civil labour violations. As to paragraph 18, the Labour Organisation Law should be brought into line with Convention No. 87. The Government should truly engage with the social partners when revising the Law and take their input into consideration in order to legislate effectively. It was important that employers and workers should be able to join the organizations of their choice. The Employers were concerned about the current pyramidal administrative structure governing organizations, which prevented employers from creating legally recognized employers' organizations at

the national level. They also considered that Myanmar's laws should not impose restrictive criteria on the composition of executive committees of either employers' or workers' organizations.

- 474.** With regard to the effectiveness of the ILO–ACT/EMP project to strengthen the institutional capacity of employers' organizations, it was evident that the Union of Myanmar Federation of Chambers of Commerce and Industry and the Myanmar Garment Manufacturers' Association were increasingly able to contribute to the process of labour law reform and provide industrial relation services to their members. With respect to the Responsible Supply Chains in Asia project, the Employers were concerned at the lack of initial consultation or engagement with national employers' organizations in the target countries, including Myanmar, and reiterated that the Office should consult not only ACT/EMP and the IOE, but also the relevant national organizations when developing such projects. The Employers may propose an amendment to provide clarification; however, they were willing to consider other proposed amendments.
- 475.** *The Worker spokesperson* said that her group welcomed the signature of the DWCP for Myanmar and the finalization of the Myanmar Sustainable Development Plan. However, she expressed deep concern that both the Independent International Fact-Finding Mission on Myanmar and the CEACR had condemned the persistence of forced labour. The exaction of forced labour had been detected in Kachin and Shan States, as well as among the ethnic Rakhine and Rohingya. Workers had been forced to leave their families and jobs in order to perform numerous hazardous and exploitative tasks, while women had systematically faced abhorrent sexual violence. The CEACR had found that in the vast majority of cases, military personnel responsible for forced labour had received only disciplinary sanctions instead of the criminal penalties prescribed in the national legislation and envisaged in Convention No. 29.
- 476.** The Workers deeply regretted the fact that the Supplementary Understanding had come to an end on 31 December 2018 without being extended and that no credible national complaints mechanism had been established, particularly in view of the 240 new complaints lodged in 2018 and the findings of the aforementioned bodies. The ILO complaints mechanism must remain operational and the Government must immediately intensify its efforts to make the national mechanism operational. The Workers strongly urged the Government of Myanmar to develop, in consultation with the ILO, a time-bound action plan to ensure that the national complaints mechanism was launched and functioned, as well as measures to ensure that workers had access to remedies through the ILO complaints mechanism during the transition period.
- 477.** There were new and serious violations of the right to freedom of association. For example, eight trade union activists had been tried and faced imprisonment for conducting a peaceful protest in Mandalay Region. The charges against the trades unions were based on the Right to Peaceful Assembly and Peaceful Procession Law, which the Ministry of the Interior had previously claimed would not be applied in a manner that would restrict freedom of assembly. The Workers therefore called on the Government to immediately and unconditionally drop the charges and declare the administrative decision to prohibit the protest action unlawful. Moreover, anti-union dismissals had become rampant; workers were particularly exposed to discriminatory behaviour by employers during the registration period of the union and in retaliation for peaceful and legitimate trade union activities. Employers refused to abide by the decisions of the Arbitration Council and were given the minimum fine instead of dissuasive penalties.
- 478.** With regard to the amendments to the Settlement of Labour Disputes Law and the Labour Organisation Law, there were major shortcomings in both the reform process and the substance of the amendments. After years of trying to contribute to the development of

effective tripartite social dialogue and industrial relations, the Confederation of Trade Unions of Myanmar had decided to leave the tripartite mechanism concerning the reform of those laws as the Government refused to take on board workers' comments. The absence of genuine and effective tripartite social dialogue had resulted in very problematic legislative proposals that would take Myanmar even further from compliance with its obligations under Conventions Nos 87 and 98. The proposed amendments to the Labour Organisation Law placed restrictions on the constitution and structure of unions and required them to re-register every two years; placed restrictions on the right to strike; and prohibited temporary workers from joining trade unions.

- 479.** With regard to the impact of foreign direct investment on decent working conditions, she noted that even in the garments sector, trade union activists had been harassed, unfairly dismissed for joining trade unions and, subsequently, blacklisted. Some companies also established management-dominated trade unions in order to crush attempts at genuine representation. Moreover, local and international media had exposed a range of other abusive practices in the supply chains of foreign companies, including surveillance, harassment and inadequate time for toilet breaks.
- 480.** The Workers therefore proposed that the draft decision be amended so that the Governing Body “expressed serious concern over the persistence of forced labour and urged the Government to intensify its close cooperation with the ILO for the elimination of forced labour, including through the development of a time-bound action plan for the establishment of an effective complaints handling procedure and appropriate transitional measures” in subparagraph (b); “expressed concern over the numerous shortcomings in the draft legislation and urged the Government to ensure that labour law reform to promote freedom of association reflected genuine and effective tripartite dialogue and was in line with international labour standards” in subparagraph (c); “called for the immediate and unconditional withdrawal of charges laid against trade unionists for engaging in peaceful protest action” in subparagraph (d); and “requested the Office to report on progress made to the Governing Body at its 337th Session” in subparagraph (f). As to the amendment proposed by the Employers, while the Workers understood that Myanmar had ratified Convention No. 87 and not Convention No. 98, ILO member States were bound by its fundamental Conventions, regardless of whether they had ratified them. In other words, the proposed amendment could create some confusion.
- 481.** *Speaking on behalf of ASEAN, Australia and Japan*, a Government representative of Thailand said that his group welcomed the signing of the DWCP for Myanmar and urged the ILO and its member States to provide the necessary support for its implementation. It also called on the international community to continue its constructive engagement with Myanmar and to assist its Government in its endeavours for the sustainable development of the entire country.
- 482.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries Montenegro and Albania aligned themselves with his statement. He welcomed the ILO's engagement in Myanmar to promote labour rights and ratification of the fundamental Conventions. He noted the establishment of the National Tripartite Dialogue Forum and the signature of the DWCP. The EU had collaborated with the Government to improve labour rights, and would continue to do so. A recent EU high-level mission had highlighted several concerns. Cases of forced labour by the Tatmadaw were still being reported, as confirmed by the UN Human Rights Council, and would likely continue owing to the ongoing conflict. He urged the Government to address the use of forced labour by the military, to create the promised national complaints mechanism for cases of forced labour, and to continue to cooperate with the ILO mechanism in the interim. The recent ILO direct contacts mission had recommended bringing the country's labour law in line with ILO Conventions; but current amendments, if adopted,

would represent a step backwards. He urged the Government to address those concerns. The situation of trade unionists and trade unions, including the charges brought against trade unionists in Mandalay, were of concern. Dismissals of, and discrimination against, trade unionists, and barriers to trade union registrations, were clear breaches of freedom of association. The Government should ensure civil liberties both in law and in practice. He expressed support for the draft decision, as amended by the Worker spokesperson and the representative of the United States. He did not support the Employers' amendment.

- 483.** *A Government representative of India* took note of the significant progress made by the Government, including strengthening tripartite social dialogue, reforming labour law, signing the DWCP and finalizing the Myanmar Sustainable Development Plan. He welcomed the Government's commitment to create decent jobs, promote responsible investment, strengthen tripartism, and eliminate forced labour through legislative reform and an updated action plan. He recognized the challenges facing the democratically elected civilian Government to reform institutions, strengthen the rule of law, and promote labour rights, and encouraged the Government's cooperation with the ILO.
- 484.** *A Government representative of the United States* welcomed the tripartite minimum wage review; the signature of the DWCP; engagement with the ILO direct contacts mission; and the promulgation of the Occupational Safety and Health Law. However, he expressed deep concern regarding the lack of progress on key issues, such as forced labour and freedom of association. Despite the Government's efforts, the military continued its systematic use of forced labour. The UN Human Rights Council had corroborated the abuses facing persons subject to forced labour, which included violence and inadequate access to food and water. Following the expiry of the Supplementary Understanding in December 2018, the Government was not in a position to operate a credible and reliable complaints mechanism and victims who filed complaints were not protected. While the military retained influence in the handling of complaints, the ILO complaints mechanism should not be abandoned and the ILO should continue to play a strong role in accepting, tracking and providing technical assistance on the handling of complaints.
- 485.** Planned labour law reforms did not address concerns regarding freedom of association and collective bargaining and, in fact, introduced new restrictions. Several workers' associations had withdrawn from the National Tripartite Dialogue Forum for that reason. The prosecution of trade unionists in Mandalay and the increase in anti-union dismissals were of concern. He urged the Government to reconsider planned amendments to the Settlement of Labour Disputes Law and Labour Organizations Law, in accordance with international labour standards, and accept assistance from the ILO.
- 486.** He recalled that the CEACR had designated the Government's application of Convention No. 29 as serious and urgent. As such, he proposed amending subparagraph (b) of the draft decision by replacing "requested" with "noted the CEACR observations pertaining to Convention No. 29 and urged", and by deleting "under the auspices of the DWCP". Finally, as it was clear that the Governing Body would need to discuss the case of Myanmar further, he proposed adding a new subparagraph (e), to read, "placed a review of this issue on the agenda of the 337th Session of the Governing Body". However, he was prepared to discuss the amendments proposed by the Worker spokesperson in order to reach consensus.
- 487.** *A Government representative of China* took note of the Government's cooperation with the ILO to eliminate forced labour and promote workers' rights, leading to the signature of the DWCP and adoption of the Occupational Safety and Health Law. A joint parliamentary committee had been established to amend the Constitution to protect labour rights. He therefore supported the Government's request to remove the current item from the agenda of the Governing Body and to transform the ILO Liaison Office into a Country Office. He supported the amendment to the draft decision proposed by the Employer spokesperson.

