



Governing Body

345th Session, Geneva, June 2022

Minutes of the 345th Session of the Governing Body of the International Labour Office

Contents

	Page
Institutional Section	3
1. Election of the Officers of the Governing Body for 2022–23.....	3
Decision.....	3
Opening remarks.....	3
2. Approval of the minutes of the 344th Session of the Governing Body (GB.345/INS/2).....	5
3. Questions arising out of the 110th Session of the International Labour Conference requiring immediate attention: Follow-up to the discussions of the Committee on the Application of Standards (GB.345/INS/3).....	5
Decision.....	8
4. Report of the Committee on Freedom of Association (GB.345/INS/4)	8
Decision.....	12
5. Report of the Director-General	12
5.1. First supplementary report: Progress report concerning the operation of the social dialogue forum in giving effect to the recommendations of the Commission of Inquiry with respect to the Government of the Bolivarian Republic of Venezuela (GB.345/INS/5/1(Rev.1)).....	12
Decision.....	19

5.2	Second Supplementary Report: Report on developments in Myanmar (GB.345/INS/5/2) and	
	Addendum: Composition of the Commission of Inquiry appointed to consider the complaint concerning non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made under article 26(4) of the ILO Constitution by the Governing Body on its motion (GB.345/INS/5/2(Add.1))	20
	Decision.....	23
	Decision concerning the composition of the Commission of Inquiry	24
5.3.	Third Supplementary Report: Report on the application of the resolution concerning the Russian Federation’s aggression against Ukraine from the perspective of the mandate of the International Labour Organization (GB.345/INS/5/3)	24
	Decision.....	32
5.4.	Fourth supplementary report: Report of the Committee set up to examine the representation alleging non-observance by Brazil of the Collective Bargaining Convention, 1981 (No. 154) (GB.345/INS/5/4).....	33
	Decision.....	33
5.5.	Fifth supplementary report: Report of the Committee set up to examine the representation alleging non-observance by Portugal of the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Occupational Safety and Health Convention, 1981 (No. 155) (GB.345/INS/5/5)	34
	Decision.....	34
6.	Reports of the Officers of the Governing Body	34
6.1.	First report: Representation alleging non-observance by Sudan of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (GB.345/INS/6/1)	34
	Decision.....	34
6.2.	Second report: Representation alleging non-observance by Mexico of the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Labour Administration Convention, 1978 (No. 150), the Occupational Safety and Health Convention, 1981 (No. 155), and the Chemicals Convention, 1990 (No. 170) (GB.345/INS/6/2)	35
	Decision.....	35
7.	Composition, agenda and programme of standing bodies and meetings (GB.345/INS/7).....	35
	Decision.....	35

1. The 345th Session of the Governing Body of the International Labour Office was held in Geneva on Monday, 13 June 2022. It was presided over by the Worker Vice-Chairperson Ms Catelene Passchier (Netherlands), in replacement of the outgoing Chairperson Ms Anna Jardfelt (Sweden), and Ms Claudia Fuentes-Julio (Chile), as incoming Chairperson. Mr Alberto Echavarría, Employer member (Colombia), was the Employer spokesperson and Ms Catelene Passchier was the Worker spokesperson.

► Institutional Section

1. Election of the Officers of the Governing Body for 2022–23

2. **Speaking on behalf of the Government group**, a Government representative of the Philippines nominated Ms Claudia Fuentes-Julio, Permanent Representative of Chile to the United Nations Office and other international organizations in Geneva, for the post of Chairperson of the Governing Body for the period 2022–23. Ms Fuentes-Julio brought a wealth of experience to the position, stemming from her lifelong commitment to promoting human rights and human security, as well as her academic research on foreign policy, human rights and conflict resolution. She had also previously worked closely with several United Nations entities on projects relating to conflict prevention and recovery, and gender and disarmament. The Government group was confident that Ms Fuentes-Julio had the knowledge and skill to face the challenges that lay ahead.
3. **Speaking on behalf of their groups**, an Employer member from Colombia and a Worker member from the United Kingdom of Great Britain and Northern Ireland endorsed the nomination.
4. **Speaking on behalf of the Employers' group**, an Employer member from Bangladesh nominated Ms Renate Hornung-Draus as Employer Vice-Chairperson.
5. **Speaking on behalf of the Workers' group**, a Worker member from the United States of America nominated Ms Catelene Passchier as Worker Vice-Chairperson.

Decision

6. **The Governing Body elected for the 2022–23 period:**
 - Ms Claudia Fuentes-Julio, Ambassador, Permanent Representative of Chile to the United Nations Office and other international organizations in Geneva, to the post of Chairperson;
 - Ms Renate Hornung-Draus (Employer, Germany) as Employer Vice-Chairperson; and
 - Ms Catelene Passchier (Worker, Netherlands) as Worker Vice-Chairperson.

Opening remarks

7. **Speaking on behalf of the outgoing Chairperson**, who was unfortunately unable to be present at the meeting, the Worker Vice-Chairperson said that Ms Jardfelt wanted to thank everybody for the commitment and dedication they had shown over the past year. She also wanted to wish the incoming Chairperson luck for the coming year.

8. **The Employer spokesperson** said that it had been a pleasure working with the outgoing Chairperson. Her style, agility and patience had been a great help during many difficult discussions, including during the process of electing the new Director-General. Important outcomes had been achieved with consensus, all in the midst of an ongoing pandemic. The virtual and hybrid formats had been challenging, but she had helped navigate those turbulent waters with excellent manners, an extraordinary capacity to listen to diverse opinions and a welcome sense of responsibility.
9. He also welcomed the incoming Chairperson and wished her the utmost success in her work. He recognized her relevant skills and experience, which were very suited to the position. He also noted that, with the new Officers elected, the Governing Body had an all-female leadership once again, and his group looked forward to working with them over the coming year.
10. **Speaking on behalf of the Government group**, a Government representative of the Philippines thanked the outgoing Chairperson for her leadership. The Governing Body was a critical organ for ensuring that the essential work of the Organization progressed and its Chairperson should embody the principles of tripartism, social dialogue and consensus. Ms Jardfelt had indeed embodied those principles, while leading the Governing Body through a number of challenges over the past year. Her diligence had meant that the Governing Body had been able to develop workable hybrid arrangements during uncertain global health conditions. Her commitment to integrity at the highest level was evident in her oversight of the election of the new Director-General. She had upheld exemplary standards and invested a lot of time into the process. Her considered and professional approach as an accomplished diplomat had facilitated decisions on many complex and sensitive issues. Her approachability and willingness to listen to all were very much appreciated. He also congratulated and welcomed the incoming Chairperson to the role for 2022–23 and ensured her of the highest level of cooperation from his group.
11. **The Worker Vice-Chairperson** said that the outgoing Chairperson had led the Governing Body with a firm hand, and with grace, integrity and transparency during a challenging year, including through an election process that was made more complicated as a result of the ongoing pandemic. It had been noted during the 110th Session of the International Labour Conference (the Conference) how beneficial it had been to see more women in leadership roles, and she welcomed the fact that the incoming Chairperson was another woman, who was sure to play an important role in the work of the Organization.

(Ms Fuentes-Julio took the Chair.)

12. **The incoming Chairperson** thanked the Government group for supporting her nomination. She also thanked the social partners for their support. Chile attached great importance to the role. Indeed, its new Government had an ambitious labour objective guided by decent work, with special emphasis on women and vulnerable groups. She thanked the outgoing Chairperson for her commitment and dedication during unprecedented times, amidst multiple global crises. She also thanked Claudio Moroni of Argentina for his excellent presidency of the 110th Session of the Conference, which had seen a number of achievements, including the recognition of occupational safety and health as the fifth of the fundamental principles and rights at work.
13. In closing, she echoed the many well-deserved tributes that had already been made to the outgoing Director-General Guy Ryder. He had made a significant mark on the history of the Organization, in pursuit of decent work and social justice. She also congratulated the Director-General elect, Gilbert F. Houngbo, recognizing his commitment, as demonstrated in his vision

statement. She looked forward to working to achieve a smooth and collaborative transition period, to the benefit of all constituents of the Organization.

2. Approval of the minutes of the 344th Session of the Governing Body (GB.345/INS/2)

14. **The Worker spokesperson** said that, although she did not usually have any remarks to make about the minutes, on this occasion the social partners had not had the opportunity to be involved in their finalization. She therefore requested additional time to review them.
15. **The Employer spokesperson** echoed the request made by the Worker Vice-Chairperson and said that any comments on the minutes would be submitted in writing.
16. **The Chairperson** said that the approval of the minutes of the 344th Session of the Governing Body was deferred to the 346th Session (October–November 2022).

3. Questions arising out of the 110th Session of the International Labour Conference requiring immediate attention: Follow-up to the discussions of the Committee on the Application of Standards (GB.345/INS/3)

17. **The Worker spokesperson** recalled that implementation of the recommendations of the Commission of Inquiry appointed under article 26 of the ILO Constitution, by Belarus, had been under review by the Committee on Freedom of Association since 2004 and the case had never been closed. The Committee had never concluded that the recommendations had been implemented; on the contrary, the conclusions of its March 2022 report had drawn the attention of the Governing Body to the matter.
18. Since then, the Government of Belarus had further intensified its attacks on the independent trade union movement. Dozens of union leaders and officials had been detained in April, including Alexander Yaroshuk, President of the Belarusian Congress of Democratic Trade Unions (BKDP), who was also a Member of the ILO Governing Body, Siarhei Antusevich, Vice-President of the BKDP, and Gennady Fedynich, leader of the Radio and Electronics Workers' Union (REP). They had been charged under article 342.1 of the Criminal Code for organization and preparation of acts seriously disrupting the public order, or active participation in them – which carried the threat of a prison sentence of up to four years. Nikolai Sharakh, Chairperson of the Belarusian Free Trade Union (SPB), and Aliaksandr Bukhvostau, President of the Free Metal Workers' Union, had been released but still faced similar charges. The BKDP council had met on 13 May to appoint an acting Chairperson, Maxim Pazniakou, Chairperson of the Belarusian Independent Trade Union of Miners and Chemical Workers (BITU), who was then arrested on 17 May and later sentenced to 15 days administrative detention. The Vice-Chairperson of the REP, Zinaida Mikhniuk, had been convicted under article 368 of the Criminal Code for insulting the President of the Republic of Belarus and sentenced to two years imprisonment in a penal colony. On 19 May, prosecutors demanded that the BITU hand over trade union documents, including details of union members, and similar requests were sent to other BKDP affiliates.
19. The Lukashenko regime was trying to outlaw trade union activity and wipe out the independent trade union movement, and it was attacking the basic rights of working people in Belarus. The Committee on the Application of Standards had confirmed those violations in its latest

conclusions and had called on the Governing Body to consider further measures, including those in the ILO Constitution, to ensure compliance.

