



## Governing Body

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### Policy Development Section

**POL**

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## PROVISIONAL REPORT

### Policy Development Section

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## Employment and Social Protection Segment

1. The Employment and Social Protection Segment of the Policy Development Section was held on 7 and 8 November 2011. Mr Shahmir (Government, Islamic Republic of Iran) chaired the segment as assigned by the Chairperson of the Governing Body. Ms Goldberg was the Employer spokesperson and Ms Kelly was the Worker spokesperson.

### First item on the agenda

#### Green jobs, decent work and sustainable development

2. The Governing Body had before it a paper<sup>1</sup> entitled “Green jobs, decent work and sustainable development”. A representative of the Director-General (Director, Job Creation and Enterprise Development Department (EMP/ENTERPRISE)) introduced the paper, reiterating the points for guidance. He added that the Office had submitted a technical contribution to the secretariat of the 2012 United Nations Conference on Sustainable Development (UNCSD), or Rio+20, in time for the deadline of 1 November 2011. The document was made available as a room document.
3. The designated Employer spokesperson on the agenda item in question, an Employer member from New Zealand, commended the Office on the work done over the previous three years. The Green Jobs Initiative had been very successful in highlighting new opportunities for the world of work at the national level in response to growing demand from constituents. The programme’s broad approach had been good and had helped to articulate decent work to others.
4. He stressed the Employers’ view that it would be wrong to separate green jobs from other posts or to distinguish between a separate green economic sphere and the normal economic sphere. The emphasis should be on greening all enterprises and jobs. As countries had different economies, green jobs would vary in nature depending on the national context. The Office’s work on diagnostics and decision-making tools was useful and helped to ensure greater understanding among all key national actors.
5. The transition to a green economy was not distinct from other major restructuring processes. Much like the changes caused by the information and communication technology (ICT) revolution, the green economy transition would have implications for virtually everybody in the economy. Indeed, there would be losses and gains. Green jobs were not automatically upgraded jobs. Lessons from the past should be used to shape the concept of a just transition, which should not be confined to green jobs and should be just for all, including employers, without unnecessarily destroying their capital and thus their capacity to employ workers. Such a transition should be reflected in a policy approach applicable to all changes in the world of work.
6. It was important to keep the focus on creating employment in general and not just green jobs. Many of the conventional growth policies should be retained and employed in the greening of the economy. In that regard, the International Labour Office (ILO) would be required to support the building of skills and scientific and technological capability, as well as facilitating enterprise development and job creation, among other things. Efforts were also required to ensure effective social protection, engage women and youth, and enhance

<sup>1</sup> GB.312/POL/1.

formality. The International Labour Conference (ILC) conclusions concerning the promotion of sustainable enterprises offered useful guidance in that respect.

7. The social partners should be involved on a more systematic basis, in order to capitalize on the unique comparative advantage of the ILO. Their networks with companies and consumers – the main drivers of green growth – should be utilized better at all levels.
8. In terms of the points for guidance, continued efforts were required to integrate the work into other areas of ILO activity, including sustainable enterprises, the focus on the delivery of decent work and engagement with social partners. Furthermore, the ILO should play a clear role in contributing to policy coherence in the United Nations (UN) system by focusing on the world of work. That included the important work in the context of the Rio+20 process involving private-sector workers and employers. Employers would welcome the opportunity to consider the outcome of the UNCSD at the 315th Session of the Governing Body in November 2012.
9. The Worker spokesperson stated that the programme had made good progress in terms of its strategic orientations, support for constituents and capacity building. A longer time frame for the programme (2010–15) should allow for better planning and assessment. More efforts were needed to mainstream decent work in climate change responses and environmental policies at the international and national levels. The participation of employers and workers in capacity building should be increased and they should be encouraged to take part in the design, implementation and evaluation of green jobs projects.
10. Green jobs should reflect all dimensions of decent work, including working conditions, occupational safety and health, freedom of association, collective bargaining and wages. The links should be better analysed and should underpin the work on a just transition. The potential of relevant labour standards and their ratification to bring about a just transition that was truly socially sustainable should be better utilized at international meetings that shaped policy frameworks.
11. There were good opportunities for mutual learning and improving coherence through bi- and tripartite dialogue. Bringing to bear its comparative advantage, the ILO should promote collective bargaining with a view to shaping social and environmental policies, as well as to negotiating new green jobs and greening existing ones. The Office could assist in exploring the issue of how green jobs could serve as another means of organizing workers and employers.
12. More attention needed to be paid to the issue of working conditions. The changes in technologies and material use, as well as developments affecting work processes and organization, needed to be better understood and acted upon. That would include, among other things, collaboration with the World Health Organization (WHO), promotion of the ratification of related instruments and the training of labour inspectors and worker health and safety representatives.
13. Research should be conducted to assess the employment impact of proceeding with policies linked to the environment, including initiatives for greening sector activities. The potential of green jobs for development and social equity should be explored further.
14. The Office was requested to continue its dialogue with trade unions on the Rio+20 process, thus ensuring that the decent work dimensions were adequately reflected in position papers and contributions to the ILC outcomes. The concept of the green economy should include the employment dimension and other elements of decent work. An ILO review of the challenges and benefits for development and social progress of developing green and

decent jobs at the national level would be useful. Workers' and employers' organizations should be more closely involved in decision-making and discussions concerning sustainable development in order to strengthen the governance of sustainable development.