488. *A Government representative of Canada* noted the signature of the DWCP, finalization of the Myanmar Sustainable Development Plan, and the updated road map to guide the work of the National Tripartite Dialogue Forum. However, much work remained to be done. Given the persistence of forced labour and human trafficking, the Government should establish an independent national complaints mechanism and appropriate transitional measures, and update its Action Plan for the Elimination of Forced Labour. She called on the Government to: strengthen and safeguard freedom of expression and association and the right to peaceful protest and assembly; establish safe working environments for all workers; ensure workplace protections for equality and non-discrimination; and introduce measures to prevent school dropout and combat child labour. All labour law reform should be consistent with international labour standards and result from effective tripartite dialogue. She welcomed the ILO's efforts to promote responsible business when assessing foreign direct investment projects, and said that the UNDAF should reflect that work. She supported the draft decision.
489. *A Government representative of the Russian Federation* welcomed the information provided on efforts to increase the quality of social and labour relationships, eliminate forced labour, guarantee freedom of association and strengthen tripartite dialogue. He also welcomed the signature of the DWCP and labour law reforms, noting the close cooperation between the ILO and the Government. He encouraged ongoing efforts to strengthen the culture of tripartism in Myanmar. Finally, he supported the original draft decision.
490. *A Government representative of Bangladesh* expressed deep concern regarding the use of forced labour by the Tatmadaw, as corroborated by the UN Human Rights Council. He called on the Office to take the necessary measures to address all forced labour cases, particularly those perpetrated in conflict settings. The Government should ensure that the updated Action Plan for the Elimination of Forced Labour included elimination of forced and child labour in Rakhine State. Furthermore, the Office must recognize the allegations of deprivation and discrimination against the Rohingya population in Rakhine State, and help to generate decent work and build resilience, to facilitate the voluntary return of Myanmar nationals from Bangladesh. He noted the signature of the DWCP, and urged the Government to give special attention to the Rohingya population during its implementation. Finally, he urged the Office to follow up on its skills development project in Rakhine State.
491. *The Employer spokesperson* took note of the perspectives put forward by the constituents and the Office, and said that his group shared the concerns expressed regarding the Rohingya people and the people of Rakhine State, in particular the risk of forced labour.
492. Turning to the draft decision, he accepted the new subparagraph (f) proposed by the Worker spokesperson, as there was a clear consensus that the Governing Body should retain the item on its agenda. He withdrew the amendment he had proposed to subparagraph (c), in light of the Government's intention to consider ratifying and applying more international labour standards. Moreover, the subparagraph referred specifically to freedom of association, and the Government had already ratified the relevant Convention. He did not accept the amendment proposed by the Worker spokesperson to that subparagraph, as information had been provided regarding the planned tripartite legislative reform process, and his group would prefer to wait to see what steps were taken before expressing serious concern. Recognizing the need to reflect on the serious concerns regarding forced labour, he suggested combining the amendments proposed to subparagraph (b), so that the beginning of the subparagraph would read, "expressed serious concern over the persistence of forced labour, noting the CEACR observations pertaining to Convention No. 29, and urged the Government ...". He would prefer to retain the phrase "under the auspices of the DWCP", as that was the agreed tool for such issues. The Liaison Officer had already explained that the process was under way to create a national complaints handling procedure, as referred to in subparagraph (b), and so he proposed deleting the words "and appropriate transitional measures" from the end of the subparagraph. Finally, while he agreed that it was concerning

that protesting workers had been arrested, he said that the proposed new subparagraph (d) should express the Governing Body's concern and request information rather than calling for the release of the trade unionists. He asked the Liaison Officer to provide an update on the case.

- 493.** *The Worker spokesperson* asked whether the Governing Body would discuss the decision or whether a drafting group could be formed to finalize a text.
- 494.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania agreed to join a drafting group.
- 495.** *A Government representative of the United States* agreed to join a drafting group. To provide a basis for those discussions, he said that in subparagraph (b) the reference to the DWCP aimed to identify an effective alternative enforcement mechanism. He agreed to the proposals of the Worker spokesperson to amend subparagraph (c) and introduce subparagraph (f). Concerning the proposed new subparagraph (d), he would prefer that a reference to the detained workers be retained, but agreed to a general comment ensuring that the Government would enforce the basic principle of freedom of association.
- 496.** *A representative of the Director-General* (ILO Liaison Officer for Myanmar) said that, regarding the trade unionists in Mandalay, charges had been brought under a regional bylaw after the conclusion of a peaceful demonstration, on the basis that the organizers of the demonstration were not from the region and that the subject of the demonstration was not a regional issue. The trade unionists had posted bail, but could face six months in prison or a fine. Concerning a transitional arrangement for handling forced labour complaints until a national mechanism could be established, the Government had indicated that complaints may be submitted to the High-Level Working Group, which was still operational despite the expiry of the Supplementary Understanding. That should not be understood to be an extension of the Supplementary Understanding, but rather an interim measure. Finally, he said that the Governing Body had supported the development of the DWCP for two years. It had requested that forced labour should remain a core component of that Programme, and the decision to establish a national complaints mechanism had emerged during the DWCP development process.
- 497.** *A Government representative of Myanmar* affirmed that information received by the permanent mission from the international labour union was immediately brought to the attention of the highest authorities in Myanmar. The mechanisms to be used until the national complaints mechanism was in place and operational were clearly outlined in the updated Action Plan for the Elimination of Forced Labour: until such time as the national mechanism was in place and operationalized, complaints received by the ILO would be submitted to the High-Level Working Group for necessary investigation; complaints to the ILO regarding underage recruits whose circumstances of recruitment fell within the mandate of the Country Task Force for Monitoring and Reporting (CTFMR) after 1 January 2008 would be referred to that body, while all other forced labour complaints would be handled by the High-Level Working Group. That group would continue to process cases of forced labour received by the ILO under the Supplementary Understanding prior to 31 December 2018. His Government had rejected the report of the Independent International Fact-Finding Mission on Myanmar, which lacked impartiality and objectivity. It had also rejected the establishment of the Mission.
- 498.** *The Chairperson* proposed deferring the matter to a drafting group composed of the Workers' group, the Employers' group, the EU, the United States and any other delegation that wished to join, and asked the group to present the document to the Governing Body in the afternoon.

499. *The Worker spokesperson* read out the draft decision as amended by the drafting group, made up of representatives of the Workers' group, the Employers' group, the United States, the EU and ASPAG.
500. *A Government representative of Myanmar* said that it was a sad day for his country, the Governing Body and the ILO. During discussions, many delegates had recognized the significant progress made in his country and he was therefore disappointed at the one-sided nature of the draft decision. His Government was committed to continuing its efforts to promote and protect labour rights for the benefit of all people in Myanmar.

Decision

501. *Having considered the report submitted by the Director-General, the Governing Body:*

- (a) welcomed the signing of the Decent Work Country Programme (DWCP) for Myanmar in September 2018, and encouraged Myanmar to fully engage with its implementation and other member States to support these efforts;*
- (b) expressed serious concern over the persistence of forced labour, noting the CEACR observations pertaining to Convention No. 29, and urged the Government to intensify its close cooperation with the ILO for the elimination of forced labour including under the auspices of the DWCP, and through the development of a time-bound action plan for the establishment of, and transition to, an effective complaints handling procedure;*
- (c) expressed concern over the important shortcomings in the draft legislation and urged the Government to ensure that labour law reform to promote freedom of association reflected genuine and effective tripartite dialogue and was in line with international labour standards;*
- (d) called on the Government to implement the recommendations of ILO supervisory bodies to ensure there were no restrictions or intimidations of workers and employers in the exercise of their fundamental rights at work, and raised concerns regarding recent charges laid against trade unionists engaging in peaceful protest action;*
- (e) encouraged the Government to promote decent work through responsible investment policies in line with the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy; and*
- (f) requested the Office to report on progress made to the Governing Body at its 337th Session (October–November 2019).*

(GB.335/INS/12, paragraph 30, as amended by the Governing Body)

Thirteenth item on the agenda

Reports of the Committee on Freedom of Association

388th Report of the Committee on Freedom of Association ([GB.335/INS/13](#))

Presentation of the Committee on Freedom of Association annual report for the period 2018 ([GB.335/INS/13\(Add.\)](#))

502. *The Chairperson of the Committee on Freedom of Association* said that the CFA had 172 active cases before it, 19 of which had been examined on their merits. The CFA had engaged in a very constructive dialogue and received government replies concerning all the cases examined. He had engaged in several discussions with various member States and two groups, GRULAC and ASPAG. Such discussions were based on the understanding that the objective of the CFA was not to mete out punishments, but rather, to encourage member States to uphold their obligations, which were central to the ILO's mandate, and to assist them in that regard.
503. He wished to draw the attention of the Governing Body to matters concerning Burundi, China, Haiti, Japan, Madagascar, Mauritania and Zimbabwe where government replies were awaited and once again urged those countries to provide the CFA with information so that it could take into account the views of all parties. He understood that some of those governments had sent information to the CFA following its recent sitting and expressed the hope that the others would send information no later than 7 May, so that it could be taken into account at its next sitting in June.
504. The CFA had examined seven cases in which the governments concerned had kept it informed of the effect given to its recommendations. It had also completed its examination of two cases concerning Indonesia and commended the Government of Indonesia for facilitating the negotiation of an agreement between the parties. He wished to draw the attention of the Governing Body to two serious and urgent cases, the first of which concerned Bangladesh and involved the murder of a trade unionist. To the Government's credit, the alleged perpetrator had been tried in absentia and sentenced in accordance with due process of the law; however, the lack of follow-up in terms of tracking the perpetrator and the allegation that the security forces might have been involved in the murder was a source of great concern. The CFA hoped that the Government of Bangladesh would pursue the case to its logical conclusion. The second serious and urgent case related to El Salvador and also involved the murder of a trade unionist. He had met with the Government representative of El Salvador, who had indicated that there was a new Prosecutor General in her country and that her Government was committed to ensuring that the case was investigated appropriately. The CFA encouraged the various agencies involved in the case to coordinate their actions to ensure that investigations were concluded as soon as possible. Lastly, he expressed the hope that the CFA's annual report for the period 2018 would lead to a better understanding of its work.
505. *The spokesperson for the Employer members of the Committee* said that he wished to draw the attention of the Governing Body to the significant workload of the CFA, as it would take

roughly ten sessions for the CFA to examine the 364 cases (active and follow-up) currently before it. He also wished to point out that there had been a dramatic increase over the past decade in the number of cases coming from Latin America, which currently accounted for 70 per cent of the active cases before the CFA. Moreover, all the cases examined in 2018 had been submitted by workers' organizations, half of which involved the private sector and 21 per cent of which involved the public and private sectors.

