



# Governing Body

346th Session, Geneva, October–November 2022

Legal Issues and International Labour Standards Section

LILS

## Minutes of the Legal Issues and International Labour Standards Section

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## International Labour Standards and Human Rights Segment

### 1. Report of the seventh meeting of the Standards Review Mechanism Tripartite Working Group (Geneva, 12–16 September 2022) (GB.346/LILS/1)

1. The Governing Body had before it an amendment to the draft decision that had been proposed by the group of Latin American and Caribbean countries (GRULAC) and circulated by the Office to all groups. The proposal was to add a subparagraph (i) to the draft decision contained in paragraph 5 of the document, which would read:
  - (i) requested the Office to prepare for its consideration at the 347th Session (March 2023), in the context of the discussion on final clauses of international labour Conventions, a draft resolution that would amend the final clause concerning the authoritative language versions, for transmission to the Conference at its 111th Session (June 2023).
2. **The Chairperson of the Standards Review Mechanism Tripartite Working Group (SRM TWG)**, introducing the report, said that the seventh meeting of the SRM TWG had been held in person in September 2022 and had made consensus-based recommendations on all the items on its agenda. Its significant results reflected the commitment of the members of the SRM TWG to listen to one another and their shared sense of responsibility. She noted with appreciation the high quality of the Office's preparatory work, as well as the Director-General's support for the SRM TWG, including the acceleration of its work.
3. Recalling that the mandate of the SRM TWG was to ensure that the ILO had a clear, robust and up-to-date body of standards, she drew attention to the recommendations made during the meeting, indicating that guidance from the Governing Body would be welcome in that regard. Noting with appreciation the Director-General's interest in the work of the SRM TWG, she invited him to attend the eighth meeting in order to discuss priorities. She thanked the Governing Body for the confidence shown in the SRM TWG.
4. **The Employer spokesperson** said that his group highly valued the work of the SRM TWG, whose mandate was to ensure that the ILO had a clear, robust and up-to-date body of international labour standards that respond to the changing patterns of the world of work, for the purpose of the protection of workers and taking into account the needs of sustainable enterprises. That meant ensuring that standards were balanced and universally relevant; could be widely ratified and implemented; and could be effectively supervised. The classification of standards was a complex exercise that warranted further deliberation. Considering the classification of standards as "requiring further action to ensure continued and future relevance" to be a permanent classification did not seem compatible with the mandate of the SRM TWG. In such cases, time-bound action, such as partial revision, should be taken so as to enable a final reclassification of the standard in question either as "up-to-date" or "outdated".
5. Once a standard had been classified as "outdated", it should be abrogated or withdrawn within a reasonable time frame. It was a concern that, in recent years, the recommended time frames had been getting longer. Another concern was the recent additional evaluation requirement that might further postpone the abrogation and withdrawal of the Workmen's Compensation (Accidents) Convention, 1925 (No. 17), the Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18), and the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42). That should not be considered to set a precedent as it created uncertainty over the time frame. Furthermore, it did not make sense to make

abrogation conditional on the ratification of more modern instruments in the same field, as the fact that a State had ratified a particular Convention in the past did not necessarily mean that it would ratify a more modern one on the same subject.