20. The Workers' group demanded the immediate release of all union leaders and officials, and the withdrawal of all charges. They should have the right to receive visitors as a matter of urgency, including ILO officials who could check on their welfare. The critical situation opened the way to file an article 33 complaint against the country on the basis of failure to carry out the recommendations of the Commission of Inquiry. She requested the Office to prepare a report as the basis for discussions during the following Governing Body session.
21. The Workers' and Employers' groups had decided to jointly propose an amendment to the draft decision to bring it into line with the recommendation from the Committee on the Application of Standards, to ensure clarity. Subparagraph (a) of the decision would therefore read: decided to include on the agenda of its 346th Session (October–November 2022) an item entitled "Consideration of any further measure, including those foreseen in the ILO Constitution, to secure compliance by the Government of Belarus with the recommendations of the Commission of Inquiry."
22. **The Employer spokesperson** confirmed that the Employers' group jointly proposed the amendment, as stated by the Worker spokesperson, and called on governments to support it.
23. **Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of France said that Albania, Iceland and Norway aligned themselves with her statement. The steep deterioration in the situation of human and labour rights in Belarus was a serious concern, following on from the 2020 presidential elections that had been neither free nor fair. Those concerns had only got worse since the country's involvement in the Russian Federation's war of aggression against Ukraine.
24. She fully supported the conclusions of the Committee on the Application of Standards following its recent discussion of the Belarus case. She urged the authorities to ensure full respect for workers' rights and freedoms, to protect the right to organize, including the right to strike, and to immediately and unconditionally release all arbitrarily detained persons, in particular political prisoners, trade unionists, workers and members of national minorities. Nobody should be imprisoned or face sanctions for simply organizing or participating in a peaceful demonstration or strike. All charges relating to participation in a peaceful demonstration should be dropped.
25. It was with deep regret that she noted the apparent lack of commitment from the Government and the absence of progress towards even partial implementation of the recommendations of the Commission of Inquiry from 2004. She supported the draft decision, as amended.
26. **A Government representative of China** said that the ILO standards supervisory mechanism should play a constructive and positive role in enabling Member States to better discharge their Convention obligations and protect workers' rights. Case examinations should be objective and fair, fully respecting the information provided by the governments concerned. There should be no interference in domestic affairs, which would undermine the reputation of the Organization. The case of Belarus should not be politicized and the Government should be given sufficient time to improve its communication with the Office, so as to better implement the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). There was no need to examine the case at the next session.
27. **A Government representative of the United States**, speaking also on behalf of the Government representatives of Australia and Canada, said that concerns regarding the application of Convention No. 87 in Belarus were serious and long-standing. The situation for

trade unionists was deteriorating. They agreed that the lack of follow-up to the conclusions of the Committee on the Application of Standards demonstrated a lack of commitment to ensure respect for the country's obligations under the ILO Constitution and therefore supported the draft decision, as amended.

28. She reiterated the call for the immediate release of trade unionists who remained in detention, including Governing Body member Alexander Yaroshuk, and for all charges against them to be dropped. She requested the Director-General to continue his efforts in that regard.
29. **A Government representative of Guatemala** said that her country was firmly committed to international labour standards and the ILO standards supervisory mechanism and would support any decision aimed at achieving the implementation of the Committee of Inquiry's recommendations in Belarus as soon as possible. She therefore supported the draft decision, as amended.
30. **A Government representative of Belarus** was authorized to speak in accordance with paragraph 1.8.3 of the Standing Orders of the Governing Body on a matter concerning her Government. She said that her Government vehemently disagreed with the inclusion of the item in question at the next session of the Governing Body. Although the ILO Constitution provided for the possibility of such a process, there were no objective grounds for it to be carried out. Belarus had been a Member of the ILO for almost 70 years and was committed to recognizing its international obligations. There were undoubtedly certain complications, but no country had ideal legislation. Indeed, some countries criticizing Belarus had not even ratified Convention No. 87. The United States had in fact only ratified a handful of Conventions. The Committee on Freedom of Association had examined more than 40 cases relating to the United States, and its Government's response had been that since it had not ratified Convention No. 87 or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), it did not have any obligation to bring its legislation into line with those instruments, which was very convenient. That was a double standard.
31. Article 33 had only been used once in the past, to put pressure on a country. Belarus was already under pressure, dealing with sanctions from a number of countries, and the current process was an attempt to legitimize those illegal and unjust acts. The Organization's founders did not see that as its role and taking such a decision would undermine its image as an Organization that strove to achieve decent work for all.
32. She therefore urged the Governing Body not to include the item under discussion on the agenda of its next session.
33. **A Government representative of the Russian Federation** said that he was concerned about the nature of the complaints at hand. The Committee on the Application of Standards could not take a one-sided approach and must listen to the official position of the Government of Belarus. Political events in a Member State were outside the purview of the ILO supervisory bodies. The statements just made by China and Belarus should be taken into consideration. It simply was not necessary to include the item on the agenda of the 346th Session.
34. **A Government representative of the United States**, speaking on a point of order, said that the comments made by the Government representative of Belarus did not reflect the position of the United States with respect to ILO Conventions Nos 87 and 98, or the work of the Committee on Freedom of Association.
35. **The Worker spokesperson** encouraged the Governing Body to approve the draft decision, as amended, as it simply followed on from the decision taken by the Committee on the Application of Standards. Their proposal had been very clear and there was broad support for taking the

matter forward, so that a full discussion on the merits of taking further action could be had during the next session.

36. **The Employer spokesperson** said that it was important to follow up on the conclusions adopted by the Committee on the Application of Standards and also by the Conference plenary. The decision, as amended, made that connection and should be adopted.

Decision

37. **The Governing Body, having taken note of the conclusions of the Committee on the Application of Standards concerning the case of the Republic of Belarus, approved by the International Labour Conference:**

(a) **decided to include on the agenda of its 346th Session (October–November 2022) an item entitled “Consideration of any further measure, including those foreseen in the ILO Constitution, to secure compliance by the Government of Belarus with the recommendations of the Commission of Inquiry”;** and

(b) **invited the Director-General to prepare a report for its consideration.**

(GB.345/INS/3, paragraph 5, as amended by the Governing Body)

4. Report of the Committee on Freedom of Association (GB.345/INS/4)

38. **The Chairperson of the Committee on Freedom of Association** said that of the 127 cases before the Committee, 14 had been examined on their merits and definitive conclusions had been reached in seven cases. Their examination, together with the examination of the follow-up cases, was set out in the Committee’s report. He drew the attention of the Government of the Philippines to the urgent appeal issued by the Committee to receive its observations so that it might examine the case in full knowledge of the facts at its next meeting, and reminded governments wishing to provide their observations to do so by 30 September 2022.
39. A number of follow-up recommendations had been made. The Committee had examined three cases in which governments had kept it informed of the measures taken to implement its recommendations and concluded its examination with respect to the cases of Colombia (Case No. 3114) and Honduras (Case No. 3077).
40. In its November 2018 report, the Committee had indicated that it would close follow-up cases for which no information had been received for 18 months since its last examination. During the recent session, it had applied that rule to a number of cases. He drew the attention of governments and the parties to complaints of the critical importance of providing up-to-date information on follow-up, given the Committee’s recommendations.
41. The parties to Case No. 3425 (Eswatini) had agreed to use the voluntary conciliation approach adopted in 2021, thus suspending consideration of the complaint by the Committee for up to six months with the opportunity to avail themselves of the technical assistance of the Office in that respect.
42. The Committee drew the Governing Body’s attention to the serious and urgent nature of Case No. 3269 (Afghanistan). The Committee had examined the case in the absence of a reply from the Government to its recommendations adopted in June 2021. The case, presented in 2017, concerned the alleged confiscation of premises and properties of a representative trade union by the authorities and interference in its programme and activities. The Committee was informed by one complainant that since the new authorities had taken power in August 2021,

trade unions were under direct threat and had been forced into exile. The Committee, mindful of the complexity of the situation in Afghanistan, urged the Government to ensure that matters giving rise to complaint were addressed without delay and to take measures to ensure that all workers' and employers' organizations were able to carry out their legitimate trade union and employers' activities in a climate free from violence, pressure and threats of any kind. The technical assistance of the Office was available to the Government of Afghanistan to pursue those recommendations.

43. The Committee's report once again attested to the strength of tripartite dialogue and consensus, even on matters where views diverged and when communication channels were not the most fluid. His role as Chairperson was to facilitate that dialogue and create an enabling environment where all tripartite members could engage in the process with confidence and trust that they would be treated with respect and dignity. As such, the Committee was in step with the ILO's strides towards a renewed social contract. He expressed his appreciation for the trust that members of the Committee and of the Governing Body had shown him as Chairperson of the Committee.
44. On behalf of the Committee, he expressed profound gratitude to the outgoing Director-General for his kind confidence and support of the Committee's work. Although he was entering retirement, the world would continue to benefit from his remarkable experience and wisdom; he could rest assured that he had made a difference during his tenure in the Organization, not least with the Centenary Declaration and the breakthrough on the new fundamental principle.
45. **The spokesperson for the Employer members of the Committee** said that Employers participated in the Committee with a view to ensuring that Member States respected freedom of association and collective bargaining. The Committee aimed to ensure the fulfilment of the principles of freedom of association and effective recognition of collective bargaining; its frame of reference was wider than that of other supervisory bodies, allowing workers and employers greater security in the exercise of their freedom, irrespective of whether the Member States concerned had ratified Conventions Nos 87 and 98. Freedom did not have a political colour and the Employers would always defend it wherever it was restricted.
46. Justice delayed was justice denied; it was important to resolve cases rapidly. The statistical information in the Committee's annual report indicated that the workload and case backlog was leading to delays in responses for the complainant organizations and governments concerned. If the Committee were to attend to 25 active cases per session, it would take two years to consider the merits of the pending cases, without taking into account new complaints, most of which were from Latin America. Employers felt frustrated that the Committee had resolved only 14 cases at its most recent session and postponed the remainder, despite the extra time for deliberations.
47. It was necessary to consider how practical conclusions and recommendations could be made that governments and state institutions could adopt. He therefore proposed, first, that discussions should focus on the central relevant matters in each case rather than the details. For example, in cases where the Committee had made an urgent appeal and received no timely response from a Government, the deliberations to adopt conclusions and recommendations should be swifter and simpler. Second, time should be allocated to the discussion of each case depending on its complexity; the Office could present a timetable for each session to the committee. Third, the role of governments should be considered in the analysis of cases. Fourth, the Office should include the most frequently used references in the preparation of case discussion drafts, which would avoid lengthy debates on what should be included. Fifth,

the Office should avoid including possible new references to the *Compilation of decisions of the Committee on Freedom of Association* in discussion drafts on matters for which references already existed and should indicate the reasons for the inclusion of any new reference in the drafts to Committee members, which would increase transparency and simplify the Committee's analysis and deliberations. Sixth, the practice of reflecting the Committee's thinking in conclusions should continue, and recommendations should be limited to specific requests from governments.