15. ILO constituents should take a proactive approach and build partnerships for a just transition. The impact of climate change was going to be felt by working people and business owners alike. A proactive strategy was required to anticipate the transition and assist those affected. She encouraged the Office to continue to call, at the national level and within the UN, for an active role for social partners and labour ministries in just transition strategies. That should create the required policy space to promote social justice as part of economic and social restructuring due to environmental challenges or policies, including climate change. The idea of a partnership with the United Nations Framework Convention for Climate Change (UNFCCC) was put forward, including periodic reporting on progress concerning the implementation of national just transition policies.
16. The Worker spokesperson expressed her group's support for a discussion at the 315th Session of the Governing Body in November 2012 on the outcome of Rio+20 and related international processes. Furthermore, it would be useful to schedule a discussion for the 313th Session of the Governing Body in March 2012, with a view to developing a set of principles and rights as the ILO's practical contribution to the UNCSO.
17. The Asia and Pacific group (ASPAG), through a Government representative of the Republic of Korea, commended the Office on the progress made, including on the importance of transition and the practical guidelines for providing efficient and effective green jobs policy advice to member States. The Office's current efforts should be further strengthened and enhanced in line with the three priority strategies identified by the Office. The focus should be on the creation of green jobs, in particular in the context of the loss of employment due to natural disasters and the financial crisis, while demonstrating the links between green jobs and improvements in productivity, employment growth and development. He supported the ILO's active role in Rio+20 and welcomed a discussion on the outcome at the 315th Session of the Governing Body in November 2012.
18. The European Union (EU), through a Government representative of Denmark, expressed appreciation for the ILO's work on sustainable development and environmental issues related to the world of work. The transition to a low-carbon, resource-efficient and green economy, as well as climate change itself, would have sectoral, regional and skills implications, as well as impacting on the composition of the workforce as a whole. A range of measures were needed, among them supportive and inclusive labour market strategies that helped to steer people in the direction of new sectors of the green economy. The social partners played a key role in the successful anticipation and management of change. The gender dimension must be taken into account when providing workers with training for green jobs. For the following biennium, work should focus on anticipating restructuring with the aim of enabling better management of economic and social transition. Moreover, work should include the greening of workplaces and organizations, given the advantages that that could bring in terms of lower costs and greater competitiveness. Other priorities included ensuring occupational safety and health in green jobs, for example, through social dialogue. Greening of jobs was also important for the self-employed and workers in the informal sector. The ILO should therefore emphasize the importance of shared and inclusive growth as part of sustainable development and continue its work in support of those whose livelihoods depended directly on natural resources. Policy dialogue with partner countries and in international debates on sustainable development should be developed further, promoting a focus on employment creation and decent work. The EU would welcome a review of the implications for the ILO of the outcome of Rio+20 and of related international processes.

- 19.** The industrialized market economy countries (IMEC), through a Government representative of France, commended the Office for the significant progress made and the close collaboration with UN agencies, international organizations and social partners, in particular the ILO's work with the United Nations Environment Programme (UNEP), the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC). He acknowledged that green jobs were an important source of employment and quality jobs, and key to achieving sustainable development. He welcomed the ILO's contribution to Rio+20 and supported the idea of a later assessment of the outcome of Rio+20 in order to guide priority setting and resource allocation for the following biennium. The green jobs concept was inseparable from other economic or social policies. Given the importance of policy coherence, he encouraged the ILO to continue to work closely with the relevant international institutions. Policies and programmes should be developed that promoted economic opportunities and social well-being, providing workers with the skills required to enable them to share in the benefits of the green economy. Moreover, he voiced support for the promotion of the fundamental rights of workers, including health and safety. Work on building social safety nets and strengthening the livelihoods of vulnerable populations affected by the transition should continue. The results should be widely disseminated in order to inform green economy country strategies and support the inclusion of sustainable development in Decent Work Country Programmes (DWCPs).
- 20.** The Africa group, through a Government representative of Congo, highlighted the importance of improving working conditions, while providing a better living environment for all. Green jobs also existed in the informal economy, although they were often poorly remunerated. A better understanding was required through capacity building at the national level. Technical support and effective programmes tested elsewhere were needed to improve policy formulation and social dialogue, including in collaboration with other UN agencies.
- 21.** The Group of Latin American and Caribbean Countries (GRULAC), through a Government representative of Brazil, stated that the ILO's participation in Rio+20 was essential as decent work must be considered as an important component of a balanced approach. Sustainable development had to lead to the creation of more jobs, with significant potential in labour-intensive sectors related to environmental protection. The Office should strengthen its support concerning the upgrading of vocational skills and sector strategies that created opportunities for formal and better paid jobs.
- 22.** Government representatives of Algeria, Argentina, Australia, Brazil, China, India, Japan, Republic of Korea, Qatar and Sudan all expressed broad support for the Office's work on green jobs and the contribution to the Rio+20 process. Decent work and green jobs had to be understood as indispensable building blocks of sustainable development, rather than as substitutes for that broader concept. The ILO was well placed to assess the impact of environmental policies on labour markets and draw up guidance for national policy formulation as well as for international frameworks. Some speakers underlined the importance of social dialogue and social protection. Others called for continued work on skills upgrading and support for small and medium-sized enterprises (SMEs), including through the Greener Business Asia Project. Those issues were all part of a just transition approach, which the Office should develop further.
- 23.** It was suggested that the Office should consider a results-oriented approach concerning the implementation of the Green Jobs Programme, possibly with indicators and targets linked to the four strategic objectives of the ILO. That would ensure that green jobs were mainstreamed in the Decent Work Agenda. Such an approach should be underpinned by a strategy to strengthen technical assistance with adequate resources and to expand the knowledge base on green jobs.