- 506.** The high number of cases in general, and especially from Latin America, posed a challenge to the workload of the CFA, which was why it had decided, where appropriate, to combine and examine various complaints that alleged the same general violations of freedom of association in a single case and to give priority to the most serious and urgent cases. The Employers welcomed the reference to the mandate of the CFA in paragraph 1 of the appendix to the annual report, which clearly established that the scope of the CFA was based on the principles of freedom of association and collective bargaining enshrined in the Constitution of the ILO and in the Declaration of Philadelphia and explained why the CFA examined complaints from any member State, regardless of whether it had ratified Conventions Nos 87 and 98.
- 507.** The Employers remained fully committed to improving the working methods of the CFA and had already enabled clarification on the differences between active, follow-up and closed cases and the various types of reports. Furthermore, the tripartite members of the CFA had asked to have access to all the files for each case, so that they would be able to personally evaluate the content of each complaint, the Government's reply and any additional documents submitted as evidence of the alleged events. Such access would be granted at the next sitting.
- 508.** With regard to Case No. 3278 concerning a legislative reform in the building and construction industry in Australia, it was interesting to note that the Government's reply had expressly stated that the restrictions to collective bargaining and the content of collective agreements under the Code for the Tendering and Performance of Building Work 2016 balanced the right of employees to negotiate their terms and conditions of employment with the need to ensure that employers, particularly small subcontractors, were able to manage their businesses efficiently and productively. As to Case No. 3206 concerning Chile, it should not have come before the CFA in the light of the total absence of evidence to support the four main allegations. Similarly, Case No. 3253 concerning Costa Rica presented incomplete information and discrepancies regarding the anti-union nature of the dismissals of trade union leaders and members. Lastly, the Employers recommended that the governments mentioned in paragraphs 6 and 8 of the 388th Report send their replies by 7 May.
- 509.** *The spokesperson for the Worker members of the Committee* said that the CFA had carefully considered two serious and urgent complaints of systematic violations of freedom of association, which included acts of violence occasioning injury and even death. She wished to emphasize that the failure to fully investigate such allegations had a chilling effect on the wider social climate in the country and reinforced a climate of impunity and insecurity, in which rights to freedom of association could not be effectively exercised.
- 510.** Case No. 3203 of Bangladesh related to numerous allegations of systematic and repeated anti-union acts, including violence and murder, along with a lack of law enforcement, public hostility shown by the Government to trade unions, misuse of registration provisions and arbitrary denial of registration. The CFA had previously requested the Government to conduct an investigation into the various allegations of security force involvement and to take other steps to guarantee trade union rights, but had been obliged to repeat its request.

- 511.** Case No. 3263, which also related to Bangladesh, involved complaints of arbitrary arrest and detention of trade union leaders and activists, death threats and intimidation while in police custody, false criminal charges, surveillance and intimidation. Moreover, a new serious allegation had recently been received concerning violent police repression of a peaceful demonstration by garment workers, in which many workers had sustained injuries and one worker had died. The CFA had once again urged the Government to institute an independent inquiry, and firmly expected the police to receive instructions to prevent any repetition of interference in trade union activities.
- 512.** Case No. 2923 concerning El Salvador had been before the CFA since 2013 and involved the murder of a trade union leader who had previously received death threats. The Government had nevertheless reported that the police had considered an anti-union motive to be unlikely. The CFA had once again urged the Government to take urgent steps to ensure a full and coordinated investigation, so that any evidence of the anti-union nature of the murder could be taken into account. Regarding Case No. 3120 concerning Argentina, a report on the outcome of legal proceedings to challenge the law in the Supreme Court of Mendoza purporting to restrict collective bargaining and freedom of association was awaited, as well as information on any government measures necessary to ensure freedom of association following that decision.
- 513.** She recalled, once again, that the purpose of the Committee's work was to assist Governments during examinations of alleged infringements and to realize freedom of association and the effective recognition of the right to collective bargaining. She thanked Governments that had provided their observations in good time, thereby furnishing the Committee with up-to-date information on cases and improving its efficiency.
- 514.** Noting the increase in the proportion of complaints from Latin America, she welcomed the Chairperson's approach to identifying and discussing the causes of that rise, and potential solutions, with the relevant Governments.
- 515.** *Speaking on behalf of the Government group of the Committee*, which consisted of members appointed by the Governments of Japan, Lesotho, Nigeria, Panama and Switzerland, the Government member from Switzerland said that the 388th Report was the result of fruitful discussion on the analysis of individual cases and the working methods of the Committee. The Committee's annual report for the period 2018 was a good basis for productive discussions between the regional groups. Discussions had already begun and, for the Governments, transparency was key to creating an atmosphere of trust. She encouraged such regular exchanges with Governments. The Committee had appointed ad hoc committees to ensure that the rules and procedures of article 24 of the Constitution were upheld. Discussions had been held on the Committee's potential contributions to the Centenary Session of the Conference and to the world on the occasion of the Centenary.
- 516.** *Speaking on behalf of GRULAC*, a Government representative of Brazil thanked the Chairperson of the Committee for facilitating dialogue and transparency and expressed a commitment to continuing that working relationship in the interests of GRULAC and, more broadly, the ILO. He asked the Office to provide, in future, at least one week for members of the Governing Body to study reports before their discussion. GRULAC had adhered to the scheduled timetable at the current session in spite of the short time provided for studying the report in a spirit of compromise and on the understanding that the Office would provide more time for study in the future. The fact that his region accounted for the highest proportion of cases considered by the Committee was a source of serious concern for GRULAC and also led the group to question the efficiency and effectiveness of the Committee. He welcomed the measure in place to close cases that had not received responses from a Government or the complainant in 18 months and the announcement of that closure online. However, the basis upon which a new case with the same substance was allowed to

be submitted thereafter and the criteria according to which a case was deemed to be sufficiently serious as to not be subject to the 18-month measure were unclear. He requested clarifications on those issues from the Chairperson of the CFA. Regarding the grouping of cases, some instances could lead to bias towards new allegations that were presented only to keep a case open and could lead to legal uncertainty for Governments. He suggested that the Committee should consult the relevant Government on the grouping of cases. He welcomed the prioritization of urgent cases and the grouping of old cases. In the context of the ongoing strengthening of the normative process, the work of the subcommittee to conduct preliminary reviews of existing cases and draft a list of cases mindful of urgency and equitable geographical distribution was important. GRULAC had been calling for the establishment of clear and objective receivability criteria, without undermining workers' labour rights, to enable the Committee and constituents to study cases and responses. The Committee should take into consideration potential best practices that could exist at the national level, especially in relation to conflict resolution. He asked the Office to take into consideration existing efforts to resolve conflicts at the national level and to investigate the possibility of applying the same suspension mechanism, or other internal measures under article 24 of the Constitution, to the CFA. He urged the Committee to fully consider relevant information provided prior to sessions.