48. With regard to specific cases, the Employers had exceptionally made a serious and urgent appeal in the case relating to Afghanistan in view of the threat to the complainant organization, whereas normally it would do so only in the event of a disappearance or loss of human life. In another case, they had exceptionally requested that the law be amended to allow only the reinstatement of workers dismissed for union activity; that did not mean that the Employers departed from the line generally adopted in the Committee under paragraphs 1174, 1175 and 1176 of the *Compilation*.
49. Concerning the scope of the Committee's decisions, he reiterated that the Employers were not prepared to reopen discussions as to whether such decisions constituted principles from which guidelines for governments could be developed. Every case was different and the facts and circumstances of each one were considered in order to reach the most suitable decision. While certain references could be used as guidelines, not all were considered principles of freedom of association.
50. **The spokesperson for the Worker members of the Committee** said that the Committee had reached conclusions in 14 of the 16 cases before it during the most recent session. It expected to reach agreement on Case No. 3369 (India), concerning the dismissal of union leaders, and discuss Case No. 3306 (Peru), concerning the right to bargain collectively in the informal economy, at its October session.
51. He drew the Governing Body's attention to the serious and urgent nature of Case No. 3269 (Afghanistan). Since the Taliban had taken power in August of 2021, trade union leaders had been under threat and some had been forced into exile. When the National Union of Afghanistan Workers and Employees (NUAWE) had requested the authorities to renew its registration they had seized its properties, confiscated its materials and expelled its staff. The union president and other leaders had established the NUAWE in exile while others had remained to conduct its activities in that difficult environment.
52. Case No. 3405 (Myanmar) had been suspended pursuant to the Governing Body's decision in March 2022 to establish a Commission of Inquiry concerning the violations of the right to freedom of association, among others. The Committee expected that the military regime would allow the Commission of Inquiry to undertake its functions unimpeded and respect the recommendations concerning the right to freedom of association in law and in practice, including the matters raised in the case.
53. The Committee had reviewed cases alleging anti-union dismissal, including in Honduras, India, Malaysia and Türkiye. It had also noted cases concerning the alleged recognition of employer dominated unions to frustrate collective bargaining, as in the cases of Honduras and Panama. It noted with concern the 20-year collective bargaining process in the case of Argentina.
54. In Malaysia (Case No. 3409), 32 union members had been dismissed for meeting to discuss the status of collective bargaining in the company's parking lot after working hours. Although the company had reinstated 27 through mediation, it refused to reinstate the five union leaders, each with over 20 years seniority in the workplace. The Committee had therefore

recommended that a solution be reached with regard to the five dismissed union leaders, including reinstatement as an effective means of redress.

55. In Türkiye (Case No. 3410), the law permitted employers to avoid court orders for reinstatement in cases of anti-union dismissal by paying compensation. Having previously concluded that reinstatement was the most effective remedy for anti-union dismissal, the Committee recommended that Türkiye change its law.
56. In Kenya (Case No. 3396), Education International and the Kenya National Union of Teachers (KNUT) alleged a unilateral decision of the Teaching Service Commission (TSC) to suspend a signed collective bargaining agreement, as well as its refusal to implement court decisions. The Kenyan Government refused to reply to the complaint despite several requests from the Committee to do so. Fortunately, the KNUT and the TSC had worked at other levels to resolve the issues in the complaint. The KNUT informed the Committee in writing that matters had been resolved, leading the Committee to close the case.
57. The Committee would discuss working methods at the upcoming session.
58. **Speaking on behalf of the Government group of the Committee**, which consisted of members nominated by the Governments of Argentina, Colombia, France, Japan, Namibia and Sweden, a Government member from Sweden said that the Committee had examined 14 cases on their merits in May 2022. Its work reflected a common commitment to promoting the principles of freedom of association and collective bargaining and providing guidance to constituents on how to realize those rights. Discussions with the Committee members representing the social partners had been constructive.
59. Safeguarding the principles of freedom of association and the right to collective bargaining were key to social justice and decent work. The Committee's task was to examine violations of those principles and the effective recognition of that right, enshrined in the ILO's Constitution and other foundational documents.
60. The objective of the Committee's complaint procedure was to engage in constructive tripartite dialogue to promote respect for trade union rights, in law and practice. Since the Committee took into account different national realities and legal systems, governments' replies to allegations and to the Committee's requests for follow-up information were key to its work.
61. The Committee's procedure depended on constituents' commitment to engaging in the procedures governing its work. It was regrettable that the Committee had to examine the cases mentioned in paragraph 6 of the report in the absence of a government reply. In order to avoid such situations in the future, she encouraged the fellow governments mentioned in paragraphs 6 to 9 to transmit the necessary information as soon as possible to ensure that the cases were discussed based on the complete picture and finalized in a reasonable time. The same applied to cases in follow-up in which further information was required, mentioned in paragraph 39.
62. She drew the Governing Body's attention to the recommendations in respect of Case No. 3269 (Afghanistan), in which the Committee recalled that the technical assistance of the Office was available in order to pursue recommendations. In Case No. 3067 (Democratic Republic of the Congo), the Committee invited the Government to accept an advisory mission to facilitate understanding and resolution of the outstanding issues. She expressed the hope that the help offered would be well received.
63. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Chile noted with concern that nine of the 14 cases considered

at the Committee's recent meeting were from Latin America. The number of complaints remained high; however, GRULAC valued the progress achieved and the conclusions reached in those nine cases.

64. In relation to paragraph 4 of the report, GRULAC concurred that it was important for governments to communicate their observations within the deadlines indicated, for the reasons provided. Their cooperation was also a token of their respect for the ILO supervisory bodies and commitment to guaranteeing the right of freedom of association and collective bargaining.
65. In respect of paragraph 6, GRULAC joined the Committee in its call to provide the replies requested in the cases concerned.
66. Turning to paragraph 9, he reiterated the group's recommendation that governments be informed more specifically about the information that the Committee wishes to receive, as it was not always clear what was required for information to be considered complete.

Decision

67. **The Governing Body took note of the introduction to the Report of the Committee, contained in paragraphs 1 to 42, and adopted the recommendations made in paragraphs: 59 (Case No. 3269: Afghanistan), 78 (Case No. 3356: Argentina), 89 (Case No. 3389: Argentina), 118 (Case No. 3260: Colombia), 138 (Case No. 3252: Guatemala), 163 (Case No. 3383: Honduras), 196 (Case No. 3396: Kenya), 207 (Case No. 3275: Madagascar), 229 (Case No. 3409: Malaysia), 247 (Case No. 3375: Panama), 260 (Case No. 3351: Paraguay), 269 (Case No. 3067: Democratic Republic of the Congo), 308 (Case No. 3412: Sri Lanka), 353 (Case No. 3410: Türkiye), and adopted the 399th Report of its Committee on Freedom of Association as a whole.**

(GB.345/INS/4)

5. Report of the Director-General

5.1. First supplementary report: Progress report concerning the operation of the social dialogue forum in giving effect to the recommendations of the Commission of Inquiry with respect to the Government of the Bolivarian Republic of Venezuela (GB.345/INS/5/1(Rev.1))

68. **A Government representative of the Bolivarian Republic of Venezuela** was authorized to speak in accordance with paragraph 1.8.3 of the Standing Orders on a matter concerning his Government. His Government remained committed to making continued progress on the basis of broad and inclusive social dialogue. He thanked the Director-General for his report, which highlighted the advances that had been made, notably the recent social dialogue forum, which had held its inaugural session on 7 March in a virtual format, followed by an in-person session from 25 to 28 April in Caracas.
69. Over the past two years, in spite of the challenges of the COVID-19 pandemic, his Government had continued to make progress in resolving many of the cases under review by the Organization, while also giving due attention to complying with the decisions taken by the Governing Body during its 343rd (November 2021) and 344th (March 2022) Sessions. As reported during the previous session, the Government of the Bolivarian Republic of Venezuela had been in direct contact with the Organization since December 2021 to coordinate and

organize the social dialogue forum. As a result, the inaugural session was held on 7 March 2022 in a virtual format, with active participation from the social partners and from the ILO Director-General and his team. The in-person session from 25 to 28 April once again had active participation from employers' and workers' organizations, as well as technical assistance from the ILO, whose team he thanked for their valuable support and experience. During that forum, the employers' and workers' organizations all had the opportunity to speak in an atmosphere of respect. It was clear that social dialogue, promoted at the highest level of national politics, would continue to be the way to find solutions for all the social partners in the world of work.

70. His Government was committed to complying with the schedule of meetings established at the social dialogue forum relating to the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
71. Concrete progress had been made to resolve issues raised by the Commission of Inquiry and other ILO supervisory bodies. With regard to the case of Rodney Álvarez, he had been released, without restrictions, in accordance with a decision handed down on 1 June 2022 by the court. The Government had honoured the wishes of the social partners to be involved in consultations on bills relating to the world of work. The Ministry of People's Power for the Social Process of Labour had signed a minute with the Standing Committee on Social Development of the National Assembly stating its willingness to provide spaces for dialogue and consultation with the social partners. In practice, the process of drafting, discussing and adopting laws was usually subject to broad consultations through multiple mechanisms. Indeed, the legislature was scheduled to work on special laws that complemented or related to the Basic Labour Act (LOTTT), on special working arrangements, and once the consultation phase began they would work together with the various social partners.
72. Employers' and workers' organizations had been included in the National Council on the Productive Economy, which would undoubtedly continue to contribute to the structural transformations driven by the President of the Republic, which had helped the country to tackle the challenges of the pandemic as well as the undeniable impact of the illegal unilateral coercive measures taken against the country without respect for national sovereignty, which had a devastating negative impact on human rights, the right to work and the right to life itself.
73. The Office of the Attorney General had created and implemented the 63rd and 78th National Public Prosecutor's Offices, with special responsibility for the defence of labour rights. Further information in that regard could be provided to the Office on another occasion.
74. On the matter of the requests made by the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) relating to the administrative proceedings with regard to the Independent Registry and Notarial Service (SAREN), solutions were being sought within the existing national legal system.
75. The Government of the Bolivarian Republic of Venezuela reiterated its commitment to continue working towards the full implementation of the aforementioned ratified ILO Conventions, within the framework of the national legal system and the realities on the ground. The Government was also very willing to receive ILO technical assistance, particularly with regard to the representativeness of employers' and workers' organizations, which it had already sought – although unfortunately not yet received – on several occasions, in light of the repeated recommendations of the Committee on the Application of Standards.