24. Representatives of the Director-General (the Executive Director of the Employment Sector (EMPLOYMENT) and the Director of EMP/ENTERPRISE) thanked all the delegates for their inputs and were pleased to note the broad agreement that the Programme had been successful in ensuring that employment and decent work had remained central to the international policy debate on sustainable development and in assisting constituents with concrete measures to create green jobs.
25. The Office welcomed the guidance provided that the Programme should be expanded to support member States in their efforts to green all jobs and enterprises, improving compliance with international labour standards and raising the quality of jobs. That approach should include capacity building of national actors and the social partners at all levels, knowledge sharing and the development of methods for anticipating environment-related transitions in the labour market and strategies for effective and socially just transitions, in particular through skills policies. The Office took note that the Programme should be fully integrated into the existing ILO programme and outcome-based workplan framework. The Office would continue to engage actively in relevant international policy processes and ensure that the concerns and contributions of the world of work were reflected, and welcomed the suggestion that the outcomes of the UNCSD and its implications for the ILO should be assessed at the 315th Session of the Governing Body in November 2012.
26. The Worker spokesperson reiterated the need for capacity building of constituents. The Employer spokesperson for the agenda item in question underlined the role the Office could play in making existing labour market tools and approaches applicable, while sharpening the focus on the intersection between the economy and the environment.
27. *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion (in paragraphs 2–26 above) concerning green jobs, decent work and sustainable development.*

## Second item on the agenda

### Follow-up to the discussion on social security at the 100th Session of the International Labour Conference (2011): Plan of action

28. The Governing Body had before it a paper<sup>2</sup> on the plan of action. Representatives of the Director-General (the Executive Director of the Social Protection Sector (PROTECTION), and the Director of the Social Security Department (SEC/SOC)) introduced the paper.
29. The designated spokesperson of the Employers' group on that agenda item (Employer member from Belgium) thanked the Office for the document. He stressed the need for priority setting in view of the difficult financial situation in many member States. He recalled the spirit of openness which had prevailed during the discussion that had taken place during the 100th Session of the ILC in 2011, and expressed the hope that the same spirit would also result in an effective and efficient discussion on the possible Recommendation on social protection floors (SPFs) in June 2012. He questioned the relevance of the Social Security (Minimum Standards) Convention, 1952 (No. 102), under current conditions and noted that it was ambiguous about the role of the private sector. His group did not support the Maternity Protection Convention, 2000 (No. 183). A more

<sup>2</sup> GB.312/POL/2.

flexible approach was required in order to respond to the demands of constituents, taking into account national demographic, economic and financial situations, and better reflecting the contribution of the private sector. The Office was to be commended for its efforts to develop research on coherence between social, employment and economic policies, but there should be increased focus on capacity building of social partners. He requested information on activities concerning employers covering the previous five years and urged the Office to reinforce collaboration with the International Training Centre of the ILO in Turin (Turin Centre). Praising the quality of reports produced by the ILO, he stated that the social security good practices guide should also address the needs of the social partners. Partnerships with other international organizations required a strategic approach to collaboration in order to strengthen synergies, as well as the involvement of the social partners, namely the IOE.

- 30.** The Worker spokesperson welcomed the Office paper. The report of the Advisory Group (chaired by Ms Bachelet) entitled “Social protection floor for a fair and inclusive globalization”, fully confirmed the findings of the ILC in 2011 regarding the need for SPF and the role of the ILO and its standard-setting mechanism. She felt confident, based on the ILC experience in 2011, that the debate on the possible Recommendation on SPFs would be on how, rather than if, to proceed. The purpose of the SPF was primarily to promote a rights-based framework for the extension of a basic level of social protection to all. However, the SPF should not be promoted as the only cure with regard to the current demand for a change in wealth distribution. The SPF should address maternity protection and the needs of working women. Workers supported the plan of action, priorities and time frame, which covered several biennia, given that certain objectives were clearly not achievable within a single budgetary cycle. She focused on five points: (1) the ratification of Convention No. 102: the Workers supported the objective of 60 ratifications by 2019, and considered Convention No. 102 to be a vital element in supporting the vertical extension of social security. There was also a need to promote horizontal extension. Adequate resources should therefore be allocated to the promotion of the Recommendation on SPFs once it had been adopted. She urged the Office to produce a paper in 2012 presenting possible options for the resolution of the issue of gender-sensitive language in Convention No. 102; (2) capacity building: political support from ILO tripartite constituents was key to the success of the social security extension campaign. Training at the Turin Centre was welcome but insufficient. She called for the extension of social security and capacity building to be integrated into DWCPs, as well as for the development, with the Bureau for Workers’ Activities (ACTRAV) and the Bureau for Employers’ Activities (ACT/EMP), of a special capacity-building programme for social partners; (3) the Workers fully supported the building of partnerships. There was a need to support initiatives that gave a voice to beneficiaries, those concerned and workers’ organizations. She welcomed the recommendation of the Bachelet report concerning a mechanism for inter-agency collaboration, noting that the ILO should be involved, alongside workers and employers; (4) the Workers had highlighted the need to ensure effective oversight of the plan of action and had requested regular reporting to the Governing Body so that progress could be monitored and additional guidance provided; and (5) the Workers believed that adequate additional resources needed to be allocated, especially to social security standards ratification and implementation, and capacity building of social partners.
- 31.** IMEC, through a Government representative of France, welcomed the comprehensive plan of action. IMEC supported the upcoming standard setting discussion at the 101st Session of the ILC in June 2012. He cautioned that the possible new Recommendation and the development of more comprehensive social security systems, as advocated by Convention No. 102, should be linked in a strategy concerning economic development and national capacities. He stressed the major role of the ILO in knowledge development and sharing, hence the rationale for developing a network of institutions and universities. However, the