6. There had to be some leeway in the classification of standards; for instance, an “up-to-date” classification did not exclude the possibility that a particular standard no longer reflected current approaches in certain respects. For example, the Workmen’s Compensation (Agriculture) Convention, 1921 (No. 12), contained obsolete terms but could still be considered up-to-date overall. Obsolete terms could be corrected, as indicated in subparagraph 5(f) of the draft decision. Convention No. 12 complemented the Employment Injury Benefits Convention, 1964 (No. 121), and appeared modern in the clarity and straightforwardness of its approach, which facilitated its application and broad ratification.
7. On standards policy matters, he said that the Governing Body could not automatically prioritize the SRM TWG’s standard-setting recommendations when selecting items to be placed on the agenda of the Conference. It also needed to take account of other suggestions, including items for general discussion and recurrent discussions, which enabled representatives of all Member States to debate current issues. It was the role of the Governing Body to determine the relevance, scope and relative urgency of standard-setting proposals and to ensure that they were in line with the ILO’s overall standards policy.
8. Preparatory technical conferences or technical tripartite meetings in combination with single standard-setting discussions should be used only exceptionally, when the complexity or scope of the matter could not otherwise be adequately dealt with in the regular standard-setting process. They should not be used as a means to accelerate regular standard-setting, as doing so could exacerbate the existing overload in the standards system.
9. Amendments to a Convention, which must be the subject of a sovereign decision to be ratified in order to have legal effect, tended to dilute the unity of obligations, as they were not always ratified by all Member States. The Maritime Labour Convention, 2006, as amended (MLC, 2006), was a case in point. Amendments should therefore be avoided to the extent possible, in particular by limiting the content of new Conventions to key principles, leaving the details to be included in accompanying non-normative instruments and tools.
10. Although the SRM TWG’s preliminary discussion on the final provisions of Conventions had not led to any recommendations, a number of important points had been raised, particularly regarding the need to review the provisions for entry into force and denunciation. Such a review should be seen in the context of the modernization of ILO standards.
11. The Office should provide clear guidance and proposals on the possible time frames for examining the remaining sets of instruments in the SRM TWG’s programme of work.
12. The Employers’ group supported the amendment proposed by GRULAC, on the understanding that the inclusion of subparagraph (i) would not prejudice the substantive discussion on final clauses that would be held during the 347th Session of the Governing Body.
13. **The Worker spokesperson** thanked the members of the SRM TWG for their efforts to reach consensus-based recommendations on the instruments under review, and the Office for its valuable guidance. The SRM TWG had noted the unequal access to employment injury benefits by agricultural workers, and stressed that the protection applied to all workers and that further action was needed to ensure that agricultural workers were protected in law and in practice. While Convention No. 12 and its equal treatment and non-discrimination principle remained relevant, the guarantees in Part VI of the Social Security (Minimum Standards) Convention, 1952 (No. 102), and Convention No. 121, should be applied equally to agricultural workers,

without exemptions. The Workers' group welcomed the fact that all three groups had agreed that Conventions Nos 102 and 121, the more modern and comprehensive Conventions on employment injury benefit, should be promoted with a view to including their application to agricultural workers and other vulnerable groups, with special attention to women and migrant workers. The Committee of Experts on the Application of Conventions and Recommendations played an important role in that regard, as it could ask Member States to provide specific information on the application of the Conventions to agricultural workers, including if exemptions existed.

14. Regarding the request for an Office background paper on the use of obsolete language in international labour standards, she recalled that, at its 343rd Session, the Governing Body had requested the Office to prepare a paper on the implications of gendered language used in certain provisions of ILO social security standards, with particular reference to Convention No. 102. The current request could be taken up together with, or in addition to, the previous request.
15. She recalled that, with particular reference to employment injury, the purpose of the discussions was to increase protection, not simply to abolish the outdated instruments. The SRM TWG must not be considered as withdrawal and abrogation machinery. The fact that some of the ILO's older instruments had been classified as "outdated" because newer ones existed did not mean that they were no longer relevant. In fact, older instruments often had much higher ratification rates than newer ones. Furthermore, there was no automatic mechanism to ensure that more modern instruments were ratified by Member States. Therefore, it was very important to ensure that the modern instruments were ratified and implemented. After much discussion in the SRM TWG, a careful compromise had been reached on that subject, which she urged everybody to respect. Since the establishment of the SRM TWG, abrogation dates had been pushed back because there needed to be follow-up action first to encourage more activity on promotion and ratification. Abrogation and withdrawal was not the first step. The modalities on follow-up involving the abrogation or withdrawal of instruments provided clarity to the constituents and allowed them sufficient time and flexibility to seek the necessary technical assistance to ratify related up-to-date Conventions which then ensured the continued protection of workers.
16. On the issue of standards policy, she reiterated that it was important to treat all follow-up actions as a matter of institutional priority. Drawing on the experience of previous standard-setting review mechanisms, options such as special standard-setting sessions or technical preparatory conferences should be explored seriously, as should simplified revision and updating procedures. It was not reasonable to limit the content of future Conventions to key principles in order to avoid issues with amendments. It was important to draw lessons from the MLC, 2006, while also noting its uniqueness. The promotion of ratification of up-to-date standards, especially those replacing outdated instruments, must be treated with a sense of urgency. The role of all three constituent groups in ensuring ratification and effective implementation at the national level was indispensable and required sustained Office support and technical assistance.
17. With regard to the final clauses of Conventions, her group did not see any added value in discussing or reviewing them. She requested clarification from the Office on the proposed Governing Body discussions on the matter at its next session. Her group did not support any change to current practice, which had been crafted in view of the unique tripartite nature of the Organization and the need for legal certainty. It also met the Organization's overall objective to raise the minimum level of protection for workers, while adopting a gradual and pragmatic improvement in ratification rates.