76. The Government was willing to follow through on the commitments resulting from the social dialogue forum and reiterated to the social partners that it was happy to hold meetings with them, at their request, with a view to continuing progress relating to the world of work.
77. **The Employer spokesperson** noted with deep concern that more than two years had passed since the adoption of the recommendations of the Commission of Inquiry and the Government had still not accepted them, even though at its 343rd Session the Governing Body had deplored that no progress had been made, then reiterated with utmost concern at its 344th Session its call to the Government to accept the recommendations.
78. He noted that a Plan of Action of the Social Dialogue Forum had been agreed between the social partners and the Government, which clearly stated the issues that needed to be tackled by September 2022, when another session of the social dialogue forum would be held. The Plan of Action contained an important level of detail with regard to expected results, proposed dates, actions to be taken, mechanisms to be addressed and how to obtain ILO technical assistance for each issue.
79. He wanted to believe that the Plan of Action had the potential to be a valuable step forward. However, as he understood it, no preparatory meeting had yet taken place to define how the actions outlined would be carried out in order to implement the commitments made at the forum.
80. The Ministry of Labour should respond without delay to the communication that had been sent to request the inclusion of the social partners, FEDECAMARAS in particular, in the consultation process for several bills linked to the Basic Labour Act, which were expected to be approved by July 2022. FEDECAMARAS had also reported that it had submitted a complaint to the Ministry alleging that discrediting messages and unfounded accusations had been made against its officials on state media in April 2022.
81. The Employers' group welcomed the actions that had been taken and agreed. However, there needed to be concrete and impactful results in the implementation of the recommendations of the Commission of Inquiry. There also needed to be a clear and unambiguous acceptance from the Government of those recommendations. With that said, he supported the draft decision.
82. **The Worker spokesperson** noted with satisfaction that significant progress had been made, notably that the social dialogue forum had been held in April, attended in person by the most representative organizations of workers and employers, within a framework of respectful and inclusive dialogue. During that session, a delegation from the ILO had also held a meeting with the President of the Republic and the highest authorities, during which the President had accepted and ordered administrative follow-up to the request made by FEDECAMARAS to have its representatives included in the National Council on the Productive Economy. The President had also expressed his personal commitment to the social dialogue forum, which was a very positive sign.
83. She also noted with satisfaction that the courts had granted an unconditional release to the union leader Rodney Álvarez. That had been a key demand of the Workers' group and one of the most urgent recommendations of the Commission of Inquiry.
84. On a more critical note, it was regrettable that for the first time in many years, no official announcement had been made to raise the country's very low minimum wage during the Workers' Day celebrations that year. That was already having a negative impact on millions of workers in the country. The Plan of Action agreed during the social dialogue forum had, however, included tripartite consultation meetings on the criteria for setting minimum wages.

85. The key question at hand was how to achieve genuine, sustainable social dialogue. The ILO should strengthen its support in order to maintain progress towards the implementation of the recommendations of the Commission of Inquiry. The Government had demonstrated its willingness to work with the Organization, in consultation with the social partners, to fully implement the relevant Conventions. Although many outstanding issues remained, some promising assurances had been given, indicating that they were on the right track. Now the Government needed to deliver on its promises. Trade unions in the country had requested continued commitment, involvement and support from the ILO to ensure that everything remained on track. With those remarks, she supported the point for decision.
86. **Speaking on behalf of the EU and its Member States**, a Government representative of France said that Albania, Iceland, the Republic of Moldova and Georgia aligned themselves with her statement. Tripartite consultations at the national level were essential to ensure the implementation of all ratified ILO Conventions. As the ILO had a pivotal role in developing, promoting and supervising the implementation of international labour standards, the Director-General had the EU's full support in his efforts to engage with the Bolivarian Republic of Venezuela in that regard.
87. It was disappointing to see that the Government's replies signalled a persistent unwillingness to accept the conclusions of the Commission of Inquiry, which had identified issues of serious concern. She urged the Government to work with the Office to accept the conclusions and fully implement the recommendations of the Commission of Inquiry.
88. She noted with satisfaction the outcome of the social dialogue forum, in particular the agreement on the Plan of Action of the Social Dialogue Forum and the timetable of activities by Convention, as contained in the Report of the Director-General. It was particularly welcome that, as well as recognizing the progress that had been made and the willingness to continue social dialogue, the Plan of Action also endorsed the decisions of the Governing Body and reaffirmed the previously approved terms of reference of the social dialogue forum.
89. It was a matter of urgency for the ILO to provide the necessary technical assistance to fully implement all the Commission of Inquiry's recommendations, to support the forum and the dialogue process, and to establish the foundations for genuine, constructive dialogue in the country. The presence and technical guidance of the ILO were also important for the implementation of the Plan of Action and the organization of meetings. The Organization and its supervisory system should remain focused on the matter in order to develop effective measures to bring about compliance with ratified international labour standards in law and in practice. She therefore supported the draft decision.
90. **A Government representative of Cuba** said that the Government of the Bolivarian Republic of Venezuela had strengthened social dialogue in the country through a number of actions, including the organization of the social dialogue forum, with participation from the ILO as well as representatives of the workers and employers in the country. The Government had also reaffirmed its willingness to receive technical assistance from the Organization to determine the representativeness of the country's employers' and workers' organizations. It was also continuing to make progress in the application of ratified Conventions through the framework of social dialogue. The Government had taken steps to implement the recommendations of the Commission of Inquiry and kept channels of communication open between all parties. There was a clear willingness to meet its obligations and commitments to the ILO.
91. Multilateral bodies should not be manipulated into intervening in the domestic matters of Member States. The Governing Body should not allow the issue at hand to serve as a precedent for the increased politicization of its work. She supported the draft decision, on the

understanding that the Office should provide technical assistance unconditionally and without delay, as requested by the Government of the Bolivarian Republic of Venezuela.

92. **A Government representative of Cameroon** welcomed the progress that had been made by the Government of the Bolivarian Republic of Venezuela. The report appeared to show firm commitment at the highest levels. The success of the social dialogue forum and the release of the previously detained social partners were also positive signs. He encouraged the country to continue its progress and to keep the Office informed. He supported the draft decision.
93. **A Government representative of China** said that since the Governing Body last examined the case, the Government of the Bolivarian Republic of Venezuela had deepened its cooperation and communication with the Office, with a view to achieving constructive progress. The social dialogue forum held in April had addressed tripartite differences and deepened mutual understanding through pragmatic measures such as the inclusion of the Independent Trade Union Alliance Confederation of Workers.
94. The Commission of Inquiry's recommendations were in the process of being implemented and important results had been achieved. It was important for the ILO to provide the necessary technical assistance to strengthen tripartite mutual trust and enhance the Government's ability to comply. China supported the draft decision.
95. **A Government representative of Colombia** noted that the draft decision appeared somewhat counter-intuitive, since it requested the Director-General to submit a further report on the implementation of the recommendations of the Commission of Inquiry, even though the Government had stated that it did not accept and would not implement them. Proceeding in that manner seemed to run counter to the ILO Constitution and left the door open for any State to reject the Commission of Inquiry mechanism, thereby undermining the Organization's standards review mechanism. For that reason, he did not support the draft decision, although he would not object to the consensus.
96. **A Government representative of Pakistan** noted with satisfaction the measures that had been taken in line with the spirit of the recommendations of the Commission of Inquiry and previous Governing Body decisions. The Government had welcomed the establishment of the Commission of Inquiry, cooperated with it and complied with its recommendations, achieving meaningful progress. Its willingness to cooperate with the social partners and the ILO was also welcome. The Office should provide the necessary technical assistance and encourage the Government to follow through with its commitments. He supported the draft decision.
97. **A Government representative of Saudi Arabia** thanked the representative of the Bolivarian Republic of Venezuela for the information that had been provided. Reaching consensus on decisions was an important principle and required the cooperation of those affected by the decisions. It was therefore necessary to have sufficient time for discussions and negotiations. More time should be given to the Government of the Bolivarian Republic of Venezuela in order to achieve consensus.
98. **A Government representative of the United States** welcomed the information that had been provided about the meetings that had been held and looked forward to learning the outcomes of future dialogues later in the year. Nonetheless, the continued failure to accept the recommendations of the Commission of Inquiry was of deep concern. Immediate and effective action should be taken to: implement the recommendations of the Commission of Inquiry and the various ILO supervisory bodies, including the recent observations of the Committee of Experts; cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against employers' or workers' organizations; release all workers and

employers imprisoned for exercising their right to freedom of association; provide full respect for the independence of employers' and workers' organizations and end all interference and favouritism; and initiate genuine and inclusive social dialogue for the effective implementation of Conventions Nos 26, 87 and 144, including with FEDECAMARAS and independent trade union organizations. Her Government supported the draft decision and looked forward to discussing the issues further at the next session.

99. **A Government representative of Guatemala** said that her country was firmly committed to the international labour standards and the ILO standards supervisory mechanism. All Member States had an obligation to comply with their constitutional commitments. She welcomed the Director-General's efforts to bring the Bolivarian Republic of Venezuela into compliance with the recommendations of the Commission of Inquiry, to ensure the effective implementation of Conventions Nos 26, 87 and 144. She urged the Director-General-elect to continue those efforts when he took office, and report back to the Governing Body at its next session. Guatemala supported any decision aimed at achieving the implementation of the Commission of Inquiry's recommendations in the Bolivarian Republic of Venezuela as soon as possible
100. **A Government representative of Algeria** noted with satisfaction the commitment of the Government of the Bolivarian Republic of Venezuela to implement the recommendations of the Commission of Inquiry, as well as the organization of the social dialogue forum in Caracas, with tripartite participation. The outcomes from that forum were welcome, in particular the Plan of Action. The ILO should continue and step up its technical assistance to the Government. Her delegation therefore supported the draft decision.
101. **A Government representative of the Islamic Republic of Iran** welcomed the significant steps and concrete measures that had been taken by the Government of the Bolivarian Republic of Venezuela in response to the Commission of Inquiry's recommendations, with particular acknowledgement of the social dialogue forum, held with active participation from the social partners. The ILO should continue to advance the progress made through technical assistance and cooperation. He supported the draft decision.
102. **A Government representative of Namibia** welcomed the steps that had been taken by the Government of the Bolivarian Republic of Venezuela in recent years, including the measures detailed in the latest report, which demonstrated its commitment to a broad and inclusive social dialogue and its objective to improve compliance with the ratified Conventions. Each country had its own set of circumstances. The ongoing COVID-19 pandemic impeded progress in many areas and required the development of best practices that took that challenge into account.
103. She also commended the Government for taking important actions in line with the recommendations of the Commission of Inquiry, including: the registration of the Independent Trade Union Alliance Confederation of Workers (CTASI); the acceptance of ILO technical assistance in determining the representativeness of employers' and workers' organizations; holding consultations with the National Assembly on the comments and suggestions of the Committee of Experts on the Application of Conventions and Recommendations, and the Commission of Inquiry, as well as on the revision of the laws and regulations implementing the Conventions; and holding bilateral meetings to address the issue of estates in conflict belonging to FEDECAMARAS affiliates, where progress was being made to reach consensus on policies advantaging livestock organizations as the primary sector of the national economy.
104. Namibia supported the request for ILO technical assistance to determine the representativeness of employers' and workers' organizations in the country, in the framework of continued social dialogue and strengthening compliance with ratified ILO Conventions.