- 517.** *The Chairperson of the Committee on Freedom of Association* acknowledged the significant progress being made. He confirmed that a case would be closed after 18 months and any new cases would be examined as appropriate. The joining of cases was an improvement in working methods as it avoided duplication. He assured GRULAC that the Committee had taken note of its comments and would report back to the Governing Body.
- 518.** *Speaking on behalf of GRULAC*, a Government representative of Brazil emphatically thanked the Chairperson of the Committee for his transparency and openness to genuine dialogue while preserving the independence of the Committee. He asked the Office to clarify its plans to ensure that the Committee's report to be discussed at the 337th Session of the Governing Body was circulated at least one week in advance of its discussion.
- 519.** *A representative of the Director-General* (Director, Official Meetings, Documentation and Relations Department (RELMEETINGS)), in response to the request for an earlier publication of the reports of the CFA, said that, provided that the members of the Committee were willing and prepared to submit their finalized report one day earlier, the Office could publish the report on the Friday of the first week. If the adoption of the report was then postponed to the following Thursday, the last day of the Governing Body, the Governing Body would have five working days to examine the report.
- 520.** *The spokesperson for the Worker members of the Committee* raised concern about scheduling the adoption of the report on the final day of the Governing Body session, as the matter concerned all Governing Body members, yet some members might have left before the end of the final day of the session.
- 521.** *Speaking on behalf of GRULAC*, a Government representative of Brazil said that his group was flexible regarding the day the report was to be adopted, but insisted on sufficient time – at least one week – to examine the content of the report, consult and form a fully-informed opinion, as his group took the work of the Committee very seriously.
- 522.** *A Government representative of Bangladesh* took note of the Report of the CFA and its conclusions regarding Case No. 3203 concerning Bangladesh. Her Government had no reason to harbour any anti-union attitude or discrimination; on the contrary, it had been making consistent efforts to uphold labour rights across all sectors. Moreover, the incumbent Minister of Labour and Employment had been a trade union leader all her life. As noted by the Committee, the Government remained seized of issues involving trade unions and, in

most cases, had taken prompt initiatives to address grievances or complaints through tripartite consultations. The Government had amended the Bangladesh Labour Act to strengthen institutional measures to that end, which included the incorporation of a set of standard operating procedures to further streamline trade union registration procedures and related grievance redress mechanisms. In response to alleged anti-union activities at enterprise level, the Government usually intervened through tripartite consultations, including by establishing dedicated committees for rapid and effective remedial measures, an approach that had proven most effective in the context of industrial relations and had been useful in most of the cases considered by the CFA. For serious allegations, there was scope for on-site investigation by the Department of Labour, which was authorized to refer any case to the labour courts. Cases referred to those courts, such as those concerning enterprises (b) and (h), remained outside of the Government's control. The issue of trade union registration in enterprise (l) remained pending before the High Court Division. The Committee must be mindful of the restrictions on government intervention in ongoing judicial proceedings. Under the Bangladesh Labour Act, trade union registration may be cancelled only on the grounds of unfair labour practices. That provision had never been invoked, let alone misused. Furthermore, two amendments had been made to the Bangladesh Labour Act to curtail the authority of the Director-General of the Department of Labour in respect of cancelling trade union registration on the grounds of violation or contradiction of trade union constitutions. Her Government did not condone any assault on the physical or moral integrity of workers. Bangladeshi law enforcement personnel were trained in crowd control measures and refrained from committing excesses or aberrations, unless in self-defence or to protect civilian lives or property. Any alleged excesses were investigated through established legal and administrative procedures with systematic follow-up. In the case of grave allegations, multiple inquiries were conducted by the relevant bodies and authorities. Existing legal and administrative processes were sufficient. Concerning the trial for the 2012 murder of a trade unionist, the accused had been convicted and the judicial process had found no proof of the alleged involvement of the security forces. It was unclear why the Committee continued to speculate on that matter.

Decision

523. *The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1–72, and adopted the recommendations made in paragraphs: 84 (Case No. 2817: Argentina); 108 (Case No. 3120: Argentina); 165 (Case No. 3278: Australia); 183 (Case No. 3203: Bangladesh); 204 (Case No. 3263: Bangladesh); 229 (Cases Nos 3285 and 3288: Plurinational State of Bolivia); 258 (Case No. 3206: Chile); 287 (Cases Nos 3246 and 3247: Chile); 310 (Case No. 3253: Costa Rica); 328 (Case No. 3304: Dominican Republic); 339 (Case No. 2923: El Salvador); 361 (Case No. 3222: Guatemala); 395 (Case No. 3286: Guatemala); 425 (Case No. 3305: Indonesia); 441 (Case No. 3296: Mozambique); 458 (Case No. 2902: Pakistan); 476 (Case No. 3158: Paraguay), and adopted the 388th Report of its Committee on Freedom of Association as a whole.*

(GB.335/INS/13)

Outcome

524. *The Governing Body took note of the second annual report of the Committee on Freedom of Association, which covers the period 2018.*

(GB.335/INS/13(Add.), paragraph 4)

Fourteenth item on the agenda

Report of the Director-General

Main report

([GB.335/INS/14\(Rev.\)](#))

525. *The Worker spokesperson* welcomed the countries that had ratified important Conventions including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Despite the progress made in international labour legislation, further ratifications by member States were necessary. In particular, 60 member States, including three of chief industrial importance, had not yet ratified the 1986 Instrument for the Amendment of the ILO Constitution. In view of that, the Workers' group encouraged governments and social partners to push for further ratification.
526. *Speaking on behalf of ASPAG, the Eastern European group, GRULAC, IMEC and the Western European group*, a Government representative of Azerbaijan regretted that a number of important documents contained in the Director-General's report had been published after the deadline established in the Standing Orders of the Governing Body and urged the Office to address that issue. With regard to the documents required for meetings taking place immediately after or before the Governing Body, such as the CFA, the Government group asked the Office to redouble its efforts to publish the relevant documents on time. Given the breadth, depth and national repercussions of the CFA Report, it should be made available by the end of the first week of the Governing Body for discussion on the penultimate day of the session. Bearing in mind that the internal procedures of certain governments required a one-week deadline prior to discussions, the Government group proposed deferring such discussions to the last day of the session.
527. *The Employer spokesperson* reiterated the need for further ratifications of ILO Conventions, particularly the Protocol of 2014 to the Forced Labour Convention, 1930. Moreover, he stressed the role of implementation of ratified international labour standards.
528. *A Government representative of Brazil* said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He regretted that many of the documents discussed at the 335th Session had been distributed by the Office after the deadline established in the Standing Orders of the Governing Body, and that on many occasions, the Spanish and French versions of the documents were made available several days after the English versions. That resulted in certain logistical problems for some of the permanent missions in Geneva. He reiterated the need to respect that deadline and requested that the Office take the appropriate steps to prevent such shortcomings. With regard to the CFA, many of the cases concerned countries from Latin America and the Caribbean. It was therefore necessary that the CFA report be made available during the first week of the Governing Body at the latest, to allow sufficient time to prepare for internal discussions of the cases.
529. *Speaking on behalf of the Africa group*, a Government representative of Lesotho welcomed the report of the Director-General. The Africa group expressed particular appreciation for the new ratifications of international labour Conventions, as well as for the appointment of three directors for country offices in Dakar, Lusaka and Yaoundé. While the group commended the Office for its efforts to publish the documents contained in the report in the three working languages, it reiterated the requests from other members to publish them before the deadline.

530. *The Employer spokesperson* echoed the sentiments expressed by the Government group concerning the timely publication of documents for discussion at the Governing Body. In connection with the CFA report, the Employers' group considered that an arrangement could be made, as had been suggested by the Government of Brazil.
531. *The Director-General*, in response to the statements made by the members of the Governing Body, expressed regret that a number of documents appeared after the established time limits. The Office would do its best to meet the requests of the Government group to redouble its efforts to ensure the situation did not recur. The question on the CFA report was a different kind of request however, as it proposed modifying established and agreed arrangements within the Governing Body. Producing such a substantial document involved several challenges which would be further investigated and addressed in due course.

Outcome

532. *The Governing Body took note of the information contained in document GB.335/INS/14(Rev.) concerning membership of the Organization, progress in international labour legislation, internal administration, and publications and documents.*

(GB.335/INS/14(Rev.), paragraph 15)

Obituary

([GB.335/INS/14\(Add.\)](#))

Mr Georges Polites

533. *The Employer spokesperson* expressed deep and sincere condolences to the family of Mr George Polites, long-serving Employer member of the Governing Body and delegate to the International Labour Conference. Having lived to the age of 100, Mr Polites would be remembered as a great business leader and a great human being.
534. *An Employer member from Australia*, echoing the sentiments expressed by the Employer spokesperson, paid tribute to Mr Polites as a giant of industrial relations in Australia. A great negotiator and a master of social dialogue, Mr Polites sought to promote the rights and interests of employers and workers worldwide.
535. *Speaking on behalf of the Government group*, a Government representative of Azerbaijan joined in expressing condolences to the family of Mr George Polites, as well as to the Employers' group. Furthermore, the Government group wished to express its deep sadness at the tragic events that had recently happened in Ethiopia and New Zealand, which had taken the lives of hundreds of innocent people, including a number of UN staff. The group conveyed its sympathy to and solidarity with the victims' families and the governments and people of Ethiopia and New Zealand.
536. *Speaking on behalf of ASPAG and Australia*, a Government representative of Australia also paid tribute to Mr George Polites and offered sincere condolences to his family and friends. Mr Polites had been a driving force behind the formation of the Confederation of Australian Industry (CAI) in 1977 – the first unified peak body for all Australian business sectors. He had created a united employer voice as Secretary of the Australian Council of Employer Federations (ACEF) and had been appointed the inaugural Director-General of the CAI. Mr

Polites had made major contributions to advancing the interests of the Australian employers, the Governing Body and the ILO itself.

537. *A Government representative of Poland* further echoed the tribute paid to Mr George Polites.
538. *The Worker spokesperson* joined in expressing condolences to the family of Mr George Polites, an inspirational figure for the ILO. The Workers' group also reiterated the remarks by the Government representative, regarding the very tragic events that had recently occurred in Ethiopia and New Zealand.
539. *The Director-General* expressed a personal tribute to Mr George Polites, who had been present in a large part of the history of the ILO. In particular, Mr Polites had played a significant role as Employer spokesperson in the CAS at a time when matters of extraordinary historic importance were being dealt with.