18. She reiterated her group's commitment to ensuring that the SRM TWG delivered recommendations that achieved a clear, robust and up-to-date body of standards. Her group would continue to measure the success of the SRM TWG in terms of its capacity to adopt new standards when gaps in protection had been identified, to support the ratification of up-to-date standards and to avoid the creation of protection gaps as a consequence of the withdrawal or abrogation of outdated instruments. It reserved the right to reconsider its participation in the process if it became clear that, contrary to its mandate, the SRM TWG had become an abrogation and withdrawal machinery and that proper consideration was not being given to standard-setting and to the potential gaps created by abrogation or withdrawal.
19. Her group supported the draft decision and, while it had no objection to the amendment proposed by GRULAC, it would welcome further clarification from the Office on the matter of the draft resolution that would amend the final clause.
20. **Speaking on behalf of GRULAC**, a Government representative of Colombia commended the achievements of the SRM TWG, noting that the strong commitment and determination of the members had made it possible to reach a compromise solution with respect to Convention No. 12, which had been classified as "up-to-date". The follow-up to six other instruments related to employment injury had also proved to be reasonable. GRULAC noted the feasible time frame for Member States to take steps, in particular in relation to the recommendation to promote the ratification and effective implementation of Part VI of Convention No. 102 and Convention No. 121, with a view to including their application to agricultural workers, by Member States in which Conventions Nos 12, 17, 18 and 42 were currently in force. GRULAC strongly supported the recommendation for the Office to prepare a background paper on obsolete and inappropriate terms and references in all international labour standards and to outline options for addressing them, which would help improve the standards framework as a whole.
21. GRULAC noted the firm, unanimous, and principled agreement among members of the SRM TWG on the desirability of changing the standard final provision on language versions so that the English, French and Spanish versions of Conventions were considered equally authoritative, in line with the amendment to the Standing Orders of the Conference adopted in 2021, which recognized Spanish as one of the three official languages of the Conference. In that regard, and given the importance it placed on multilingualism, GRULAC had submitted a proposed amendment to the draft decision requesting the Office to prepare a draft resolution that would amend the final clauses of Conventions to include Spanish as one of the official languages of texts adopted by the Organization. GRULAC called on all groups to support the amendment, which reflected the active participation of the tripartite constituents in Spanish-speaking countries, and was committed to working closely with the social partners and other regional groups and Member States on all issues relating to the Standards Review Mechanism.
22. **Speaking on behalf of the Africa group**, a Government representative of Namibia welcomed the provision of technical guidance to Member States and social partners to follow up the recommendations of the SRM TWG. While supporting the promotion of ratification of Conventions Nos 102, and the Abolition of Forced Labour Convention, 1957 (No. 105), among Member States in which Conventions Nos 12, 17, 18 and 42 were currently in force, the Africa group believed that the promotion should be extended to all Member States that had not ratified Conventions Nos 102 and 105, as only 35 per cent of workers globally, and 18 per cent of workers in Africa, received employment injury benefits. His group also supported the request for the Office to prepare a background paper on the implications of gendered and other obsolete and inappropriate terms and references in international labour standards, as the language of standards should be aligned with the objectives of the Organization, and the

invitation to the Committee of Experts to consider seeking information from Member States on their application of Conventions Nos 102 (Part VI) and 121 to agricultural workers. He supported amending the final provision of international labour standards to include Spanish as an authoritative language, but would not support any further changes to final provisions. The Africa group supported the draft decision and the amendment proposed by GRULAC.