- 105. A Government representative of Barbados** said that the normative function of the ILO must be respected if the workers of the world were to be protected and their lives enhanced. Member States committed themselves to upholding those standards, which had been created in a tripartite forum. He noted the progress that had been made by the Bolivarian Republic of Venezuela to address the areas of concern raised in the report of the Commission of Inquiry, while recognizing that more needed to be done. All parties, including the ILO, needed to be intentional about realizing that progress. However, as long as there was evidence of progress, the Organization must encourage it and provide the moral support and technical assistance required. He supported the draft decision.
- 106. A Government representative of Brazil** took note of the fluid communication between the Director-General and the Government of the Bolivarian Republic of Venezuela, which had helped lead to the Plan of Action adopted at the social dialogue forum. In that regard, he welcomed the agreement to hold a follow-up session of the forum in September, to monitor compliance with Conventions Nos 26, 87 and 144.
- 107.** The engagement of FEDECAMARAS and the other social partners had been important for the progress made so far. The social dialogue forum had enabled different points of view to be addressed and commitments to be made. He looked forward to hearing further information relating to the developments of the forum in the future.
- 108.** The Government of the Bolivarian Republic of Venezuela should fully accept and implement the recommendations of the Commission of Inquiry, without delay. In that regard, the ILO Director-General should continue working with the Government and the social partners to ensure full compliance. He supported the draft decision.
- 109. A Government representative of the Russian Federation** noted the Government of the Bolivarian Republic of Venezuela's clear commitment to strengthen social dialogue and to take measures to implement the ratified Conventions, in spite of its objections to some of the Commission of Inquiry's recommendations. Its cooperation with the social partners was a positive sign, particularly with regard to the social dialogue forum. His Government supported the draft decision.
- 110. A Government representative of Nigeria** said that the progress made by the Bolivarian Republic of Venezuela in adopting parts of the Commission of Inquiry's recommendations was a welcome step in the right direction. Indeed, a journey of a thousand miles began with one step. Since the Government had indicated its willingness to accept ILO technical assistance, it should be provided in abundance.
- 111. A Government representative of Argentina** supported the consensus on the draft decision, on the basis of the progress that had been made, as set out in the report.
- 112. A Government representative of the Bolivarian Republic of Venezuela** thanked all the speakers who had recognized the progress made by his Government. He also welcomed the constructive contributions of the Workers' and Employers' groups. Since taking office as Minister of People's Power for the Social Process of Labour, he had taken the time to personally deal with communications from workers' and employers' representatives. The world of work in his country was worth the effort. The Government was moving forward with the support of the honest, sensible international community, which was responsible for the well-being of its peoples. It also counted on the goodwill of the ILO, and reaffirmed its commitment to continuing to work on compliance with Conventions Nos 26, 87 and 144.
- 113.** The progress that had been made, as outlined in the report, was the result of the honourable and balanced work done by the ILO team that had recently visited the country. The

Government would continue forwards, following the timeline produced at the social dialogue forum, working in accordance with the national legal system and the texts of the ratified Conventions, always bearing in mind the national realities, and counting on the support and technical assistance of the ILO.

114. The policy of dialogue pursued by the President of the Republic would surely result in the achievement of more significant structural transformations in the Bolivarian Republic of Venezuela, since it had an organized working class and a strengthened system of production, which would undoubtedly contribute to a better present and future in the world of work. The Government would continue to provide information to the Governing Body on the progress made with regard to all ratified ILO Conventions.
115. In closing, he echoed the call made by Vice-President Delcy Rodríguez Gómez, and urged the ILO too to investigate the pernicious effects of the coercive unilateral measures that had been implemented illegally and unjustly against his country.
116. **The Employer spokesperson** said that he recognized that the adoption of a Plan of Action was a positive step, but there needed to be clear progress. The Government needed to unambiguously accept the conclusions and recommendations of the Commission of Inquiry. The Office would be providing technical assistance for the Plan of Action from July, but at the same time the Governing Body needed to ensure that all the matters set out in the report of the Commission of Inquiry were complied with. In that regard, he looked forward to hearing clear presentations on the matter during the next session and hoped to be able to give a positive appraisal of the developments.
117. **The Worker spokesperson** welcomed the Governing Body's consensus approach to decision-making, which had not always been possible on the issue at hand. It was absolutely essential for the Office to support the fragile progress that had been made, as there was still so much further to go. With the new Director-General taking office soon, as well as a number of other new people in the Organization, it was important for the Office to maintain its firm commitment, involvement and support for the developments in the Bolivarian Republic of Venezuela.

Decision

118. **The Governing Body took note of the progress report and, on the recommendation of its Officers, requested the Director-General to:**
 - (a) **continue collaborating with the Government and the social partners of the Bolivarian Republic of Venezuela on the full implementation of the recommendations of the Commission of Inquiry and the effective application of Conventions Nos 26, 87 and 144 in law and practice; and**
 - (b) **submit to the 346th Session (October–November 2022) of the Governing Body a further report on any developments concerning the social dialogue forum in order to give effect to the recommendations of the Commission of Inquiry.**

(GB.345/INS/5/1(Rev.1), paragraph 12)

5.2 Second Supplementary Report: Report on developments in Myanmar (GB.345/INS/5/2) and

Addendum: Composition of the Commission of Inquiry appointed to consider the complaint concerning non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made under article 26(4) of the ILO Constitution by the Governing Body on its motion (GB.345/INS/5/2(Add.1))

119. **A representative of the Director-General** (Deputy Director-General for Management and Reform) said that since the Office's report was published on 27 May, the situation in Myanmar had continued to deteriorate. Armed conflict within the country had intensified; to date, more than 1 million people had been displaced and an estimated 12,700 civilian properties destroyed. Four million children had had no access to education for two years, increasing their vulnerability to child labour and human trafficking. Threats to staff of international organizations continued; one had been arrested and detained, another convicted and a third reportedly killed in a security incident.
120. He expressed grave concern at the further killings and arrests of trade unionists, including the arrest of an executive committee member of a Confederation of Trade Unions of Myanmar affiliated union and at the arrest, shooting and killing of two trade union members, reported in May. The Office remained gravely concerned about workers and trade unionists in prison, including the General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation, without legal counsel. Further incidents of forced labour had been reported, including the use of civilians as human shields.
121. The two ILO-related activists reported detained to the Governing Body in March had received death sentences. Despite widespread condemnation and the reiterated call of the United Nations Secretary-General for their right to freedom of opinion and expression, to drop all charges against those arrested for the exercise of their fundamental freedoms and rights and immediately release all political prisoners in Myanmar, the military had confirmed in June that it would execute both activists.
122. He recalled the decision of the Credentials Committee not to accredit delegates from Myanmar to the 110th Session of the Conference.
123. Furthermore, he drew the Governing Body's attention to the addendum (GB.345/INS/5/2(Add.1)) containing the names of the three proposed members of the Commission of Inquiry to investigate the non-observance of Conventions Nos 29 and 87, established by the Governing Body at its 344th Session (March 2022). On a related development, the Conference Committee on the Application of Standards had made strong comments in its recommendations on Myanmar and called for immediate action with regard to the Commission of Inquiry and for the support and cooperation of the authorities.
124. While the Office had received a statement on 10 June from the military authorities criticizing some aspects of the document before the Governing Body, it stood by the information provided therein.

- 125. The Worker spokesperson** expressed strong concerns about the situation reported by colleagues in Myanmar and the violence and harassment against colleagues by the regime. The information provided by the Office was also worrying. Conflicts elsewhere in the world should not overshadow the conflict in Myanmar, which deserved continuous attention. She therefore welcomed the Governing Body's decision to establish a Commission of Inquiry. She emphasized that while the regime had indicated to the media that it had attended the Conference, it had not received legitimate accreditation. The conclusions of the Committee on the Application of Standards had confirmed many of the Workers' concerns and they expressed solidarity and support for worker colleagues and their families, communities and unions in Myanmar. Her group agreed to the appointment of the three experts named in the addendum.
- 126. The Employer spokesperson** expressed deep concern with regard to the increasingly violent and harmful actions of the military junta in Myanmar. He noted that the Conference had adopted the resolution for a return to democracy and respect for fundamental rights in Myanmar at its 109th Session (2021), which called upon Myanmar to restore the democratically elected Government, uphold its international obligations and ensure that workers and employers were able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention. The Committee on the Application of Standards had adopted and highlighted with a special paragraph in its report a conclusion on the double footnote case of Myanmar concerning Convention No. 87, reflecting the lack of progress in restoring civilian rule. His group hoped that further to those conclusions, Myanmar would implement the resolution without delay and progress would be reported at the Governing Body's November session.
- 127.** The Employers could support the draft decisions in both the document and the addendum. However, they would have liked the Officers to be consulted on such important matters and to have discussed and evaluated in detail with the background document the profiles of those proposed.
- 128. Speaking on behalf of the EU and its Member States**, a Government representative of France said that Albania, Iceland, Norway, Republic of Moldova and Georgia aligned themselves with the statement.
- 129.** The situation in Myanmar had continued to deteriorate since the military coup, which had halted the country's democratic transition with disastrous consequences. The continuing escalation of violence and the prolongation and regional implications of the conflict were profoundly worrying. More than 1,800 people had been killed, including more than 100 children. More than 10,800 were in detention and 80 had been condemned to death. The EU and its Member States stood with the people of Myanmar and all working for inclusive democracy and respect of human rights, in particular labour rights, civil liberties and fundamental liberties. Consistent with the resolution on Myanmar adopted by the Conference in June 2021, the tripartite constituents must continue to demonstrate their shared commitment for the protection of human rights, in particular labour rights, in that country.
- 130.** The EU and its Member States strongly condemned the persistent and widespread violations and abuse of human and labour rights by armed forces and security forces nationwide, including the illegal persecution of civil society organizations, violence against peaceful demonstrators, arrest and arbitrary detention, intimidation, harassment and unjustified dismissals, threats and serious acts of violence and torture, including murders of trade unionists and human rights defenders and acts of sexual and gender-based violence.
- 131.** The EU and its Member States reiterated their calls for an immediate end to all hostilities and the disproportionate use of force by armed forces and security forces in Myanmar, and for an

end to the state of emergency and the reestablishment of a legitimate civilian government. They reaffirmed their full support for the Governing Body's decision to establish a Commission of Inquiry and supported the draft decision.

132. **A Government representative of Japan** expressed deep concern about the situation in Myanmar and strongly urged the military authorities to immediately cease violence, release all detainees and swiftly restore democracy. The ILO fulfilled its mandate by demanding that workers and employers be allowed to function without threat and to exercise freedom of association in a climate free from violence, arbitrary arrest and detention. He commended the efforts of the ILO to maintain provision of technical assistance to workers' and employers' organizations and urged the military authorities to stop interference and remove all restrictions on its operation. He further urged the military authorities to end their reported use of compulsory labour.
133. He welcomed the establishment of a Commission of Inquiry and supported the Director-General's proposal for the appointment of three members thereto. He called on Myanmar to cooperate fully with the Commission and requested the Governing Body to monitor Myanmar's actions in that regard. He supported both decision points.
134. **A Government representative of the United States** expressed deep regret that the military authorities had taken no steps to restore democratic and civilian rule, despite calls by international forums. She joined the Committee on Freedom of Association in calling for the reversal of recent legislative changes and other measures that undermined respect for freedom of association and other fundamental freedoms necessary for its exercise. Violence by the military authorities had not abated; the regime continued to arrest, detain and attack trade unionists for exercising their right to peaceful assembly. Many remained silent about labour rights violations fearing for their safety. She echoed the call of the Committee of Experts for a full and independent investigation into the killings of union members Chan Myae Kyaw, Nay Lin Zaw and Zaw Htwe. Her country stood in solidarity with the people of Myanmar in their struggle for workers' rights and democracy.
135. Amid continued reports of forced labour by the military and armed group, more such cases had been reported by trade unionists in garment factories, including cases of forced, unpaid overtime. It was appalling that the military authorities were impeding urgently needed ILO technical support jointly called for by the social partners. Her country strongly supported the Governing Body's decision to establish a Commission of Inquiry, which should undertake a country visit with full and unhindered access, and supported both draft decisions.
136. **A Government representative of China** said that it was in the interest of all to take a rational and pragmatic approach to ensure peace and stability in Myanmar. All parties in Myanmar should embrace its people's fundamental interests, maintain dialogue and consultation and address divergences under constitutional and legal frameworks to restore stability as soon as possible and restart its democratic transformation. Since March 2022, the ILO and Myanmar had embarked on various constructive and pragmatic operations, including technical assistance through cooperation projects and legislative amendments through tripartite dialogue. Myanmar was an ILO Member State; the Governing Body should respect its sovereignty, territorial integrity and national unity by adopting an objective and fair stance and creating enabling conditions for dialogue, conciliation and the protection of Myanmar workers' and employers' legitimate rights. The Office should strengthen communication and coordination with Myanmar, bridge differences and support regional and national efforts to prevent escalation, and actively protect tripartite interests. China supported a more constructive role for the Association of Southeast Asian Nations (ASEAN) in tackling the issue.