Decision

540. *The Governing Body paid tribute to the memory of Mr George Polites and invited the Director-General to convey its condolences to the family of Mr Polites and to the Australian Chamber of Commerce and Industry (ACCI) and the International Organisation of Employers (IOE).*

(GB.335/INS/14(Add.), paragraph 6)

First Supplementary Report: Reports of the 20th International Conference of Labour Statisticians (Geneva, 10–19 October 2018) ([GB.335/INS/14/1](#))

541. *The Worker spokesperson* said that his group welcomed the adoption of resolution I concerning statistics on work relationships, particularly its new breakdown relating to employee status. He supported the inclusion of a separate category for dependent contractors and approved of the agreed methodology to measure SDG indicator 8.8.2 on labour rights based on ILO textual sources, as adopted through resolution II. Noting the request by the SDG global reporting system, he said that the Office should make the necessary internal arrangements to produce and report on the indicator to the UN and that his group agreed to make provision in future programme and budgets ensuring regular budgetary resources for its implementation. He welcomed resolution III concerning the methodology of the SDG indicator 8.b.1 on youth employment as well as the four sets of guidelines. The guidelines concerning statistics of international labour migration and those concerning the measurement of forced labour would be instrumental in assisting countries in identifying necessary measures to prevent and eliminate the use of forced labour, to grant protection to victims of forced labour and access to effective remedies, and to sanction its perpetrators. The guidelines concerning measurement of qualifications and skills mismatches of persons in employment would result in improved measurement of labour underutilization. The measurement of employment in, and the economic contribution of, cooperatives would improve as a result of the guidelines concerning statistics of cooperatives. On the understanding that revised Standing Orders would be submitted to the 21st International Conference of Labour Statisticians (ICLS), the Workers' group expected them to reflect the long-standing ICLS practice of providing workers' and employers' representatives with the right to move motions and amendments reflecting the tripartite nature of the ILO and to be

devoid of all inappropriate language in relation to gender. Endorsing the development of better statistics on non-national public sector employment, he supported the draft decision.

- 542.** *The Employer spokesperson*, noting the decisions made on many issues and the complexity of the committee negotiations at the 20th ICLS on concepts such as “dependent contractor” within the framework of the resolution concerning statistics on work relationships, said that his group looked forward to the Office implementing paragraph 140(d) of resolution I on future work. He requested the Office to hold an information session for constituents on the outcome of pilot tests and on progress made on the other points relating to the implementation of conceptual and methodological work far in advance of the next ICLS. With regard to SDG indicator 8.8.2, he supported the consensus reached after much time refining and adjusting the methodology. He noted that the review and consideration of the ILO’s six textual sources as well as of national legislation for non-ratifying member States had resulted in the establishment of the indicator. Turning to the cost estimate of US\$860,000 to implement the resolution, he said that the Office should cut costs where possible, particularly in light of the programme and budget proposals and 4 per cent increase of the budget. The Office must follow a refined methodology of realizing SDG indicator 8.8.2 in a financially sustainable manner with regular budget allocations. The group expressed its wish to avoid politicizing the discussions relating to the indicator.
- 543.** *Speaking on behalf of ASPAG*, a Government representative of the Islamic Republic of Iran said that the items placed on the agenda of the 20th ICLS were relevant and timely. His group reiterated that it would be necessary to periodically review the international standards of statistics of work. Revision of the International Classification of Status in Employment 2018 (ICSE-18) was appropriate in order to reflect the changing nature of the world of work. Noting the resolution concerning the methodology of SDG indicator 8.8.2 on labour rights, he said that the indicator should not be used for any ranking purposes. It would be necessary to consider national circumstances and the specificity of countries. Turning to the resolution concerning youth employment, ASPAG underlined the importance of creating strategies for youth employment. Further work regarding the guidelines concerning statistics of cooperatives would be needed. The group welcomed the guidelines on the measurement of qualification and skill mismatches of persons in employment in addition to those concerning statistics of international labour migration. Requesting the Office to produce more statistics on those areas, ASPAG supported the draft decision.
- 544.** *Speaking on behalf of the Africa group*, a Government representative of Côte d’Ivoire noted the outcomes of the Conference, emphasizing the importance of statistics in the future of work, the link between decent work and the SDG indicator framework, revision of guidelines on work relationships, and the revision of the methodologies of the SDG indicators 8.b.1 on youth employment and 8.8.2 on labour rights, for which the ILO was a custodian. The latter in particular would improve the effectiveness of data monitoring regarding freedom of association and the right to collective bargaining. As such, his group approved the action requested of the Office in paragraph 8, for which sufficient funds should be allocated. He supported the draft decision.
- 545.** *Speaking on behalf of IMEC*, a Government representative of Ireland said that it was timely that the Conference had adopted a resolution that captured the complexity of modern work relationships, including in non-standard forms of employment. The resulting statistical framework should be implemented to drive policy change, and she welcomed the flexibility regarding the new category of dependent contractors. Noting that the resolution on SDG indicator 8.8.2 had reaffirmed the ILO’s role as custodian for that indicator, and that the UN had upgraded that indicator to Tier II, she asked the Office to elaborate on its plans to build capacity to implement that resolution, and on the composition and work of the proposed tripartite committee. She asked how the Office planned to promote the resolution on child labour, which clarified definitions relating to child labour and types of work, and

how the Office would operationalize the new guidelines on forced labour, which would help to track the prevalence of forced labour and identify its causes and dynamics. She expressed strong concern that the revision of the Standing Orders was planned for the next Conference. A discussion on Standing Orders was not appropriate for a meeting of technical experts, and should be the mandate of the Governing Body. Finally, she asked whether the envisaged US\$860,000 would be allocated from existing resources following adoption of the Programme and Budget for 2020–21. Subject to an answer to her last question, the group would support the draft decision.

- 546.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries Turkey, North Macedonia, Montenegro, Serbia and Albania and the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Georgia aligned themselves with his statement. He said that he supported the statement delivered on behalf of IMEC. He welcomed the outcomes of the Conference, which were very timely given the current focus on the future of work and would facilitate statistical cooperation with international agencies and partner countries. He noted in particular the resolution on work relationships, which would facilitate the capture of data on non-standard forms of employment and consequently the development of appropriate policies to ensure that all work was decent work. In light of the work of the statistical office of the EU (Eurostat) he particularly welcomed the clarity regarding dependent workers and self-employment. The resolution would produce coherent and comparable data to support evidence-based decision-making in areas such as working conditions, social protection and taxation. The new classification would also support research into the extent and implications of casual work and other non-standard forms of employment being undertaken by the European Foundation for the Improvement of Living and Working Conditions (Eurofound). Welcoming the resolution on the SDG indicator 8.8.2 and the decision to upgrade that indicator to Tier II, he said that the proposed related tripartite committee should be subject to further discussion by the Governing Body. The adoption of guidelines on forced labour would assist States' understanding of that issue. His group supported the draft decision.
- 547.** *A Government representative of Nepal* recalled his Government's participation in the Conference, and called on the Office to fully implement its outcomes. He supported the draft decision.
- 548.** *A Government representative of Brazil* said that while it respected the work carried out on the methodology for measuring the SDG indicator 8.8.2, his Government would need more information before agreeing to the resource allocation requested. He asked which activities would be financed with those funds. He expressed particular concern regarding the need to ensure the independence and objectivity of the external consultants hired to code the alleged violations and asked how they would judge what constituted a violation and what ranking would be produced as a result of the coding process.
- 549.** *A representative of the Director-General* (Director, Department of Statistics (STATISTICS)) said that the discussion on work relationships, at the request of the previous ICLS, had been deliberately planned to tie in with the ILO Centenary. The Office had already begun work to support implementation of the new classification by national statistical systems. A pilot exercise had led to the introduction of some flexibilities noted by representatives, and he recognized the request for further work to develop guidelines on the new categories, such as dependent contractors and multi-party work arrangements. He thanked Eurostat and other regional and national statistical bodies for their support in preparing and implementing the resolution. The Office had already begun to implement the guidelines on forced labour and the resolution updating the previous child labour framework, which now contained specific pilots and measurements to be developed. The Office would provide an update on implementation as requested.

550. Turning to the budget concerns, he said that the work and composition of the proposed tripartite committee were outlined in the methodology of the SDG indicator 8.8.2, which was exceptionally contained in the resolution itself owing to the complex discussions that had led to the consensus outcome. That included how the external consultants would be chosen, how the coding of violations would be carried out, and how the objectivity of the process would be assured. As the custodian for that indicator, the ILO was now urgently implementing processes to enable reporting. The proposed tripartite committee would be further discussed by the Governing Body, but he drew attention to its concrete mandate as stated in the resolution, to refine the indicator, in line with the agreed methodology, if required for technical reasons. The allocation of resources required for that work, which was now an additional task for STATISTICS, would have to be further clarified at the 337th Session of the Governing Body when dealing with the Programme and Budget 2020–21. The Office would be proposing that a new multidisciplinary area should be created within STATISTICS, comprising lawyers, economists and statisticians. The skills requirements of those staff members, and indeed of the external consultants, clearly resulted from the agreed methodology. The methodology outlined an exhaustive set of rules regarding the work of the coders, which would transform the six textual sources into a number. The budget had been based on a past academic exercise and similar methodologies, which aimed to quantify the input that would be required for the work to be successful. It was not envisaged that the external consultants – five or six independent coders with knowledge of the ILO’s supervisory system – would be regular budget positions. While some costs would be absorbed by the Office, where cross-cutting issues were already being addressed, the US\$860,000 would likely have to be found once the Programme and Budget for 2020–21 had been adopted.

551. *A Government representative of Brazil* said that he had sought clarification because the methodology to measure SDG indicator 8.8.2 was very complex and not all constituents were statisticians. Furthermore, not all answers could be clearly identified within the discussions that had taken place at the Conference. However, he was prepared to trust the Office that the work carried out would be objective.