- 23. Speaking on behalf of the Asia and Pacific group (ASPAG),** a Government representative of Saudi Arabia recognized the important role of the SRM TWG, and noted that reporting obligations should not overburden governments but should be aimed at assessing the situation on the ground in order to better address needs and challenges. It would be advisable for the Office to take necessary follow-up action and to present a concrete framework on how the Conventions reviewed by the seventh meeting of the SRM TWG would be promoted. He strongly supported the recommendation to request the Office to prepare a background paper on the implications of gendered and other obsolete and inappropriate terms and references in international labour standards. He supported the abrogation of the social security standards classified as outdated. An agreement should be reached on a timeline for the withdrawal and abrogation of outdated instruments. He encouraged the SRM TWG to accelerate the review of all remaining international labour standards, including by adopting more efficient working methods. His group supported the draft decision.
- 24. Speaking on behalf of the group of industrialized market economy countries (IMEC),** a Government representative of the United Kingdom of Great Britain and Northern Ireland welcomed the recommendations to promote the most modern and comprehensive Conventions on employment injury benefit, provide technical support to Member States to ensure wider application of employment injury benefit schemes including to agricultural workers and other vulnerable groups of workers in law and practice, and research on the application of benefit schemes; the proposal to address gendered, obsolete and other inappropriate terms and references in existing international labour standards; and the agreement among SRM TWG members on the desirability of recognizing the English, French and Spanish versions of instruments as equally authoritative. IMEC appreciated the continued consideration of standard-setting policy by the SRM TWG and agreed that approaches to standard-setting should be flexible, efficient, cost-effective and inclusive.
- 25.** His group attached great importance to the Standards Initiative and remained of the view that the recommendations of the SRM TWG, as adopted by the Governing Body, should be implemented as an institutional priority by all constituents to ensure timely and effective follow-up and real world impact. Given the significant amount of work outstanding, he welcomed the decision of the SRM TWG to accelerate the review of standards. He supported the draft decision and the amendment proposed by GRULAC.
- 26. Speaking on behalf of the European Union (EU) and its Member States,** a Government representative of Czechia said that the following countries aligned themselves with the statement: Albania, North Macedonia, Montenegro, Serbia, Georgia, Iceland and Norway. He strongly believed that the Organization's standards should be robust and responsive to the ever-changing world of work and the needs of sustainable enterprises. The SRM TWG was indispensable in strengthening the legitimacy of the Organization.
- 27.** The discussions had highlighted the continued importance of the Convention No. 12, that ensured workers in agriculture had the same rights as other workers when it came to compensation in case of work accidents. Workers in agriculture represented one of the largest groups of the global workforce; the consensus-based solution on dealing with the outdated instruments was therefore welcome and would hopefully contribute to facilitating the work of



the SRM TWG in the future. The recommended follow-up action, particularly the promotion of the ratification and effective implementation of Conventions Nos 102 and 121, should be taken as a matter of urgency and was the responsibility of all constituents. He welcomed plans to accelerate the work of the SRM TWG in reviewing the remaining standards, but a balance needed to be struck so as not to overburden Member States with reporting obligations.

28. He supported the recommendation to request the Office to prepare a background paper on the implications of gendered and other obsolete and inappropriate terms and references, as they undermined the principle of inclusiveness and could pose an obstacle to further ratifications. The EU and its Member States accepted the proposed dates for the next SRM TWG meeting and its agenda, and supported the draft decision as amended by GRULAC.
29. **A Government representative of China** said that it was important for the SRM TWG to maintain a clear, robust and up-to-date system of international labour standards to enable the Organization to address future challenges in the world of work. The Office should continue to provide technical support to Member States on the ratification and application of the standards addressed by the SRM TWG and to research obstacles encountered in their application to identify solutions compatible with the specific situation of Member States. She supported a systematic review of obsolete or inappropriate terms in all existing labour standards. As a Government member of the SRM TWG, China welcomed the innovative approach to expedite its work and would continue to contribute constructively to the completion of all reviews. China supported the draft decision.
30. **A Government representative of India** said that the Organization should take into account the feasibility of ratification and implementation by Member States when creating and updating international labour standards, and the final provisions of Conventions should contain additional clauses to facilitate their ratification.
31. **A representative of the Director-General** (Director, International Labour Standards Department), responding to a request for clarification from the Workers' group, said that in May 2022, the Employers' group had submitted a request for discussion of final clauses to the Screening Group, which decides on the agenda of the Governing Body. As the Screening Group had decided that an initial discussion by the SRM TWG would be helpful to inform any discussion by the Governing Body, the latter discussion had been deferred to the March 2023 session. The Office of the Legal Adviser had prepared a [background note on final provisions of international labour Conventions](#) for the seventh meeting of the SRM TWG, which contained information on the eight standard final provisions used in Conventions. The SRM TWG's discussion was reflected in paragraphs 23–27 of the meeting report. Preliminary proposals for the agenda of the March 2023 session of the Governing Body had been submitted to the Screening Group on 28 October and included a proposal to discuss the final clauses of international labour standards.
32. **The Worker spokesperson** said that, while she supported the amendment proposed by GRULAC to include Spanish as an authoritative language, it should be clarified to avoid any suggestion that the draft resolution to be discussed in March 2023 would address broader aspects of final clauses, which she would not support.
33. **The Employer spokesperson** suggested that the issue of Spanish as an authoritative language could be separated in the decision from the broader issue of final clauses.
34. **The Worker spokesperson** replied that it was for the Screening Group to decide whether any issue should be placed on the agenda of the Governing Body, which it would do after proper discussion. She supported GRULAC's legitimate concern in seeking to accelerate the process of

recognizing Spanish as an authoritative language. However, the current decision should indicate that the Governing Body would decide at its March 2023 session on only that aspect of final clauses; any discussion of further aspects would need to take place in accordance with the usual practices of the ILO.