- 137. A Government representative of Australia** condemned in the strongest terms the ongoing human and labour rights emergency in Myanmar. The military coup had intensified the already serious human rights situation in the country. She called on the military to cease all violence and release all those unjustly detained, including Australian Professor Sean Turnell. She further called on the military to allow immediate and unimpeded access for the delivery of humanitarian assistance to all in need and to engage in inclusive dialogue on a peaceful return to democracy.
- 138.** The allegations and issues contained in the document were extremely grave and the lack of meaningful progress to address them a cause of deep concern. She expressed support for the work of ASEAN and the United Nations Special Envoys and called for the full and timely implementation by Myanmar of the ASEAN Five-Point Consensus, including to cease violence, facilitate humanitarian access and engage in constructive dialogue with all parties. She urged the military regime to cease impeding the activities of the ILO and others to safeguard labour rights in Myanmar, and to cooperate fully with the Commission of Inquiry. She supported the draft decision.
- 139. A Government representative of Guatemala** said that as a Member State of the ILO, her country could not remain indifferent to the content of the document and the discussion. She recalled that there had already been a Commission of Inquiry in the past concerning Myanmar and that, in this respect, the Guatemalan Labour Minister Luis Alfaro Mijangos had presided over the work of the Conference Selection Committee (June 2000) which had considered measures under article 33 of the ILO Constitution. Against that background, the document made saddening reading. Her delegation supported the draft decision on the appointment of members to the Commission of Inquiry.

Decision

- 140. In the light of the developments in Myanmar outlined in document GB.345/INS/5/2 and recalling the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021), the Governing Body:**
- (a) deplored once again the lack of progress towards respecting the will of the people, democratic institutions and processes, and the fact that the democratically elected government has not been restored;**
 - (b) called on the military authorities to end immediately the large-scale lethal violence against civilians, including children, and the arrest and torture of trade unionists;**
 - (c) called on the military authorities to end immediately the harassment, intimidation and arbitrary arrests and detentions of labour activists, trade unionists and others, including the Rohingya, in the exercise of their human rights;**
 - (d) repeated its call for Myanmar to restore immediately the citizenship of prominent democracy activists, including trade unionists;**
 - (e) repeated its call for Myanmar to uphold immediately its obligations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and to ensure that workers' and employers' organizations are able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention, and again called for the immediate release of the General Secretary of the Myanmar Industry, Crafts and Services Trade Union**

Federation (MICS-TUF) and other trade unionists and activists who have been detained;

- (f) repeated its profound concern over reports of increased use of forced labour by the military authorities and the fact that progress towards the elimination of forced labour has reversed since the military takeover, and called for the military authorities to end forced labour practices immediately;
- (g) repeated its call for the Civil Services Personnel Law, the Settlement of Labour Disputes Law and the Labour Organization Law to be amended without delay, in line with Convention No. 87, once the country returns to democracy;
- (h) called on the military authorities, in accordance with the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, to take immediate action to remove all restrictions on the operation of the ILO's bank account, approve international staff visa extensions and facilitate the ILO's continued operations to bring benefits to the people of Myanmar despite the expiry of the memorandum of understanding of the Decent Work Country Programme in September 2022; and
- (i) called upon Myanmar to fully cooperate with the Commission of Inquiry and facilitate its work, including as regards a possible country visit.

(GB.345/INS/5/2, paragraph 28)

Decision concerning the composition of the Commission of Inquiry

141. The Governing Body appointed the following persons to serve on the Commission of Inquiry: Judge Raul Cano Pangalangan (Philippines) as Chairperson; and Judge Dhaya Pillay (South Africa) and Dr Faustina Pereira (Bangladesh) as members.

(GB.345/INS/5/2(Add.1), paragraph 3)

5.3. Third Supplementary Report: Report on the application of the resolution concerning the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization (GB.345/INS/5/3)

142. The Chairperson said that a proposed amendment to the draft decision had been submitted by a group of countries and circulated. She asked if another amendment submitted by the Russian Federation, which had also been circulated, was seconded by another member of the Governing Body. Since no member had seconded the amendment, she indicated that the amendment could not be discussed.

143. Speaking on behalf of a cross-regional group of countries,¹ a Government representative of the United Kingdom said that despite the resolution adopted by the Governing Body on 24 March urging the Russian Federation to withdraw from Ukraine immediately and

¹ Albania, Australia, Bosnia and Herzegovina, Canada, Chile, Colombia, Georgia, Guatemala, Iceland, Israel, Japan, Republic of Moldova, Montenegro, New Zealand, North Macedonia, Norway, Peru, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and the 27 Member States of the European Union (Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden).

unconditionally, the war continued to rage. Cities had been razed, refugees had fled, innocent civilians had been killed. There were now 6.5 million Ukrainian refugees and 8 million internally displaced persons. Five million jobs in Ukraine had been lost, 50 per cent of businesses were closed and US\$100 billion worth of infrastructure, including schools, hospitals and other workplaces, had been damaged or destroyed. Russian actions were increasingly ruthless and brutal. Gang rapes of young women and girls by Russian troops and extrajudicial killings were reported. Children seeking shelter had been bombed.

144. The war was decimating not only the lives and livelihoods of Ukrainian people – workers, employers and their families – but also had a global impact, apparent in soaring energy prices, disrupted supply chains, inflationary spikes and food insecurity. That situation jeopardized COVID-19 pandemic recovery efforts and compounded the challenges of climate change, debt distress and rising poverty and hunger.
145. The ILO was founded on the premise that universal and lasting peace could be established only if it was based on social justice. Workers' and employers' organizations had striven to help displaced Ukrainians and tripartite constituents in Ukraine. ILO staff had worked tirelessly under war conditions and the ILO had rapidly adjusted its programming to aid those fleeing Ukraine. The Director-General had boldly condemned the Russian aggression, stating that those who resorted to war denied social justice.
146. The Governing Body must seek further means to urge the Russian Federation to abide by international law and prevent further devastating impacts on the world of work in Ukraine and beyond. The amendment to the draft decision proposed by the group of countries underscored its unwavering support to the tripartite constituents in Ukraine and appreciation for the ILO's work in that regard. The group also requested further detailed information on options for the possible relocation of the ILO Moscow subregional office, including budgetary information, so that the Governing Body could take a decision in November. The group stood firm in unity and solidarity with the people of Ukraine and all those affected by the consequences of the Russian aggression.
147. **The Employer spokesperson** said that his group strongly condemned the unilateral use of armed force wherever it occurred. He expressed solidarity with employers and workers in Ukraine and concern about the devastating consequences of the war for employment, supply chains and social welfare, as well as its impact on social progress achieved in recent decades. Conflicts should be solved through diplomacy, not with weapons. His group was confident that the Office would continue to implement the resolution correctly. The original draft decision adequately reflected common concerns, the seriousness of the item and future action needed. However, his group would support the amendment proposed by the group of countries, should consensus emerge. In respect of subparagraph (h), he noted that technical cooperation and assistance were crucial as they affected support for employers' organizations in the region, including Ukraine. He further noted that action to relocate the Moscow office was to be considered should the need arise.
148. **The Worker spokesperson** said that the situation had deteriorated since March. Major cities had been shelled and major destruction wrought. It was difficult to understand how such actions could not be described as aggression. The Workers' group had set out its position on the matter clearly in its statement to the International Labour Conference, adopted on 8 June, in which it had recalled that lasting peace could only be achieved on the basis of social justice and reaffirmed that there could be no social justice without peace and that common security should be at the heart of the ILO's mission. Her group had paid tribute to the workers and unions of Ukraine for resisting Russian aggression and supporting internally displaced people

while continuing to fight for decent work and protect fundamental workers' rights; it had praised workers and unions in neighbouring countries for supporting Ukrainian refugees, and workers across the world for mobilizing support and solidarity through unions. Her group had expressed strong concern about the economic impact of the war on workers' livelihoods around the globe, which would require concerted international action to prevent a dramatic increase in poverty and starvation. It had highlighted the need to ensure that grain exports from the region were restored in a way that safeguarded the life and safety of seafarers, as well as the urgent need for effective protection measures for women and girls in armed conflict and as refugees in view of their vulnerability, including to sexual violence and harassment. Her group had called on governments to combine their diplomatic efforts towards an unconditional withdrawal of Russian military forces from Ukrainian territory and an immediate ceasefire. It had urged the international community to prepare to help rebuild the economy, infrastructure and institutions of Ukraine, with a key role for the ILO in ensuring that social dialogue, decent work and rights for workers were central to that reconstruction and underlined the fundamental importance of the active participation of trade unions and women in all peace processes.

149. The document provided a complete picture of the situation in Ukraine. The resolution adopted in March had been clear; it was time to take stock and make further progress. The original draft decision was adequate. However, the proposed amendment was highly relevant to the continuing situation and its impact on the tripartite constituents and the world of work, including the situation of seafarers. It was also important to stand unwaveringly with ILO staff and the tripartite constituents. Her group could therefore also support the amendment proposed by the group of countries, should consensus emerge.
150. **A Government representative of the Russian Federation** said that the ILO's work was being politicized by a group of countries pursuing their own strategic interests and ignoring the concept of a multipolar world. Some insinuations, including in relation to sexual harassment, were completely misplaced and unacceptable. Governments from Western countries that were far from the region and had no knowledge of events or even of the geographical location of the territories concerned, were putting pressure on the Office. Although the document contained a clear assessment of the situation of the ILO's Moscow office, it was biased as it included allegations against the Russian Federation and addressed military issues rather than the labour issues that the ILO should deal with. Sanctions imposed by western democracies were affecting the global economy and had led to a crisis. The United States was acting without regard for ordinary civilians. His country, in contrast, had demonstrated unwavering responsibility by countering the theses put forward. Despite the negative impact of the sanctions on the Russian economy, his country stood ready to share its achievements in various areas if others wished to do so.
151. He expressed astonishment that the fate of the Moscow office was being decided by those distant countries. An adequate and well-balanced response from ILO Members was needed. He would like to hear the views of countries such as Belarus, Armenia and Uzbekistan, which were beneficiaries of the work of that office and had sent their opinions on the matter to the ILO. It was regrettable that the destructive actions of the West had hindered the proper functioning of the ILO, reflected in its refusal to work with Russian companies such as Lukoil, and worsened trust towards Moscow and the Moscow office of a specialized agency. He would like to see further democratization of the ILO, which had for the first time in its history elected an African candidate as its leader.
152. Concerning the draft decision, the amendment proposed by a group of western countries was unacceptable. In his view the only way to adopt a decision would be through a vote on the

original draft decision. Since the matter under discussion exceeded the mandate of the ILO, was strategic and could lead to the unilateral reduction of the rights of one ILO Member, or group of Members, he requested the Legal Adviser to indicate the specific articles of the rules governing the functioning of the Governing Body on the basis of which a decision to limit the rights of the Russian Federation would be considered and taken.