IMEC group requested further information on the arrangements between the Office and the International Social Security Association (ISSA). He urged the Office to give careful consideration to focusing on value-added new publications consistent with its overall knowledge strategy and knowledge management system. Further information was requested on new publications, performance indicators and benchmarks. He noted the need to make capacity building a priority in the plan of action. Furthermore, he highlighted support for collaboration with other national and international institutions, the necessity to prioritize high value-adding technical assistance in fields where the Office had a comparative advantage and suggested incorporating key recommendations of the Bachelet report in the plan of action. Further information was required concerning the resources needed to carry out the plan of action.

- 32.** GRULAC, through a Government representative of Brazil, emphasized that social protection was a major priority in his region. He indicated that the Office should promote the horizontal and vertical extension of social security in a balanced way, and ensure that a possible Recommendation on SPFs did not compromise the promotion of Convention No. 102. Concerning knowledge development and sharing, the plan of action was not very detailed on South–South and triangular cooperation. Technical assistance should reflect and support national priorities. The conceptualizing of national SPFs was an important step forward. He also noted the potential for South–South and triangular cooperation on capacity building and partnership linked to the upcoming discussion on policy coherence in the multilateral system. Finally, he requested clarification on the monitoring of the plan of action.
- 33.** The Africa group, through a Government representative of Congo, noted that the 2011 ILC conclusions had allowed the African Regional Meeting (Johannesburg, October 2011) to identify principles for the implementation of national social protection policies on the basis of the two-dimensional approach developed in the Yaoundé Declaration. Given the lack of human resources in social security in Africa, training was crucial and the Office’s assistance was requested. Making social security a priority and exchanging good practices would benefit member States. Innovative sources of financing and good governance should be at the centre of national priorities. She strongly called for sufficient resources to be allocated to implement the plan of action.
- 34.** The EU, through a Government representative of Denmark, and its Member States, supported the strategy of the plan of action. He cautioned that addressing the language issue in Conventions, especially Convention No. 102, should not lead to a modification of their legal and factual content. He urged the Office to finalize by November 2012 the paper exploring the option to address the language issue. He suggested strengthening analytical work regarding the macroeconomic conditions required for the development of sustainable and effective social security systems and regarding the links between social protection systems and prevailing macroeconomic environments. He acknowledged support for the Office’s efforts on the Social Security Inquiry. The development of reliable statistics should be mentioned in the plan of action. Concerning technical advisory services, the strategy paper should envisage bilateral technical cooperation at country level. Concerning capacity building, he suggested the Office report in 2012 on the implications of its strategy and by November 2016 on progress regarding the network of teaching institutions. He noted support for building and strengthening partnerships and suggested that the memoranda of understanding (MOUs) with other agencies include provisions for institutionalizing data transfers. Finally, he noted that the Office should allocate the required human and financial resources to continue its work on the extension of social security and on the SPF Initiative.
- 35.** ASPAG, through a Government representative of China, commended the Office for the comprehensive plan of action. The social security good practices guide would offer

essential guidance to ASPAG countries and should therefore be drafted soon after the 101st Session of the ILC in 2012. As Asian countries were both sending and receiving countries of migrant workers, he urged the Office to provide guidance for the design of bilateral and multilateral social security agreements. Integrated employment and social protection policies required investment in a coordinated capacity-building strategy. He concluded that it was essential to ensure that SEC/SOC was appropriately resourced to cope with the enormous tasks before it and better serve constituents.