35. **Another representative of the Director-General** (Legal Adviser) confirmed that the draft agenda of the March 2023 session of the Governing Body included an item on final provisions of ILO Conventions, which had been proposed by the Employers' group and subsequently deferred. The Office had already prepared a background document for the discussion. It contained a draft resolution – which members of the SRM TWG had already seen – proposing an amendment of the final provisions addressing the authoritative language versions of standards. If approved by the Governing Body, the resolution would be submitted to the International Labour Conference for adoption in June 2023.
36. **The Worker spokesperson** asked whether the amendment proposed by GRULAC was thus superfluous.
37. **Speaking on behalf of GRULAC**, a Government representative of Colombia explained that the rationale for the amendment was to establish the item under which the issue could be included on the agenda of the March session of the Government Body; the intention had not been to pre-empt or broaden the discussion, but to move it forward.
38. **The Worker spokesperson** said that she could accept the amendment on that basis.

## Decision

39. **The Governing Body took note of the report of the Officers concerning the seventh meeting of the Standards Review Mechanism Tripartite Working Group (SRM TWG) and, in approving its recommendations:**
  - (a) welcomed the SRM TWG's consensual recommendations;
  - (b) decided that the instrument concerning employment injury that was reviewed by the SRM TWG should be considered to have the classification "up to date";
  - (c) once again called upon the Organization and its tripartite constituents to take concerted steps to follow up on all its recommendations as organized by the SRM TWG into practical and time-bound packages of follow-up action, noting in particular promotion of the ratification and effective implementation of Conventions Nos 102 (Part VI) and/or 121, with a view to including their application to agricultural workers, by Member States in which Conventions Nos 12, 17, 18 and 42 are currently in force;
  - (d) requested the Office to take the necessary action in follow-up to the recommendations of the SRM TWG at this and previous meetings as a matter of institutional priority;
  - (e) invited the Committee of Experts on the Application of Conventions and Recommendations to consider seeking information from Member States on their application, in law and practice, of Conventions Nos 102 (Part VI) and 121 to agricultural workers;
  - (f) requested the Office to prepare a background paper on the implications of gendered and other obsolete and inappropriate terms and references in all international labour standards, to be placed on the agenda of the Governing Body for discussion



at the earliest possible date with a view to deciding on appropriate follow-up actions;

- (g) noted the SRM TWG's recommendations concerning the abrogation and withdrawal of certain instruments, in relation to which it will consider:
- (i) placing an item concerning the abrogation of Conventions Nos 17, 18 and 42 and the withdrawal of Recommendations Nos 22, 23 and 24 on the agenda of the 121st Session of the International Labour Conference (2033);
  - (ii) an evaluation will be held in 2028 to assess whether Member States with effective ratifications of Conventions Nos 17, 18 and 42 have taken any necessary action to ratify either Convention No. 102 (Part VI) or Convention No. 121. If progress has not been made, the date at which the International Labour Conference will consider the item for abrogation and withdrawal may be reconsidered by the Governing Body;
- (h) decided to convene the eighth meeting of the SRM TWG from 11 to 16 September 2023, at which it should review ten instruments, and examine the follow-up to 14 outdated instruments, concerning maternity protection, protection of children and young persons, and social security (old-age, invalidity and survivors' benefits), as included in sets of instruments 5, 9, and 15 of the SRM TWG's initial programme of work;
- (i) requested the Office to prepare for its consideration at the 347th Session (March 2023), in the context of the discussion on final clauses of international labour Conventions, a draft resolution that would amend the final clause concerning the authoritative language versions, for transmission to the Conference at its 111th Session (2023).