- 153. Speaking on behalf of the EU and its Member States**, a Government representative of France said that Albania, Georgia, Iceland and Norway aligned themselves with the statement and with the cross-regional position presented by the Government representative of the United Kingdom. The unprovoked and unjustified military aggression against Ukraine violated international law and the principles of the Charter of the United Nations. The atrocities committed and damage caused by Russian forces inflicted indescribable suffering on the Ukrainian population and undermined European and global security. The Governments of the Russian Federation and Belarus bore full responsibility for that aggression and those responsible would be held to account for their war crimes, in particular the indiscriminate targeting of civilians. She called on the Government of the Russian Federation to immediately cease its military actions, immediately and unconditionally withdraw all its forces and military equipment from the entire territory of Ukraine, and to fully respect Ukraine's territorial integrity, sovereignty and independence within its internationally recognized borders.
- 154.** The war of the Russian Federation against Ukraine was unacceptable and incompatible with the goals, objectives and principles of membership of the ILO. The devastating impact of the war on jobs and means of living in Ukraine detailed in the report was troubling. The country's infrastructure had been seriously damaged or destroyed and the closure of maritime routes had substantially deprived it of exports. Furthermore, the Russian invasion of Ukraine had destabilized global food markets, raising prices and exposing numerous countries to risk of famine. While the subject at hand was the Russian war of aggression against Ukraine, its global impact could not be ignored.
- 155.** She expressed unwavering support for the tripartite constituents, workers, employers and the freely elected Government of Ukraine. The EU and its Member States remained committed to providing safety for Ukrainian refugees, including by helping neighbouring countries, and welcomed the ILO's contribution to humanitarian and refugee response plans. It supported the ILO's efforts to reprogramme Decent Work Country Programmes (DWCPs) in affected countries to better reflect new and urgent needs and would continue to work with international partners to support Ukraine in respect of humanitarian, liquidity and reconstruction needs.
- 156.** While the ILO had suspended technical cooperation and assistance to the Russian Federation, it should be preserved or intensified in other countries, notably in support of DWCPs in Armenia, Tajikistan and Uzbekistan, to mitigate the economic and employment disruption caused by the Russian aggression against Ukraine in countries whose economies depended on migrant workers' remittances. She therefore requested the ILO to substantiate the options for the possible relocation of the subregional office, including detailed budgetary information, to enable the Governing Body to decide on the matter during its November session.
- 157.** She expressed support for the amendment proposed by the cross-regional group and rejected the amendment proposed by the Russian Federation, which was not being discussed as it had not been seconded.
- 158. A Government representative of the United States** expressed appreciation for the efforts of the Office to implement the resolution adopted by the Governing Body in March and respond to the local and global crises precipitated by the further Russian invasion of Ukraine, as well as to support Ukraine's tripartite constituents and neighbouring countries hosting

refugees. She commended its publication of information on the economic and labour market impacts of the war, which clearly illustrated the local and global consequences of the Russian aggression. ILO expertise was critical to inform ILO constituents and the United Nations system of the cascading impacts of the war on workers and enterprises so that support efforts could be directed accordingly. She further appreciated the action taken to suspend technical cooperation and assistance to the Russian Federation and to suspend its inclusion in discretionary meetings.

- 159.** In respect of the Moscow office, while noting that no significant impediments had arisen, she had anticipated a longer perspective, particularly in view of restrictions around financial transactions and travel. She requested the Office to provide detailed information in November on the operations of the Moscow office and sufficiently elaborated options for its relocation to facilitate an informed decision. Given the atrocities being committed in Ukraine, it was increasingly inappropriate for the Russian Federation to host the subregional office and serve as the seat of ILO technical assistance to the region. Delegates to the Conference from all regions had spoken of the negative impacts of the unprovoked and unjustified war, for Ukraine and the world. Relocation must be considered to safeguard the ILO's principles and ability to carry out its mandate. It would be important to assess the situation in light of any developments and take a decision on that issue in November.
- 160. A Government representative of Mexico** said that her country deplored the aggression against Ukraine and violations of international law by the Russian Federation and continued to prioritize a peaceful resolution to the conflict by diplomatic and political means. She expressed concern at the global repercussions of the conflict and at the impacts estimated in the report of the destruction of the infrastructure and productive installations of Ukraine and of the large-scale population displacement on livelihoods and poverty level in the country and labour markets in the subregion. She welcomed the proposal to focus the ILO's humanitarian work under six early recovery and development activities. While she noted the Director-General's indication that there was no need for immediate measures to relocate the Moscow subregional office, the presentation of alternatives should it become necessary to do so would be welcome. Her delegation supported the draft decision and remained open to considering the amendment proposed by the group of countries.
- 161. A Government representative of China** said that his delegation had requested the floor through the chat function in order to second the amendment proposed by the Russian Federation, and that therefore the amendment should be discussed. China was not involved in the conflict but profoundly regretted the situation in Ukraine, consistently maintaining its position that the sovereignty and territorial integrity of all countries should be respected, as should the purposes and principles of the Charter of the United Nations. The legitimate security concerns of the relevant countries should be considered and every effort made to resolve the issue peacefully. Confrontation and conflict did not serve anyone's interests. What was needed was to de-escalate the situation and keep it in hand, and his country opposed any action that would escalate the situation. The United Nations and its specialized agencies, including the ILO, should adopt actions that put peace and regional security first, creating favourable conditions for de-escalation of the situation and for diplomatic solutions. The ILO was not the appropriate forum to discuss international security matters. He could not support the amendment proposed by the cross-regional group as it was not conducive to easing the situation.
- 162. A Government representative of Canada** said that she welcomed the proposed amendment presented by the United Kingdom. The resolution adopted by the Governing Body in March sent a clear message that the invasion of Ukraine by the Russian Federation was a flagrant

violation of the Charter of the United Nations and the principles enshrined in the ILO's Constitution, a message of support to the people of Ukraine and a clear message on the connection between lasting peace and social justice, a principle established by the ILO for more than a century. The report indicated that more than five million jobs had been lost in Ukraine since the Russian invasion began and highlighted the severe global repercussions thereof for the world of work. A Member of the ILO that invaded another Member should not be allowed to continue to maintain an office. The Moscow office would not be able to continue to provide the same assistance and technical support to the countries in the region. She therefore supported the amendment requesting further information on the relocation of the Moscow office, for the Governing Body's consideration in November. The Russian Federation must cease hostilities and the Governing Body must continue to hold that country responsible for its actions.

- 163. A Government representative of Ukraine** said that her country aligned itself with the EU statement. The world had changed profoundly in the past 110 days. The unprovoked and unjustified Russian military aggression against Ukraine, supported by Belarus, grossly violated international law and the principles of the Charter of the United Nations, undermined European and global security and stability and had inflicted death and human suffering beyond comprehension. The ILO report detailed the devastating impact of the Russian aggression on Ukraine in terms of massive population displacement, job losses, closures of enterprises and destruction of the economy and labour market. Working people were among the first victims of the Russian aggression; the devastation of jobs and livelihoods was massive and would endure for years. The consequences of the Russian aggression for the world were already evident. While its army blockaded Ukrainian ports, preventing foodstuffs from reaching the poorest, the Russian Federation cynically proposed to export stolen Ukrainian grain from occupied Ukrainian ports.
- 164.** She called on the international community to impose the toughest possible sanctions against the Russian Federation to end its barbaric actions, including by the adoption of appropriate measures to urge it to respect its duties and obligations arising from ILO membership. In particular, she called for the relocation of the ILO subregional office. A country that brutally invaded and destroyed its neighbour and perpetrated atrocities against civilians, depriving them of the rights to a decent life, work and future, deserved neither to host an ILO office nor a seat on the Governing Body. She called on Members of the ILO to take decisive action in response to such total disregard for its founding principles, to preserve both its own integrity and rule-based multilateralism. She expressed full support for the amendment proposed by the cross-regional group and trust that the Governing Body would adopt them in solidarity with the tripartite constituents of Ukraine and in defence of the ILO's principles.
- 165. A Government representative of the Russian Federation** said that Ukraine had its own vision of what had happened on 24 February. Everyone was aware that the process had been launched by in the western partners of Ukraine, who continued to imagine themselves the masters of the world, had organized a coup d'état, and set in motion a whole chain of negative and destructive events. Ukrainians, Russians and the whole world were suffering as a result of the West's short-sighted actions in pursuit of its own interests, which had led to a dead-end. He concurred that diplomacy should prevail, dialogue was needed, decisions should be consensual and views exchanged in order to achieve the common objective of shared security. However, it was contrary to democratic values that Russian workers were denied technical assistance and blamed for the actions of their authorities. The ILO should be helping not only the workers of Ukraine but also others, unless some were considered more worthy of the attention of the international community than others.

166. The various allegations made against the Russian Federation from all sides were baseless. Among those was the fact that the Ombudsman of Ukraine had concocted a fantasy about sex crimes committed by Russian forces, whereas she had in fact been dismissed from office by the Ukrainian parliament. Other such allegations related to the blockading of grain in Ukrainian ports and seafarers being held hostage. The Russian Federation had informed the Director-General and the International Maritime Organization of what was happening. Members of the Governing Body should return to their senses and consider real issues about people facing discrimination, through the dialogue desired by all sides. The situation in Eastern Europe and Central Asia should be decided by countries in those regions and not be hijacked by countries so far from the region that they could not always identify the relevant countries on a map.
167. He reiterated his request to the Legal Adviser to provide a clear exhaustive response concerning the functioning of the Governing Body, on which a decision had been adopted in March. He did not support the original draft decision or the proposed amendment; however, as he considered that a vote was required, it should be on the original draft decision.
168. **The Legal Adviser**, in response to the point raised by the Government representative of the Russian Federation, said that the legal basis of the discussion at hand was the text of the resolution, duly adopted in March, in which the Governing Body itself had requested the Director-General to present a report to its 345th Session. It was on the basis of that report, which was before the Governing Body, that the Governing Body was called upon to decide on any follow-up action that it wished the Office to take.
169. The procedure for the discussion of the draft decision before the Governing Body was the same as for any other, namely, it was introduced for discussion and subject to an amendment process, as appropriate, with a view to adoption, hopefully through consensus, as set out in the [Standing Orders of the Governing Body](#), notably, in paragraphs 46 and 47 of the introductory note.
170. With regard to the amendment proposed by the Russian Federation, no Government – either in the room or remotely – had seconded it within the time allowed. As the Government representative of China had indicated that it wished to second the amendment well after the Chairperson had gavelled the decision that it would not be discussed due to lack of secondment, that decision was procedurally valid.
171. **A Government representative of China** said that his delegation had raised its hand electronically to second the amendment, but due to the hybrid format of the meeting, the Chairperson’s gavel had moved faster than his country’s virtual hand.
172. **The Legal Adviser** said that from a procedural perspective, the representative of China should have raised a point of order at that time. However, since no objection was raised and the decision had been gavelled, it was correct to proceed as decided.
173. **The Employer spokesperson** said that having heard a majority in favour of the proposed amendment, his group was open to adopting that proposal, should there be consensus.
174. **The Worker spokesperson** said that she wished to dispel any confusion relating to one sentence in the Workers’ statement, in which it had expressed particular concern about the impact of armed conflict on women and girls, including through sexual violence and harassment, and raised the alarm about their vulnerability as refugees, which demanded effective protection measures from national and international actors. She asked all Governments listening to take that matter into account. Having heard a majority in favour of the proposed amendment, she could support the emerging consensus.