Decision

552. *The Governing Body:*

- (a) took note of the reports of the 20th International Conference of Labour Statisticians (ICLS);*
- (b) endorsed the recommendations of the 20th ICLS and requested that, subject to the availability of resources, these be taken into account by the Office in its future programme of work, particularly the newly adopted guidelines and the SDG indicators recently upgraded to Tier II by the United Nations;*
- (c) requested the Director-General to include in the Programme and Budget for 2020–21 a provision, which is estimated at US\$860,000, to implement resolution II concerning the methodology of SDG indicator 8.8.2 on labour rights, to be reported on annually by the ILO; and*
- (d) authorized the Director-General to promote the report of the proceedings of the 20th ICLS among:*

- (i) *the governments of member States and, through them, to the national employers' and workers' organizations concerned, drawing particular attention to the four resolutions contained in Appendix 3 to the report;*
- (ii) *the international employers' and workers' organizations concerned;*
- (iii) *the United Nations and other intergovernmental organizations; and*
- (iv) *the non-governmental organizations represented at the 20th ICLS.*

(GB.335/INS/14/1, paragraph 10)

Second Supplementary Report: Report of the Meeting of Experts on Defining Recruitment Fees and Related Costs

(Geneva, 14–16 November 2018)
([GB.335/INS/14/2](#))

553. *The Employer spokesperson* said that the Tripartite Meeting of Experts had adopted a clear and positive definition of recruitment fees and related costs. The open dialogue had clarified the complex issue; implementing the new definition would benefit millions of workers, particularly migrant workers, and might advance the wider global discussion on migration. Recruitment challenges were a global concern, which required a universal definition for all workers whether recruited nationally or internationally. The Employer expert had attended the meeting with the clear aim of adopting a definition that would protect vulnerable workers from abuse and avoid unintended consequences for responsible employers. That objective required an appropriate regulatory framework and enforcement structure, focused on protecting the most vulnerable, and addressing the fraudulent practices of intermediaries and national enforcement gaps. Her group was ready to support governments in adapting their national regulatory frameworks to ensure responsible recruitment practices, including a level playing field to allow decent private employment agencies to enter the market and sustain business. The definition allowed for tripartite dialogue at the national level to allocate costs to the Employer, Worker or Government where appropriate. The new definition should be applied as part of an ethical recruitment policy, in conjunction with the *General principles and operational guidelines for fair recruitment* and the implementation of the Private Employment Agencies Convention, 1997 (No. 181). Recognizing the role of those agencies in the labour market, the ILO should update its 2007 *Guide to Private Employment Agencies – Regulation, Monitoring and Enforcement*, including with regard to recruitment fees. Business groups, individual companies and global recruitment industry associations had contributed to finalizing the definition; it was now time to put it into practice.

554. *The Worker spokesperson* recalled the abusive situations, including forced labour, faced by workers due to unscrupulous recruitment practices and the exorbitant illegal profit generated by those practices. Highlighting the importance of the General principles and operational guidelines for fair recruitment and their prohibition of recruitment fees and cost charging to workers, she said that the Workers were pleased that the Tripartite Meeting of Experts had successfully arrived at a definition of recruitment fees and related costs, all the more so because the lack of clarity had played into the hands of unscrupulous recruiters. They particularly welcomed the recognition that workers must not face direct or indirect discrimination; the acknowledgement of their right to freedom of movement for the purpose of employment within regional economic integration areas; the non-exhaustive list of recruitment fees which could be extended to other costs by competent authorities in consultation with workers' and employers' organizations; and the mention of the

illegitimate, unreasonable and undisclosed costs so often responsible for the distress and vulnerability of cross-border workers. They welcomed the dissemination of the definition together with the *General principles and operational guidelines for fair recruitment*.

- 555.** The designation of exceptions with respect to related costs should be limited only to certain categories of workers and specified types of services, agreed in consultation with the social partners, and only permitted where the exceptions were in the interest of the workers alone. Provision of capacity-building to constituents would be key to successful application of the definition, as would the identification of priority countries for promotion of the *General principles and operational guidelines for fair recruitment*, in collaboration with the social partners. The new definition, once adopted, would help to consolidate the ILO's global leadership role in the implementation of the Global Compact for Safe, Orderly and Regular Migration (Global Compact for Migration). The Workers' group supported the draft decision.
- 556.** *Speaking on behalf of the Africa group*, a Government representative of Morocco expressed satisfaction with the quality of the debates held within the framework of the Tripartite Meeting of Experts. He welcomed the scope and content of the outcome document and stressed that any definition of recruitment fees and related costs must be founded on international labour standards and directives, take into account the various contexts in which recruiters operated, and promote the effective regulation of public and private employment agencies. His group would have liked the definition to determine the conditions in which exceptions to related costs could be accorded as well as how related costs were to be classified based on the stage of the recruitment process. His group endorsed the draft decision.
- 557.** *Speaking on behalf of the EU and its Member States*, a Government representative of Romania said that the candidate countries Turkey, North Macedonia, Montenegro, Serbia and Albania, the countries of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina and Georgia aligned themselves with his statement. He welcomed the definition agreed by the Tripartite Meeting of Experts, to be disseminated alongside the *General principles and operational guidelines for fair recruitment*. The definition adequately took into account regional integration areas in which the free movement of workers provided for specific features of cross-border recruitment. The EU actively supported ILO activities on fair recruitment and was proud that the EU-funded Global Action to Improve the Recruitment Framework of Labour Migration could contribute to those essential efforts. He supported the adoption of the draft decision.
- 558.** *A Government representative of Brazil* noted that the modalities identified in paragraph 7 and referred to in subparagraph (b) of the draft decision included multi-stakeholder initiatives and partnerships and the Global Compact for Migration. As Brazil and various other member States were not party to that initiative, the efforts undertaken by the Director-General and the Office should take into account that reality. As such, he requested the deletion of the reference to paragraph 7 in the draft decision. Specifically, he proposed replacing "the modalities identified in paragraph 7 of document GB.335/INS/14/2" with "appropriate partnership modalities and other avenues identified by the Office".
- 559.** *The Employer spokesperson* expressed support for the proposed amendment.
- 560.** *The Worker spokesperson* said that she did not see a need to amend the draft decision given that paragraph 7 did not only mention multi-stakeholder partnerships, but also other customary promotional tools.
- 561.** *A Government representative of Brazil* said that his amendment would open more possibilities for promoting the conclusion of the meeting than those mentioned in

paragraph 7. It constituted a minor adjustment of the language that would not impact the result of the decision.

562. *The Worker spokesperson* said that, in the interest of uniting the House, she would support the proposed amendment.

Decision

563. *The Governing Body:*

- (a) *approved the publication and dissemination of the definition of recruitment fees and related costs, adopted by the Meeting of Experts on Defining Recruitment Fees and Related Costs on 16 November 2018, which should be read together with the General principles and operational guidelines for fair recruitment; and*
- (b) *requested the Director-General to promote the application of the definition of recruitment fees and related costs, including through appropriate partnership modalities and other avenues identified by the Office.*

(GB.335/INS/14/2, paragraph 9, as amended by the Governing Body)

Third Supplementary Report: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (GB.335/INS/14/3)

564. *The Worker spokesperson*, welcoming the efforts made to promote ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (the 1986 Amendment), noted that her group had always supported the 1986 Amendment, which was aimed at making the membership of the Governing Body more representative by taking into account the geographic, economic and social interests of its constituent groups, including in connection with the sensitive question of the Members of chief industrial importance. Noting the slow pace of ratification, she recalled that a further 16 ratifications or acceptances, including at least three from among the Members of chief industrial importance, were required for the 1986 Amendment to enter into force. She urged the eight Members of chief industrial importance that had not yet ratified to follow the lead taken in that regard by the Governments of India and Italy.
565. The recent ratification of the 1986 Amendment by Panama was welcomed and she encouraged the Governments of Georgia and the Islamic Republic of Iran to act without delay on their stated intention to ratify. The low rate of response to the Director-General's letter of December 2017 was regrettable and she urged governments that had not responded to provide the Office with information to help identify and overcome obstacles to ratification. The Office should continue to promote ratification of the 1986 Amendment, including by engaging with governments at statutory meetings, including at the regional level. She agreed with the proposal by the Africa group to reflect the issue of ratification of the 1986 Amendment in the Centenary outcome document, with a view to strengthening governance and democratic processes at the ILO.
566. *The Employer spokesperson*, took note of the one new ratification of the 1986 Amendment since the November 2018 session, but also the lack of progress achieved and the absence of

any further responses to the Director-General's letter of December 2017. The Employers' group endorsed ratification of the 1986 Amendment, based on the legal advice provided at the 334th Session that it would increase the number of elected Governing Body members to 132: 56 Government members; 28 regular and ten deputy Employer members; and 28 regular and ten deputy Worker members. That would improve the geographical balance of the Governing Body and be constructive for the governance of the ILO. He looked forward to receiving further updates on the status of ratification in March 2020 and supported the draft decision.

- 567.** *Speaking on behalf of the Africa group*, a Government representative of Ethiopia expressed concern at the lack of progress achieved on ratification of the 1986 Amendment, which was aimed at ensuring a more just, inclusive and democratic ILO. The failure to ratify it had left Africa marginalized. The push for partnership in the world of work would only succeed and advance the social justice agenda if all member States were placed on an equal footing. If the Africa group was considered a second class member of someone else's club, that should be stated, so that a decision could be made on whether to live with the situation or leave the club. Ratification of the 1986 Amendment would be discussed at an upcoming meeting of the African Union in Addis Ababa, and it was unlikely that the Africa group would participate in the Centenary declaration in June if the matter was not a key part of that declaration.