(GB.346/LILS/1, paragraph 5, as amended by the Governing Body)

## 2. Choice of Conventions and Recommendations on which reports should be requested under article 19, paragraphs 5(e) and 6(d), of the ILO Constitution in 2024 (GB.346/LILS/2)

40. **The Chairperson** invited the Governing Body to select one of the three options presented in the Office document for the instruments to be covered by the 2024 General Survey to be discussed in the Conference Committee on the Application of Standards (CAS) in 2025.
41. **The Worker spokesperson** emphasized that General Surveys were important both for constituents and the ILO, as they provided a comprehensive overview of the state of the law and practice at country level, along with the comments of the Committee of Experts. The information they provided was used extensively by trade unions in the national context in pursuing their objectives and in daily advocacy. There was scope to do more to promote General Surveys and enhance the follow-up to the discussions in the CAS, and the Workers' group looked forward to the consideration of General Surveys in the broader discussions on the use of article 19 of the Constitution, which is part of the work plan on the strengthening of the supervisory system.
42. The Workers' group had based its consideration of the three options on the importance of each topic and its potential contribution to institutional coherence. The group preferred the first option, on employment injury benefit instruments. According to the latest ILO estimates, 2.78 million workers died each year from occupational accidents, injuries and work-related

diseases, and an additional 374 million workers suffered non-fatal occupational accidents. A General Survey on employment injury benefits would be timely, as it would be the first ever on related standards and would also provide key information about any gaps in coverage of disadvantaged and vulnerable groups of workers, such as agricultural workers, and help to identify information on the obstacles to ratification and implementation of the relevant Conventions. The first option would therefore be aligned with the recommendations of the SRM TWG. In addressing the issue of gaps in coverage, consideration should also be given to the position of migrant workers and the extent to which they were entitled to compensation in relation to industrial accidents. She therefore proposed that the Equality of Treatment (Accident Compensation) Convention (No. 19) and Recommendation (No. 25), 1925, should also be included in the General Survey; that would also feed into a future review of those instruments under the Standards Review Mechanism. The first option would ensure an efficient and prompt follow-up to the recommendations of the SRM TWG, enhance institutional coherence and form a useful complement to the standard-setting on biological hazards, and should therefore be the institutional priority.

43. The second option, equality of treatment for migrant workers in relation to social security, was of key importance and merited enhanced actions by the ILO, as highlighted by the Governing Body at its March 2022 session. Migrants were disproportionately excluded from social protection and faced considerable legal and practical obstacles, which had been further exposed and exacerbated by the COVID-19 pandemic. Nevertheless, that option should be considered for a future General Survey. To follow up on the decision of the Governing Body at its March 2022 session on securing social protection for migrant workers and their families, the Office should continue to actively promote ratification and implementation of all the relevant international labour standards and provide the necessary technical support to ILO constituents.
44. The third option related to the only international instrument that established worldwide agreed qualitative and quantitative minimum standards for all nine branches of social security. However, the Convention No. 102, had already been the subject of three General Surveys, most recently in 2011. Any further General Survey should be conducted after the current global campaign aiming to reach 70 ratifications of the Convention by 2026 as part of the implementation of the 2021 conclusions of the International Labour Conference on the recurrent discussion on social security.
45. **The Employer spokesperson** echoed the comments of the Worker spokesperson on the critical role performed by General Surveys in delving into the issues of concern; the identification of gaps and accompanying analysis enabled the formation of a comprehensive view about how to proceed. The Employers' group also preferred the first option for the 2024 General Survey, for the same reasons outlined by the Worker spokesperson. A General Survey on the instruments on employment injury benefits would be highly appropriate, as they had never been the subject of any previous General Survey. It would deepen knowledge of the existing problems in providing adequate injury benefit coverage, including in agriculture, and of how ILO standards had helped, and would provide a basis for the discussion of the relevant instruments in the SRM TWG. A General Survey could also shed light on why older Conventions, such as Convention No. 12, often had more ratifications than more modern Conventions, such as Convention No. 121, and what consequences and conclusions should be drawn from that. Moreover, it could shed light on the vital relationship between a safe and healthy working environment and the prevention of employment injuries, which would contain the cost for employment injury benefits overall. The Employers' group reserved its view on the request

from the Workers' group for Convention No. 19 and Recommendation No. 25 to be included in the General Survey, as it had not had an opportunity to consider it.