- 36.** A Government representative of Brazil underscored the role of the ILO in promoting the ratification of Convention No. 102 and other standards. Lessons needed to be learned from the global financial crisis. Social protection was about people and human rights, and investments in social development could stimulate the economy. He referred to Brazil, where an investment of 0.4 per cent of gross domestic product (GDP) had taken 28 million people out of poverty. Guaranteeing basic standards of living for people was the responsibility of society as a whole. He underscored the role of the ILO in formulating and implementing the SPF.
- 37.** A Government representative of the Republic of Korea noted that resolving the issue of gender-sensitive language and not making detailed prescriptions in Conventions could contribute to extending the ratification of Conventions. She indicated that the purpose and application of performance indicators should be clearly stated. Their purpose should not be to rank countries. They should contribute to reinforcing national social protection systems and should take into account national differences.
- 38.** A Government representative of Australia commended the Office on its work and urged that the implementation of the plan of action and the development of the social security good practices guide take an inclusive approach to persons with disabilities, to ensure that they were not subject to discrimination in the design, development and provision of social policies, services and benefits.
- 39.** A Government representative of Japan, acknowledging the support for the plan of action, underlined the importance of the Office's role in capacity building and partnerships. Combining income security systems with active labour market policies was necessary and he described the technical cooperation programme on unemployment benefits in his region. He noted that the social security good practices guide and performance indicators should reflect the diversity of member States and the tools developed should be versatile.
- 40.** A Government representative of the Russian Federation endorsed the proposed plan of action and referred to national activities under its five components. In particular, he noted that the Russian Federation was planning to ratify Convention No. 102 in 2012. He was willing to make available data and increase cooperation with international organizations in terms of knowledge development and sharing. He called on the Office to provide technical advisory services to build a comprehensive social security system and referred to plans to develop a coordinated capacity-building strategy and methods for managing and regulating social security systems. He supported the creation of a regular coordination mechanism for the SPF Initiative and the monitoring of targets set in the plan of action.
- 41.** A Government representative of India emphasized the critical role of good governance with regard to the sustainability of social security systems. There should be enough flexibility in the plan of action to ensure that each supported country could have its own SPF designed to take into account national circumstances. Noting the challenges involved in providing cover for workers in the informal economy, he emphasized the role of South-South cooperation regarding knowledge sharing and capacity building. He concluded that the implementation of a comprehensive social security strategy required a multi-dimensional, well-integrated and efficiently delivered structural response.

42. A Government representative of Argentina supported the Office paper and noted that Argentina would be ratifying Convention No. 102 in the near future. Social security benefits had been fundamental to the country's recovery from crisis since 2002.
43. A Government representative of Mexico considered the possible new Recommendation on SPFs to be important. She cautioned that the implementation of the plan of action should not generate obligations for member States, warning that performance indicators should not be used to supervise the application of social security Conventions. She requested further information on the rapid assessment tool for the costing and impact analysis of SPFs and on the role of social partners in monitoring the performance of social security systems.
44. A Government representative of Ghana supported the strategies in the plan of action, that emphasized the need for continuous support by the Office to constituents in national decision-making processes and in the training and advocacy initiatives of national officials and social partners. Coordinated capacity-building strategies were needed to ensure the effective and efficient operation of social security systems. She suggested that collaboration with academic institutions be further expanded, particularly in Africa. She appealed for adequate budgetary allocations to implement the plan of action.
45. A Government representative of Kenya called for subregional and national promotion campaigns for the SPF to gain political support in Africa. She pointed out that the ILO and donors should address social security skills deficits in SPF implementation, especially in Africa. She commended the Office's efforts to operate a comprehensive social security database and indicated the need to support member States in the dissemination of social security data.
46. A Government representative of France stated that the G20 under the French presidency had advanced not only in its reflections, but also in its commitments and in the coherence of actions and policies regarding the extension of social protection and the development of SPFs. That was reflected in the conclusions reached by the leaders at the G20 Cannes Summit of 3–4 November 2011, and in the conclusions of the G20 Labour and Employment Ministers Meeting and of the G20 Ministerial Meeting on Development. He noted that the political endorsement would be an important support to the Office in the implementation of its plan of action and its strategic objective on social protection.
47. A Government representative of China shared national experiences on the extension of social security and encouraged the Office to establish and strengthen partnerships with multilateral institutions to promote the SPF for all.
48. A Government representative of Lebanon supported the plan of action and recognized the importance of extending social protection. He pointed out that Lebanon believed in unifying the institutions working on social protection and extending services offered to workers and that important legislative developments were taking place in that regard.
49. In response to the statements, a representative of the Director-General (Executive Director, PROTECTION) noted that the discussion that had taken place during the 100th Session of the ILC in 2011 had provided the opportunity to review the current status, while the plan of action reflected future work. He stressed the need to promote the ratification of the Maternity Protection Convention, 2000 (No. 183). He noted that demographic issues in developed countries focused on ageing and its impact on pensions and employment, while in developing countries they focused on youth and the impact on social security. He reaffirmed the need to build national capacities for the governance of social security schemes through university training.

50. A representative of the Director-General (Director, SEC/SOC) noted progress made in a number of countries and underlined its importance for the development of SPFs. He underlined the outcome-oriented nature of Convention No. 102, which could be achieved by public or private provision under the general responsibility of the State. He informed that: the best practices guide would recognize the diversity of individual countries; performance indicators were designed as a tool for national social security systems to measure their own performance, not as a supervisory instrument of the ILO; and that South–South, North–South and triangular support were complementary in providing technical advice. He acknowledged the need to strengthen investments in the training of social partners and mentioned the ongoing efforts. He mentioned that training of worker and employer practitioners in university programmes had played a critical role in enhancing national technical capacities. He pointed out that the Office sought complementarities in partnerships, such as the collaboration with the International Social Security Association (ISSA) in the management of social security institutions.
51. The Worker spokesperson expressed satisfaction on the positive discussion, insisted on the importance of the work to come and concluded by welcoming support from governments.
52. The Employer spokesperson designated for the agenda item (Employer member from Belgium) clarified that the group supported the objectives of Convention No. 183 but felt that a more flexible Convention would have produced more positive outcomes for women. He reaffirmed support for the concept of the SPF.
53. *The Governing Body took note of the paper. There was wide support for the contents, the timing and the sequencing of the activities of the plan of action. The Governing Body invited the Office to take into account the views expressed during its discussion (in paragraphs 29–52 above).*