Decision

- 568.** *The Governing Body requested the Director-General to continue promotional efforts for the ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO in accordance with the decision taken at its 334th Session (October–November 2018) and to report on the results obtained at future Governing Body sessions.*

(GB.335/INS/14/3, paragraph 5)

Fourth Supplementary Report: Documents submitted for information only ([GB.335/INS/14/4](#))

Outcome

- 569.** *The Governing Body took note of the information contained in the documents listed at the end of its agenda.*

(GB.335/INS/14/4, paragraph 3)

Fifth Supplementary Report: Arrangements for the International Labour Conference during the renovation work in the Palais des Nations from 2020 to 2023
([GB.335/INS/14/5](#))

570. *A representative of the Director-General* (Deputy Director-General for Management and Reform) recalled that all available options for organizing the Conference during the renovation work in 2022 and 2023 were complex and costly; the Office was, however, of the view that, for financial and logistical reasons, the Conference should meet in Geneva. He also clarified that the proposed preparatory conferences in 2022 and 2023 were not meant to reduce the number of technical items on the agenda of those two years, which would remain three.
571. *The Worker spokesperson* said that the years under discussion were of particular importance for the ILO because of the guidance that would be required in the wake of the Centenary Session. Her group welcomed the arrangements made for the 2020 and 2021 sessions, although the lack of meeting rooms and office space for 2022 and 2023 was a matter of concern. It was her understanding that room XVI and a temporary meeting room would be available at the Palais des Nations, allowing two technical committees to meet. A third technical committee could meet in one of the ILO's large meeting rooms, and the CAS could continue to meet in the Governing Body room.
572. The option of holding all three technical committees at the Palexpo conference centre in Geneva was preferable to holding the session away from Geneva, and her group welcomed the willingness of Switzerland to cover part of the costs. Consideration should also be given to using the facilities of other Geneva-based organizations, and the ILO should engage in discussions with them with a view to overcoming any logistical difficulties.
573. Her group strongly opposed the proposal to hold preparatory conferences in lieu of Conference committees, as it would be extremely challenging to secure an adequate level of tripartite representation at a preparatory conference. Her group therefore supported the draft decision in paragraph 17(b), believing that it was important to explore all options that allowed the Conference to discuss three technical items at one sitting, in addition to the standing items.
574. *The Employer spokesperson* said that the Employers supported a multisite Conference in Geneva, as it was an affordable, less disruptive option and presented an opportunity for inter-agency collaboration. His group supported option (a).
575. *Speaking on behalf of the Africa group*, a Government representative of Chad inquired as to the resources required and conditions to be fulfilled by any country that wished to offer to host the coming sessions, and which measures the Office would take to facilitate staff members' travel. His group supported option (b).
576. *Speaking on behalf of IMEC*, a Government representative of Canada said that her group would appreciate additional information regarding the cost of the different options for the 111th and 112th Sessions of the Conference, including temporarily suspending a technical committee. Her group encouraged the Office to continue to engage with the Swiss Government to explore and cost options in Geneva. Every effort must be made to ensure that the options for 2022 and 2023 incurred no additional costs. IMEC supported option (a), but proposed amending it to insert, after "Conference committees", the words "and consideration of cost saving options within the regular budget".

- 577.** *A Government representative of Switzerland* said that her Government aligned itself with the statement made by IMEC. In a period of budgetary restrictions, the Office should avoid entering into new arrangements which would lead to disruption, uncertainty and higher expenditure. Moving the Conference to another location would mean that smaller countries that maintained a permanent mission in Geneva could not avail themselves of that expertise and support. Her Government had worked closely with the Office to find solutions and had offered financial assistance to cover additional costs. Requesting the Office to look for other solutions elsewhere could hamper those efforts and send a negative message, especially considering the continued financial support from the Swiss taxpayers for various ILO projects. Preparations must begin as soon as possible and the Governing Body should provide clear guidance. Switzerland had provided a significant financial contribution for the renovation of the Palais des Nations and of the ILO headquarters and for the security perimeter fence as well as for the organization of the 2022 and 2023 sessions of the Conference. It would therefore be difficult to explain to Parliament and the Swiss people that the ILO was exploring other options elsewhere. The multisite solution was entirely feasible with the infrastructure in Geneva. Her Government therefore supported option (a), with the amendment proposed by IMEC.
- 578.** *A Government representative of the Russian Federation* supported the statement made by the Government representative of Switzerland and said that holding the Conference outside Geneva would be irrational.
- 579.** *The Employer spokesperson* supported the amendment proposed by IMEC.
- 580.** *The Worker spokesperson* said that the Workers had expressed a preference for option (b) because they did not want preparatory conferences to be held. However, the group was in favour of the Conference remaining in Geneva and welcomed the financial contributions of the Swiss Government to that end. However, she could not support an amendment that required the Office to attempt to cut costs, as even with financial help from Switzerland, a multisite situation would necessarily entail additional costs. The Workers could support option (a) with an amendment to remove the words “consideration of the possibility of holding one or two preparatory conferences in lieu of Conference committees”.
- 581.** *The Chairperson* noted the flexibility in the draft decision, in that it instructed the Office to consider cost savings but did not oblige it to make savings.
- 582.** *A representative of the Director-General* (Deputy Director-General for Management and Reform) explained that the Governing Body was asked to make a decision in principle: under option (a) the Conference would be held in Geneva and under option (b) the Office would explore other options. There had not been much support for preparatory conferences and they would entail additional costs, therefore the Office was happy not to pursue that option. The Business Process Review into the operations of the Conference was being finalized and a number of operational changes would be made to reduce expenditure, which would be pursued as a matter of course. It appeared that removing the reference to preparatory conferences in option (a) had the support of the Governing Body.
- 583.** *The Employer spokesperson* said that the Employers supported the Workers’ proposed amendment.
- 584.** *Speaking on behalf of IMEC*, a Government representative of Canada said that her group would support the amendment proposed by the Workers, as long as the amendment proposed by IMEC was also adopted.

Decision

585. *The Governing Body decided to retain, in principle, the holding of the Conference in 2022 and 2023 at the United Nations Office, the ILO and other possible locations in Geneva, and that the estimated costs, including consideration of cost saving options within the regular budget, would be elaborated upon once a decision is made on the agenda of the Conference for those two years.*

(GB.335/INS/14/5, paragraph 17(a), as amended by the Governing Body)

Sixth Supplementary Report: Composition of the Committee on Freedom of Association ([GB.335/INS/14/6](#))

Decision

586. *The Governing Body appointed Mr Magnus Norddahl (Iceland), Worker deputy member of the Governing Body, as Worker regular member of the Committee on Freedom of Association for the remainder of the period of office of the Governing Body for 2017–20, in replacement of Mr Jens Erik Ohrt (Denmark).*

(GB.335/INS/14/6, paragraph 3)

Seventh Supplementary Report: Composition of the Board of the International Training Centre of the ILO, Turin ([GB.335/INS/14/7](#))

Decision

587. *The Governing Body appointed Paraguay as regular Government member, and Chile as substitute Government member of the Board of the International Training Centre of the ILO, Turin, for the remainder of the period of office of the Governing Body for 2017–20.*

(GB.335/INS/14/7, paragraph 4)

Fifteenth item on the agenda

Reports of the Officers of the Governing Body

First report: Procedure for examining the representation alleging non-observance by Turkey of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Termination of Employment Convention, 1982 (No. 158), made under article 24 of the ILO Constitution by the Action Workers' Union Confederation (Aksiyon Is)
([GB.335/INS/15/1](#))

Decision

588. The Governing Body, on the recommendation of its Officers, decided:

- (a) to refer the elements of the representation regarding non-observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), to the Committee on Freedom of Association for examination as per the procedure set out in the Standing Orders on articles 24 and 25 of the Constitution of the ILO; and*
- (b) that a distinct ad-hoc tripartite committee should be established to examine the elements of the representation alleging non-observance with the Termination of Employment Convention, 1982 (No. 158).*

(GB.335/INS/15/1, paragraph 3)

Sixteenth item on the agenda

Composition, agenda and programme of standing bodies and meetings

([GB.335/INS/16](#))

589. The Employer spokesperson and the Worker spokesperson said that their groups supported all the paragraphs of the draft decision.

590. Speaking on behalf of the Africa group, a Government representative of Rwanda said that his grouped welcomed the organization of a technical meeting to promote an exchange of views on the further development and implementation of the integrated strategy to address decent work deficits in the tobacco sector and supported most of the draft decisions.

591. A Government representative of Brazil said that he was speaking on behalf of a significant majority of governments from Latin America and the Caribbean. He thanked the Government of Uganda for its willingness to host the technical meeting to promote an exchange of views on the further development and implementation of the integrated strategy

to address decent work deficits in the tobacco sector in Kampala. Holding the meeting in Africa would provide an opportunity to witness decent work deficits on the ground. The meeting would not be adopting any decisions; those would be adopted subsequently by the Governing Body. Turning to Part II of the document, he said that inclusiveness was key to the success of all the proposed meetings. The proposed meeting on decent work in global supply chains to be held in February 2020 would be an important one and should include more participants.

- 592.** *A Government representative of Uruguay* said that holding the technical meeting to promote an exchange of views on the further development and implementation of the integrated strategy to address decent work deficits in the tobacco sector in Uganda would permit participants to fully understand the situation on the ground, taking into account the views of all interested parties. She looked forward to reviewing progress made at the following Governing Body session.