- 175. The Chairperson** said that a clear consensus had emerged in support of the draft decision as amended and invited members of the Governing Body to indicate whether they considered it necessary to hold a vote on the matter.
- 176. The Worker spokesperson** raised a point of order to say that it was good practice to ask whether everyone agreed that a consensual, as distinct from a unanimous, decision could be taken and only consider voting thereafter.
- 177. A Government representative of China** said that he wished it to be put on record that his delegation had indicated its desire to second the amendment proposed by the Russian Federation, but that desire had not been accepted.
- 178. A Government representative of the Russian Federation** stated that his question to the Legal Adviser had focused specifically on the Governing Body's mandate to consider and take action on the matter at hand. He wished to know whether it was within the Governing Body's mandate to adopt both its previous decision and the draft decision before it. Were that the case, he invited the Legal Adviser to specify the relevant paragraph in the applicable rules. In his view, the ILO was exceeding its mandate in considering such issues and decisions on them should not be taken by the Governing Body. Furthermore, it was generally understood that consensus and unanimity were not identical. In the instance at hand, consensus was not possible even in relation to the original resolution, because his country had objected to that decision.
- 179. The Worker spokesperson** said that she wished to draw the Russian Government representative's attention to the title of the resolution adopted in March concerning, explicitly, the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization. That decision had been taken with the wholehearted support of both the Employers' group and the Workers' group.
- 180. A Government representative of China** said that consensus consisted of the absence of any objection, which was clearly not the case. If the Russian Federation requested a vote, his country could second it.
- 181. A Government representative of Guatemala** said that the Chairperson was right in pointing out that there was consensus among 48 countries and the Workers' and Employers' groups in support of the draft decision as amended by the group of countries. Therefore, should a vote take place at the request of the Russian Federation and China, there would be an overwhelming majority in favour of adopting that decision. Since the amendment proposed by the Russian Federation was not being considered, it could not be put to a vote. In view of the prevailing and uncontested majority in all sides of the room, she suggested to adopt the decision and put on record the opinions of those who did not agree.
- 182. A Government representative of the Russian Federation** said that his delegation wished to put the matter to a vote because it understood that the functions of the Governing Body were set out clearly in a document. He therefore reiterated his invitation to the Legal Adviser to explain the legal basis for considering and taking a decision on the matter at hand, and to indicate the specific paragraphs relating to that topic. With reference to the Worker spokesperson's statement, he clarified that the mandate of the ILO and that of the Governing Body did not coincide; the latter was a body within the ILO and did not have the right to consider all issues dealt with by the ILO. It was a matter of distribution of functions.
- 183. The Legal Adviser** said that he understood that the Government representative of the Russian Federation was challenging the legal basis of the adoption of the resolution in March. The Governing Body had resolved the question of whether that resolution fell within the mandate

of the ILO when it had adopted the resolution by an overwhelming majority of 42 votes in favour, with 2 votes against and 8 abstentions. The entire Governing Body had declared, among others, that the Russian aggression against Ukraine was grossly incompatible with the aims and purposes of the Organization and the principles governing ILO membership and also that the Russian aggression had devastating impact on the safety and the livelihoods of employers, workers and their families in Ukraine, and a long-term detrimental impact to Ukraine's labour market and economy, and therefore considered it within its powers to take a decision, which it took.

- 184.** He clarified that consensus was absence of objection, but also encompassed general acceptance of a text. The Standing Orders stated clearly that the existence of consensus was determined by the Chairperson in consultation with the Vice-Chairpersons. Furthermore, under article 2.2.2 of the Standing Orders, it was the Chairperson's prerogative to decide if and when to put questions to a vote.
- 185. A Government representative of the Russian Federation** said that he wished it to be placed on record that he had not received an answer to his question concerning the legality of the decision but had been informed that the decision had been taken by Governments in that manner. If the Legal Adviser witnessed something occurring in a meeting that was inconsistent with the rules governing its work, Member States should be warned that their actions were wrongful. It was his understanding that the Governing Body did not have the legitimate capacity to take such a decision.
- 186. The Chairperson**, following consultations with the Vice-Chairpersons, said that in their view there was overwhelming support for the text as amended, making any vote unnecessary. She therefore declared the draft decision contained in paragraph 39 adopted, as amended. Any objections would be fully recorded in the minutes.
- 187. A Government representative of the Russian Federation** requested his statements to be reproduced in the minutes, especially his objection as to whether consensus could exist when it was clearly stated in the Standing Orders that consensus was the absence of objections and he had clearly voiced his objection on three occasions.
- 188. A Government representative of China** requested the Office to put on record that his delegation regretted that its secondment of the proposed amendment had not been recognized due to technical issues and that it did not support the amendment proposed by the United Kingdom on behalf of the cross-regional group.

Decision

- 189. In the light of the developments in Ukraine outlined in document GB.345/INS/5/3 and the resolution on the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization adopted at its 344th Session (March 2022), the Governing Body:**
- (a) **noted the information provided in the document;**
 - (b) **reiterated its most profound concern at the continuing aggression by the Russian Federation, aided by the Belarusian Government, against Ukraine and at the impact this aggression is causing to tripartite constituents - workers, employers, and its democratically elected Government - in Ukraine, and to the world of work beyond Ukraine;**

- (c) urged the Russian Federation again to immediately and unconditionally cease its aggression;
- (d) urged the Russian Federation to meet all the obligations following from its ratification of ILO Conventions, including the Maritime Labour Convention, 2006, as amended (MLC, 2006), in particular in relation to the repatriation of seafarers and access to medical care;
- (e) noted the temporary suspension of technical cooperation and assistance to the Russian Federation, including the termination of the public-private partnership project, and invitations to attend all ILO discretionary meetings, including the training activities offered by the International Training Centre of the ILO in Turin;
- (f) expressed sincere appreciation for the efforts of the ILO staff in Central and Eastern Europe and in Ukraine for their continued work to support the tripartite constituents in Ukraine, and for the support and volunteering efforts of workers' and employers' organizations in Ukraine;
- (g) continued to express its unwavering support for the tripartite constituents in Ukraine, and requested the Director-General to continue responding to constituent needs in Ukraine and expand ILO's resource mobilization efforts;
- (h) requested the Director-General to continue monitoring the operational capacity of the ILO Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia (DWT/CO-Moscow) to safeguard the technical cooperation or assistance to all other countries in the subregion;
- (i) requested the Director-General to prepare detailed options, including budgetary information, for the possible relocation of the DWT/CO-Moscow for decision at the 346th Session (October–November 2022) of the Governing Body; and
- (j) requested that the Director-General continue monitoring the impact on the world of work of the Russian Federation's aggression against Ukraine and report to the 346th Session (October–November 2022) of the Governing Body on developments in light of the resolution.

(GB.345/INS/5/3, paragraph 39, as amended by the Governing Body)

5.4. Fourth supplementary report: Report of the Committee set up to examine the representation alleging non-observance by Brazil of the Collective Bargaining Convention, 1981 (No. 154) (GB.345/INS/5/4)

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

Decision

190. The Governing Body, on the recommendation of the Committee decided to:

- (i) approve the report;
- (ii) request the Government to take into account, in the context of the application of the Collective Bargaining Convention, 1981 (No. 154), the observations made in paragraphs 28–39 of the Committee's conclusions;

- (iii) invite the Government to provide information in that respect for examination and further monitoring, as appropriate, by the Committee of Experts on the Application of Conventions and Recommendations; and
- (iv) make the report publicly available and declare closed the procedure initiated by the representation.

(GB.345/INS/5/4, paragraph 40)

5.5. Fifth supplementary report: Report of the Committee set up to examine the representation alleging non-observance by Portugal of the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Occupational Safety and Health Convention, 1981 (No. 155) (GB.345/INS/5/5)

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

Decision

191. The Governing Body, on the recommendation of the Committee decided to:

- (a) approve the report; and
- (b) publish the report and declare closed the procedure resulting from the representation.

(GB.345/INS/5/5, paragraph 33)

6. Reports of the Officers of the Governing Body

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

6.1. First report: Representation alleging non-observance by Sudan of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (GB.345/INS/6/1)

Decision

192. In the light of the information contained in document GB.345/INS/6/1, and taking into consideration the recommendations of its Officers, the Governing Body decided that the representation was receivable and that it would be examined by the same tripartite committee that is examining the representation submitted by the Sudan Workers Trade Union Federation (SWTUF).

(GB.345/INS/6/1, paragraph 6)

6.2. Second report: Representation alleging non-observance by Mexico of the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Labour Administration Convention, 1978 (No. 150), the Occupational Safety and Health Convention, 1981 (No. 155), and the Chemicals Convention, 1990 (No. 170) (GB.345/INS/6/2)

Decision

193. In the light of the information contained in document GB.345/INS/6/2, and taking into consideration the recommendation of its Officers, the Governing Body decided:

- (a) that the representation was not receivable in relation to Conventions Nos 150 and 170; and
- (b) that it was receivable in relation to Conventions Nos 102 and 155 and to set up a tripartite committee to examine it.

(GB.345/INS/6/2, paragraph 5)

7. Composition, agenda and programme of standing bodies and meetings (GB.345/INS/7)

194. **The Worker spokesperson** said that her group agreed with everything in the document and supported the draft decision.

195. **The Employer spokesperson** said that his group had no objection to the document. However, with respect to the requests from private sector foundations to participate as observers in some of the meetings presented for consideration, he reiterated that the Office should ensure that it dealt with the private sector through the proper channels.

Decision

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

- (a) to approve the reappointment for a period of three years of four members of the Committee of Experts on the Application of Conventions and Recommendations;
- (b) to approve the proposed date, agenda, and composition of the First Meeting of the Joint ILO–IMO Tripartite Working Group to identify and address seafarers' issues and the human element;
- (c) to approve the agenda and composition of the Tripartite Meeting of Experts in Labour Statistics on the Revision of the Standards for Statistics on Informality and authorize the Director-General to invite the organizations listed in Appendix II of GB.345/INS/7 to be represented at the Meeting as observers;
- (d) to approve the agenda and composition of the Twenty-first International Conference of Labour Statisticians and authorize the Director-General to invite Palestine and the organizations listed in Appendix II to be represented at the Meeting as observers;
- (e) to take note of the programme of meetings as approved by its Officers, subject to regular review depending on the evolution of the COVID-19 pandemic.

(GB.345/INS/7, paragraph 24)