### Third item on the agenda

#### **Follow-up to the conclusions concerning the promotion of sustainable enterprises adopted by the International Labour Conference in June 2007**

54. The Governing Body had before it a paper<sup>3</sup> entitled “Follow-up to the conclusions concerning the promotion of sustainable enterprises adopted by the International Labour Conference in June 2007”. A representative of the Director-General (Executive Director, EMPLOYMENT) introduced the item by recalling the importance of the ILC discussion in 2007 in taking stock of the latest thinking on private sector development and leading to tripartite conclusions for an integrated approach to the promotion of sustainable enterprises. He noted that the strategic framework for sustainable enterprises subsequently developed through a participatory process aligned the Office’s work with the ILC conclusions and had been built into the Strategic Policy Framework 2010–15 as outcome 3. He recalled that follow-up to the 2007 conclusions had already been reported in Chapter 4 of the recurrent item report on employment at the 99th Session of the ILC in 2010. The current report intended to inform the Governing Body members on how the Office had tried to translate the 2007 conclusions into practice and on the impact and scale of some of the programmes. It also intended to seek guidance on how best to address challenges in moving forward.

<sup>3</sup> GB.312/POL/3.

55. A representative of the Director-General (Director, EMP/ENTERPRISE) introduced the paper and noted the close link between the Sustainable Enterprises and Green Jobs Programmes. He stressed the strong demand for enterprise development programmes as a priority in two-thirds of all DWCPs. He provided examples of some of the most successful products on entrepreneurship and figures on their outreach and impact. He noted the increasing collaboration with other parts of the Office and with the Turin Centre on capacity-building activities. He highlighted some of the challenges faced by the programme and the points for discussion.
56. The Employer spokesperson agreed with the Office that the work on sustainable enterprises and green jobs was a learning process and a strategy in evolution. She reiterated that the number one priority for Employers was creating and sustaining productive and formal enterprises. She regretted the absence of sustainable enterprises under the topics listed on the ILO's website. She urged the Office to review the importance attached to enterprises, especially in the wake of the economic crisis and demands of greening enterprises. The successful implementation of the 2007 conclusions required at least six things: (1) clearer focus on "for profit" private sector enterprises; (2) reform of the enabling environment for doing business to be on the policy agenda of more governments; (3) more analysis and research on reforms that improved the enabling environment and the promotion of reform opportunities to constituents; (4) better equipped constituents for national policy debates; (5) better equipped and more willing governments to engage as champions of change; and (6) more explicit focus on SMEs.
57. She urged the Office to prioritize its work on the 2007 conclusions. She raised concerns over the approach and priorities in figure 1 and provided suggestions for improvement. She emphasized the importance of the enabling environment as a fertile ground for enterprises to generate more jobs and to address the problems of informality. Referring to the preconditions for doing business in paragraph 11 of the 2007 conclusions, she recognized that, although not all were within the remit of the Office, the Office should support regulatory and legal reform under the enabling environment pillar, collaborating with other organizations on preconditions that fell outside its mandate.
58. She underlined that the important work of the assessment methodology needed to be expanded to more countries. To improve the methodology, she suggested establishing feedback mechanisms between the assessment tool and process on the one hand, and national priorities on the other; becoming more analytic; better dissemination of lessons learned; promoting reform benefits; and providing an input to DWCP formulation. She supported capacity building for constituents to better participate in policy reform dialogue. The Office should focus on SME development work because of their importance in employment generation, and should collaborate with other organizations working on SMEs. She questioned whether the role and potential impact of cooperatives on job creation justified their placement in pillar 1 and suggested placing them under a targeted programmes category. On the World Bank's *Doing Business* report, she suggested better cooperation and learning from its methodology to advance policy reform. She expressed support for the Office's work on youth and women's entrepreneurship, but suggested grouping them in a separate pillar for targeted programmes together with cooperatives. She questioned the priority on value chains as the ILO should focus on domestic enterprises. She remarked that pillar 3 on sustainable and responsible workplaces should be a cross-cutting issue as it was the core business of the ILO in general.
59. Concerning the second point for discussion, she stressed that the Office best provided assistance to member States by focusing on enterprise development. On the third point for discussion, she suggested three priorities for the following biennium: review the resources for sustainable enterprises; focus on an enabling environment and the role of governments; and seek better partnerships with employers' organizations. She concluded by proposing a

new strategic framework on sustainable enterprises with pillar 1: enabling environment; pillar 2: SMEs; pillar 3: youth and women's entrepreneurship and cooperatives; and with workplace practices as a new cross-cutting issue.