Decision

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

- (a) *Approved the holding of a Technical Meeting to Promote an Exchange of Views on the Further Development and Implementation of the Integrated Strategy to Address Decent Work Deficits in the Tobacco Sector, the dates, venue, languages and composition proposed, the appointment of Uganda, Governing Body member, as chairperson, as well as the organizations to be invited as listed in the appendix to document GB.335/INS/16.*

(GB.335/INS/16, paragraph 7)

- (b) *Approved the holding of the Workers' Symposium "The ILO Centenary: Workers' Perspective for Social Justice" on 7–9 October 2019, its composition and agenda, and the list of international non-governmental organizations to be represented at the Symposium as observers (as listed in the appendix to document GB.335/INS/16).*

(GB.335/INS/16, paragraph 13)

- (c) *Authorized the Director-General:*

- (i) *to invite the organizations listed in the appendix to document GB.335/INS/16 to be represented at the 108th Session of the International Labour Conference, it being understood that it will be for the Conference to consider their requests to participate in the work of the committees dealing with the agenda items in which they have stated a special interest; and*
- (ii) *to inform the organizations concerned that they may nominate one person only for each of the agenda items in respect of which their interest has been recognized.*

(GB.335/INS/16, paragraph 17)

(d) Endorsed the proposal to invite the international non-governmental organizations as observers to the meetings listed in the appendix to document GB.335/INS/16.

(GB.335/INS/16, paragraph 19)

(e) The Governing Body also took note of the programme of meetings, as approved by the Officers of the Governing Body, subject to decisions yet to be adopted, (as described in the footnotes of the programme).

(GB.335/INS/16, paragraph 20)

Other business

25 March 2019, afternoon sitting

594. *The Minister of Labour and Social Protection of Chile* said that his Government was pleased to be returning to the Governing Body as a member after more than a decade, especially given its historical commitment to the ILO and its values. The world of work was changing and the role of the ILO was therefore increasingly important. The Organization could count on the active engagement of his Government as it continued to defend the values of decent work.

26 March 2019, afternoon sitting

595. *The Employer spokesperson* expressed disappointment that the Office had not provided information on the progress made by the Commission of Inquiry for the Bolivarian Republic of Venezuela. The Office's argument that the provision of such information while the Commission of Inquiry was still functioning would constitute interference was unconvincing, as a precedent had been set in 2009 during the Commission of Inquiry for Zimbabwe, and the benefits of transparency and tripartite governance prevailed. The Employers did not wish to discuss the substance of the case or interfere with the Commission's work, but sought information on: when the Commission held its first session; whether it had been able to meet with the parties; whether it had visited the country or neighbouring countries; and whether it had interviewed witnesses in Geneva making use of technology. It was unclear why information on the Commission's progress had been posted on the news section of the ILO website but not shared with the Governing Body. He requested the Director-General to provide an oral update at the current and any subsequent sessions while the matter was ongoing.

596. *A Government representative of Paraguay*, speaking also on behalf of the Government representatives of Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras and Peru, as members of the Lima Group, said that they respected the independence of the Commission of Inquiry and reiterated their confidence in its work. It was to be hoped that the necessary steps would be taken to ensure the full exercise of the rights enshrined in ILO Conventions and other relevant standards as a matter of urgency, in the light of the serious situation on the ground. They encouraged the Director-General to consider appropriate action within his powers to promote the respect of ILO principles, rights and obligations. Their Governments did not recognize the legitimacy of the electoral process that had concluded on 20 May 2018, as it had not met the international standards required to guarantee freedom, justice, transparency and other prerequisites for democratic elections. They therefore did not recognize the authority of Mr Nicolás Maduro or his representatives

and instead recognized Mr Juan Guaidó as the President of the Bolivarian Republic of Venezuela. Furthermore, the Permanent Council of the Organization of American States had agreed not to recognize the legitimacy of Mr Maduro's term beginning on 10 January 2019, as it had resulted from an illegitimate electoral process. The Lima Group would continue to work through peaceful means towards the restoration of democracy, the rule of law and fundamental rights in the country.

- 597.** *A Government representative of the United States* said that his Government had joined over 50 nations in recognizing interim president Juan Guaidó as the legitimate President of the Bolivarian Republic of Venezuela in accordance with the Venezuelan Constitution. The representatives of Nicolás Maduro did not have the legitimacy to speak to the Governing Body on behalf of the Venezuelan people. To ensure the integrity of the Commission of Inquiry, it must be able to conduct its business in accordance with the guidance provided by the Governing Body and with its own practices. Once a Commission of Inquiry had been established, its work must be fully isolated from political debates. Politicized disruptions to the Governing Body's critical work were unwelcome and unhelpful. He welcomed the Commission's ongoing work in spite of the difficult circumstances.
- 598.** *A Government representative of the Bolivarian Republic of Venezuela*, authorized to speak in accordance with paragraph 1.8.3 of the Standing Orders, said that he would respond to the comments from the Employers' group and various governments that were sadly not sovereign, as they were following orders from another government that was manipulating them to direct baseless attacks on his Government. The speakers who had referred to his Government and country were out of order and were clearly politically motivated. The governments that had spoken lacked moral authority and were in no position to lecture others on human rights, much less democratic freedoms, since they acted outside their competence and violated national and international standards. The Employers and Government representatives that had spoken out against his Government should distance themselves from nefarious policies intended to harass the Government. If they were truly concerned about the country, they would take steps to end unilateral coercive measures so that the vast sums of money and resources seized by other countries would reach the Venezuelan people to enable them to pay for basic necessities and safeguard their welfare. Governments should refrain from absurd political discussions that only highlighted their desire to oust the democratically elected Venezuelan Government. His Government and the Venezuelan people had demonstrated an iron will to defend their sovereignty and shown extraordinary resilience in overcoming imperialist attacks.
- 599.** He thanked the Government and Worker representatives that had denounced the belligerent intervention in his country in other multilateral forums and those that had emphasized that the problems of Venezuelans should be resolved by the Venezuelans themselves. His Government reiterated its commitment to dialogue with opposition groups and opposing governments, as Mr Nicolás Maduro Moros, President of the Bolivarian Republic of Venezuela, had repeatedly called for. Foreign governments had no authority to recognize or refuse to recognize his Government. He reiterated the call for peace in response to those promoting acts of war against his country, as history had frequently shown that the devastation caused by violence could last for generations.
- 600.** The Employers' group's statement on Venezuela was out of order as the matter had not been included in the agenda of that session of the Governing Body. It did not make sense to discuss the Commission of Inquiry on the article 26 complaint, because the Commission was proceeding with the full collaboration of his Government, as the Employers knew.
- 601.** *A Government representative of the Russian Federation* said that it was regrettable that the Governing Body was using valuable time to discuss a matter that had not been included on the agenda, when it had pressing issues to discuss. While Governing Body members would

be interested in objective information on the work of the Commission of Inquiry, it had to be given the opportunity to carry out its work and report the outcomes in due course. Attempts to politicize the work of the Governing Body were concerning. Furthermore, his Government saw no reason to question the legitimacy of the Venezuelan delegation attending the Governing Body.

- 602.** *A Government representative of Cuba* said that the Community of Latin American and Caribbean States had declared the region to be a zone of peace, which should be borne in mind in the light of unilateral, interventionist politics that sought to interfere in the internal affairs of certain countries with the purpose of destabilizing the region. She denounced the escalation of pressure and preparations for possible military intervention under the guise of humanitarian support to the Bolivarian Republic of Venezuela, and called on the international community to block any such intervention. She categorically rejected the attempts to deny the legitimacy of the Venezuelan delegation to the Governing Body and the politicization of the matter. Members had a duty to contribute to building a better future based on solidarity and justice, with dialogue and cooperation prevailing to resolve conflicts, in order to save future generations from the horrors of war, to protect the planet and to create conditions in which justice and respect for obligations of treaties and other international legislation would be upheld.
- 603.** *The Worker spokesperson* noted that the Commission of Inquiry established at the request of the Employers' group was proceeding with its work and there was no indication that it would not finalize its work in due course. Her group would refrain from commenting further until the Commission had presented its report to the Governing Body.
- 604.** *The Director-General* said that it was established practice that matters under consideration by a Commission of Inquiry were not brought to the attention of the Governing Body while the Commission's work was ongoing. There had only been one occasion on which a document had been presented for information, where the circumstances had been highly specific and the discussion entirely uncontroversial. The screening group responsible for establishing the agenda of the Governing Body had decided not to include an item or information document on the matter. It was therefore not appropriate to provide an oral update at the current or, in similar circumstances, the next session. Moreover, the Employers' group had already been provided with responses to all the questions raised.
- 605.** *The Employer spokesperson* emphasized that he had not asked for the matter to be placed on the agenda; rather, he had requested an oral update from the Office, which in his view would not constitute interference in the Commission's work. The Governing Body had not always been aware of events in the Bolivarian Republic of Venezuela, and it was preferable for members to rely on regular updates provided at sessions of the Governing Body rather than on the media or informal sources. He would repeat his request for an oral update at the next session.

27 March 2019, morning sitting

- 606.** *The Chairperson* expressed the condolences of the Governing Body to the Government and people of Somalia for the victims of the terrorist attack on 23 March 2019 in Mogadishu, remembering in particular the Deputy Minister of Labour and Social Affairs, Mr Swaqar Ibrahim Abdalla and ten civil servants who had lost their lives, and requested the Director-General to convey condolences to the families involved and the Government.

27 March 2019, afternoon sitting

607. *Speaking on behalf of GRULAC*, a Government representative of Brazil paid tribute to the work of Mr Luis Rodrigo Morales, Government representative of Mexico, who would be leaving his post at the end of the month after many years of dedicated service in the Permanent Mission of Mexico. He had been at the forefront of many important processes within the ILO and had coordinated the regional group, always striving to strengthen the Organization by providing technical input and expertise.