46. **Speaking on behalf of the Africa group**, a Government representative of Nigeria highlighted the number of migrant workers from his region and recalled that the Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient had drawn attention to the need to recognize migrant workers as drivers of sustainable economic growth. The second option, on social security for migrant workers, would be broader in scope and would enable the ILO to respond to the Global Call to Action. It would identify the reasons for the low ratification rates of the Equality of Treatment (Social Security) Convention, 1962 (No. 118), and the Maintenance of Social Security Rights Convention, 1982 (No. 157). Furthermore, Convention No. 118 had not been examined since 1976, and Convention No. 157 and its related Recommendation (No. 167) had never been the subject of a General Survey. The low number of ratifications of the Conventions should not preclude their examination; rather, it highlighted the need to discuss and raise awareness of them.
47. The other two options were equally important, but could be considered for future General Surveys, as they were aligned with proposed policy outcome 5 – Protection at work and equal opportunities for all – of the preview of Programme and Budget proposals for 2024–25. As there was an ongoing campaign for the ratification of Convention No. 102, the third option would be better suited to a later General Survey. Although the Africa group's preference was for the second option, having heard the comments of the Worker and Employer spokespersons, it was prepared to join the consensus and support the first option.
48. **Speaking on behalf of GRULAC**, a Government representative of Colombia recognized that the COVID-19 pandemic had enabled an analysis of social protection measures adopted by Member States. Cash transfer programmes had contributed to reducing poverty and had had a positive impact on health, education and the labour market. However, the COVID-19 pandemic had revealed serious social protection coverage and financing gaps. The lack of access to social protection was related to the high global level of informal employment. Social protection policies played an important role in fostering social cohesion.
49. Recognizing that all three options presented in the draft decision referred to important Conventions, her group expressed support for the third option. A General Survey on Convention No. 102 would provide a comprehensive overview of social security systems and their coverage. Furthermore, it would highlight the role played by social security institutions in the context of the COVID-19 pandemic response and recovery and enable the analysis of social protection coverage among disadvantaged groups of workers, as well as the implications of gendered language in certain provisions. However, her group was also prepared to consider the first option, in the spirit of consensus, as it encompassed occupational safety and health, which should also be a priority for Member States following the inclusion of a safe and healthy working environment as a fundamental principle and right at work. Her group was also prepared to join consensus regarding the additions to the first option proposed by the Worker spokesperson.
50. **Speaking on behalf of IMEC**, a Government representative of the United States of America said that while all three options had value, her group supported the first option on employment injury benefits, which would provide the first opportunity to examine that subject and, also, an opportunity to follow up on the recommendations of the SRM TWG. Her group also supported the proposal by the Worker spokesperson to include Convention No. 19 and Recommendation No. 25 in the group of instruments to be included in the General Survey. A General Survey on

that topic would complement the 2024–25 standard-setting discussion on occupational safety and health protection against biological hazards.

51. Finally, her group recalled its previous suggestions to improve the process for finalizing article 19 report forms. The Office should continue to organize informal consultations on the draft report form in order to exchange preliminary views and further refine the report form prior to the start of the 347th Session of the Governing Body in March 2023.
52. **The Chairperson**, recognizing the consensus reached on selecting the first option contained in the draft decision, invited the Governing Body to comment on the Worker spokesperson's proposal to add Convention No. 19 and Recommendation No. 25 to the list of instruments to be included in the General Survey.
53. **The Employer spokesperson** said that a General Survey should be as comprehensive as possible to be effective. His group supported the Worker spokesperson's proposal.
54. **Speaking on behalf of the Africa group**, a Government representative of Nigeria said that his group wished to join consensus on that proposal but sought confirmation from the Office as to its feasibility. It was important not to overload the General Survey by including too many instruments.
55. **A representative of the Director-General** (Director, International Labour Standards Department) said that it was feasible to add Convention No. 19 and Recommendation No. 25 to the General Survey and still allow the Committee of Experts to complete its work.

## Decision

56. **The Governing Body requested the Office to prepare for its consideration at its 347th Session (March 2023) the article 19 report form on the Employment Injury Benefits Convention [Schedule I amended in 1980] (No. 121) and Recommendation (No. 121), 1964; the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI); the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12); and the Equality of Treatment (Accident Compensation) Convention (No. 19) and Recommendation (No. 25), 1925, for the General Survey to be prepared by the Committee of Experts on the Application of Conventions and Recommendations in 2024 for discussion by the Conference Committee on the Application of Standards in 2025.**

(GB.346/LILS/2, paragraph 32, as amended by the Governing Body)

## 3. Report of the fourth meeting (Part II) of the Special Tripartite Committee established under the Maritime Labour Convention, 2006, as amended (5–13 May 2022) (GB.346/LILS/3)

### Report of the Chairperson of the Committee to the Governing Body, in accordance with article 16 of the Standing Orders of the Special Tripartite Committee