- 60.** The Worker spokesperson raised concerns over the Office's work on sustainable enterprises and the differences between employers and workers in the focus of the Office's work. She feared the Office was moving away from a rights-based approach and was becoming a business support organization. She reminded all that the discussion in 2007 had been delicate, taking care not to promote any kind of enterprise but sustainable enterprises that combined competitiveness and productivity with social and environmental considerations. She noted that the added value of the ILO in the sustainable enterprises debate was the social dimension through the Decent Work Agenda. The added value implied paying attention to the quality of jobs, working conditions and industrial relations. She expressed disappointment that the paper made no reference to the Global Employment Agenda, the 2008 ILO Declaration on Social Justice for a Fair Globalization or the public sector. She disagreed with the approach taken by the Office, as stated in paragraph 17 of the paper, of working with one social partner, when social dialogue lay at the heart of the 2007 conclusions. She expressed concern over the work in Swaziland not involving unions and leaving out key conditions of the enabling environment. She welcomed the work on cooperatives and the promotion of the Promotion of Cooperatives Recommendation, 2002 (No. 193), and requested more resources for work on cooperatives and on the social economy. She noted that the Workers saw no evidence that the Office's work in that area was indeed leading to decent jobs for workers and called for the urgent modification of flagship products on entrepreneurship education and training to better reflect the 2007 conclusions, particularly on issues like freedom of association, collective bargaining, wages and working conditions.
- 61.** She expressed disappointment that indicator 3.4 reflecting the work on the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) was undersubscribed and that the paper limited the work with multinationals to corporate social responsibility instead of promoting the application of the MNE Declaration along supply chains. She concluded by restating that trade unions embraced the concept of sustainable enterprises, but urged a change in the Office's focus to better reflect the 2007 conclusions.
- 62.** GRULAC, through a Government representative of Brazil, recognized the work carried out by the Office. He highlighted the need to share knowledge and experience between countries in order to assist member States with high rates of informality in their transformation to formal, sustainable enterprises. He acknowledged the collaboration with other organizations in that area to strengthen support to the ILO's tripartite constituents. Finally, he identified youth training and entrepreneurship promotion as priorities for the following biennium.
- 63.** The Africa group, through a Government representative of Congo, encouraged the promotion of cooperatives and urged the Office to continue to promote the conclusions through DWCPs and programmes such as "Know About Business", "Improve Your Business" and "Women's Entrepreneurship Development", which should also be greened. Finally, he encouraged the ILO to continue its work on sustainable enterprises through the three pillars presented in paragraph 5, while paying attention to the informal sector and rural areas.
- 64.** ASPAG, through a Government representative of China, acknowledged the achievements of the Office in following up the 2007 conclusions and urged the Office to capitalize more on national and international coordination. He acknowledged the efforts of the Turin Centre in updating the enabling environment course and holding the ILO Summer

Academy on Sustainable Enterprise Development and invited it to also hold such courses at regional level. He concluded by requesting the Office to expand the use of the assessment methodology to more countries and to prepare reports similar to the World Bank's *Doing Business*.

65. A Government representative of India spoke about his country's efforts to promote public-private partnerships to link rural and urban sectors. He highlighted his Government's efforts to encourage micro-, small and medium-sized enterprises by facilitating the flow of credit, assistance and support, and announced the release of National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business in 2011.
66. A Government representative of the United States referred to the ongoing work on randomized control trials for an impact assessment in Uganda and asked for future updates. She stated that the Office might be placing too much emphasis on the aggregation of impact across countries when disaggregated results would be better for learning whether and how target populations were being reached within countries. Lessons from one country could be applied elsewhere but she did not see the need to aggregate and compare.
67. A Government representative of Egypt remarked that young people in the Arab world, and especially in Egypt, were fighting for rights and for decent and stable work. He emphasized that young people were hit hard by unemployment, and helping them to benefit from different job opportunities should be a high priority for international organizations.
68. In his response to the interventions, a representative of the Director-General (Executive Director, EMPLOYMENT) observed the different priorities of the Workers and the Employers and the consensus by Governments in terms of services provided by the Office. He hoped that the Workers did not question the work of the Office as such but rather the way it had been expressed in the paper submitted for the agenda item, as the Office had been working very closely with the constituents throughout. He further explained that, in preparing the recurrent item report for the 99th Session of the ILC in 2010, very close consultations had taken place with the constituents. Figure 1 in paper GB.312/POL/3, with the three strategic pillars, had already featured in the chapter on sustainable enterprises and job creation of that report. He could not understand why the concerns expressed had not been raised for the 2010 recurrent item report. He expressed the same surprise about the concerns raised over the sustainable enterprises strategic framework, which had been made available to the constituents more than a year-and-a-half previously. He noted that certain issues, such as macroeconomic factors, were not connected to the current paper; in fact those types of issues were being considered in national employment policies. He explained that the approach was really the kind of integrated approach that was demanded by the Governing Body. He thought that the Office had made significant progress on the enabling environment pillar but acknowledged that there was scope to further improve both the engagement with the constituents and the methodology used for the assessments. He emphasized that work under pillar 3 was very well aligned with the guidance of the Multinational Enterprises Segment. He hoped to find a way in which the priorities of Employers and Workers could converge. He said that the Office would engage in consultations with both of them, formally or informally, to resolve the issues they had expressed on the work of the Office.
69. A representative of the Director-General (Director, EMP/ENTERPRISE) emphasized the enormous demand coming from the constituents in the member States. He noted that there were clear differences of emphasis between the constituents on parts of the programme they felt strongly about and parts they felt less attached to and that all of that was contributing to information gaps. He invited constituents to continue the dialogue that had already started and expressed his optimism that the 2007 conclusions were a highlight

because they brought very controversial views into one framework, thus elevating the debate to a higher level.