57. **The Employer spokesperson** took note of the update provided regarding the amendments proposed to the MLC, 2006, and the resolutions adopted. He took note of the request of the Maritime Safety Committee of the International Maritime Organization to include harassment and bullying on the agenda of the Joint ILO–IMO Tripartite Working Group to identify and address seafarers' issues and the human element. His group supported the draft decision.
58. **The Worker spokesperson** supported the extension of the appointment of Mr Marini as Chairperson of the Special Tripartite Committee (STC) until 2025. He noted that, through

constructive social dialogue, the STC had made progress on important normative developments with a view to improving the rights of seafarers and addressing some of the gaps and challenges identified, and his group welcomed the adoption of the associated amendments and resolutions. The Joint ILO-IMO Tripartite Working Group to identify and address seafarers' issues and the human element should follow up on the issue of sexual harassment and bullying. An enhanced financial security system was needed to protect seafarers in case of abandonment, and his group therefore supported the establishment of a working group. He also welcomed the clarification that cadets (apprentices) were considered seafarers under the MLC, 2006. His group supported the draft decision.

59. **Speaking on behalf of the Africa group**, a Government representative of Gabon expressed her group's satisfaction at the adoption of the eight amendments to the Code of the MLC, 2006, which would improve the protection of seafarers' rights and entitlements. The adoption of several amendments linked directly to lessons learned during the COVID-19 pandemic, which had significantly affected seafarers' mental health, was particularly welcome. The Office should support Member States in implementing the amendments; their effective implementation would improve seafarers' living and working conditions, as well as their knowledge of their rights. Improving such knowledge at the time of recruitment or placement, particularly in terms of compensation payable by recruitment and placement services if seafarers suffered monetary losses, could improve retention. Her group supported the draft decision.
60. **Speaking on behalf of ASPAG**, a Government representative of Australia congratulated the STC on its development and adoption of the eight amendments approved by an overwhelming majority at the 110th Session of the International Labour Conference. Her group welcomed the emphasis on harassment and bullying in the maritime sector, including sexual assault and harassment, the focus on contractual redress for seafarers and the establishment of a working group on the financial security system; furthermore, her group supported the working group's mandate and modalities as outlined in the document. ASPAG supported the draft decision.
61. **Speaking on behalf of the EU and its Member States**, a Government representative of Czechia said that Albania, North Macedonia, Montenegro, Georgia, Iceland and Norway aligned themselves with his statement. The importance of the MLC, 2006, in promoting decent living and working conditions for seafarers had been highlighted by the COVID-19 pandemic and the ensuing crew change crisis, as well as by the unjustified war of aggression by the Russian Federation against Ukraine; it was telling that a record number of amendments to the Code of the MLC, 2006, had been proposed. All the amendments had addressed evolving concerns and demonstrated a nuanced understanding of the realities facing seafarers; the adoption of eight of them was welcome.
62. The EU Member States had submitted an amendment addressing the fact that seafarers often worked far beyond the duration of their contracts and the maximum duration of service set out in the MLC, 2006, without regular contact with their loved ones. Although it was deeply regrettable that the STC had been unable to adopt that amendment, the EU and its Member States looked forward to further discussion on their proposal at the Committee's fifth meeting and remained committed to promoting safety and decent working conditions for seafarers, who played a vital role in safeguarding global supply chains.
63. **A representative of the Director-General** (Director, International Labour Standards Department) welcomed the Governing Body's comments and support for the STC.

## Decision

- 64. The Governing Body, welcoming the work conducted by the Special Tripartite Committee (STC) established under the Maritime Labour Convention, 2006, as amended (MLC, 2006):**
- (a) took note of the report of the Chairperson of the STC on the fourth meeting (Part II) of the STC (5–13 May 2022) contained in document GB.346/LILS/3 and of the resolutions adopted at that meeting;**
  - (b) took note of the request by the Maritime Safety Committee of the International Maritime Organization (IMO) to include the topic of harassment and bullying, including sexual assault and sexual harassment, in the maritime sector as an item to be considered, at the earliest opportunity, by the Joint ILO-IMO Tripartite Working Group to identify and address seafarers' issues and the human element and noted that the topic would be addressed at the meeting of the Joint ILO-IMO Tripartite Working Group to be held in 2023;**
  - (c) endorsed the establishment of a working group of the STC with the mandate and modalities described in paragraphs 26 and 27 of document GB.346/LILS/3;**
  - (d) extended the appointment of Mr Martin Marini (Singapore) as Chairperson of the STC until 2025; and**
  - (e) decided to convene the fifth meeting of the STC from 7 to 11 April 2025 and requested the Director-General to include a provision for that purpose in the Programme and Budget proposals for 2024–25.**

(GB.346/LILS/3, paragraph 28)