70. The Worker spokesperson responded that she could not decipher whether it was the paper or the work that caused concerns for the Workers' group, as the paper was supposed to reflect the work of the Office. She welcomed the Office's offer to further engage in dialogue and resolve the concerns. She reiterated that the role of the Office was to promote sustainable enterprises that reflected the ILO's values, such as good regulations, standards, freedom of association and collective bargaining. She emphasized that certain elements of the work were not currently fully in line with the 2007 conclusions.
71. The Employer spokesperson did not think that there was much disagreement between Workers and Employers as to what constituted a sustainable enterprise, but rather they had a different sense of priorities for getting there, and that was probably appropriate. She clarified that she was not arguing that the rights-based aspects of the enabling environment should be discarded or downgraded, but that EMP/ENTERPRISE should be concerned about creating decent jobs through enterprise development and that those rights-based aspects must be reflected, resourced and prioritized in the majority of the Office's work. She concluded by endorsing the call for further consultations and mentioned that she would suggest to the Governing Body screening group that the issue be placed on the agenda of the 312th Session of the Governing Body in November 2012.
72. *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion (in paragraphs 56–71 above) concerning follow-up to the ILC conclusions concerning the promotion of sustainable enterprises.*

## Fourth item on the agenda

### Work–life balance

73. The Governing Body had before it a paper<sup>4</sup> reviewing integrated work–family policies to address growing work–family tensions, including in the context of the crisis, and seeking guidance on further work in that area. A representative of the Director-General (Director, Labour Protection Department (PROTRAV)) introduced the paper.
74. The Employer spokesperson highlighted the importance of work–family balance as a universal concern. Work–family balance benefited working parents, social partners, governments and national economies. She noted that the document addressed gender issues and asked about its relationship to both the 2009 ILC conclusions concerning gender equality and the paper GB.312/INS/12. She recalled that the rationale of the Governing Body reform was to emphasize the focus on governance and avoid duplications.
75. She questioned the relevance of a wide-ranging paper for engaging the advice of the Governing Body. The paper focused on several relevant subjects, pointing to the complexity of work–family issues. Many aspects exceeded the ILO mandate and required a mix of policy interventions targeted to national circumstances. The ILO should focus on achievable objectives within its mandate, in line with the 2008 ILO Declaration on Social Justice for a Fair Globalization. Many work–family tensions stemmed from shortages in government-provided services, especially childcare and transportation, as recognized by

<sup>4</sup> GB.312/POL/4.



the 2011 Tripartite Meeting of Experts on Working Time Arrangements. The State should provide an enabling regulatory framework in which appropriate work–family solutions could be agreed at the individual and workplace levels.

- 76.** She underscored that the ILO should promote successful policies to encourage social dialogue on work–family issues. Promoting the business case for work–family measures was essential. The Office should also research and promote the benefits of part-time work. She opposed research on unpaid care work, which fell outside the ILO’s mandate and pointed out that many organizations were studying the topic. The Office’s technical cooperation and advice should focus on effective measures to promote work–family balance, which promoted equal opportunities in the labour market and economic progress. Finally, she cautioned the Office not to over-emphasize the crisis impact, since work–family measures should be promoted by agreement across economic cycles.
- 77.** The Worker spokesperson congratulated the Office on a well-researched paper on an important topic. She noted that the most essential preconditions for a discussion on work–life balance were income security and the predictability and stability of employment. That meant a guaranteed minimum wage, a social protection floor, permanent employment contracts, limits to maximum working hours and time flexibility.
- 78.** She insisted on a broad approach to “work–life” balance, beyond “work–family” balance, and cautioned about the invasion of new technologies into private life. Public spending on family benefits was the most sustainable investment in long-term productivity and she warned about budgetary cuts during the crisis. The creation of an environment conducive to work–life reconciliation could not be left to the market or individual workers and employers; the State should provide incentives and standards. Moreover, many workplace measures, such as breastfeeding breaks, limiting excessive hours and the right to part-time work and to return after maternity leave, were not costly.
- 79.** She supported the improvement of the research agenda on work–life balance and the inclusion of workplace stress, excessive working hours, non-standard and unpredictable employment, high levels of unemployment and low pay. Innovative policies to address the growing care needs of ageing societies should be part of the ILO’s future work, as should studying unpaid work and its impacts on paid work and work–life balance. She also exhorted the ILO to promote relevant international standards, to provide capacity building for women trade unionists and to include the issue in a Recommendation on SPFs.
- 80.** The Africa group, through a Government representative of the Democratic Republic of the Congo, recognized the importance of work–life balance in the developing world. The achievement of the Millennium Development Goals (MDGs) on poverty reduction, gender equality, infant and maternal mortality, and HIV/AIDS faced challenges in most African countries. Work–life imbalances had negative consequences for economic growth, health and work productivity, notably for women in informal work, due to the gendered division of reproductive work. She called for Office policy advice on: (a) the formulation of national strategies to address the division of work between men and women; (b) the set-up of community and home-based services to support care responsibilities; and (c) capacity building in social policies to assist low-income households.
- 81.** The EU, through a Government representative of Denmark, welcomed the paper and highlighted the importance of that policy issue, especially in light of the global crisis and ageing societies. Work–family reconciliation was crucial to better life quality, gender equality, long-term economic development and decent work. She emphasized that successful policies included the following sustainable measures: adequate, affordable high-quality care services for children, the elderly and persons with disabilities; flexible working arrangements; leave policies for both women and men; poverty reduction; and

tackling gender stereotypes. The ILO should promote information sharing, the exchange of good practices, and the development of statistical databases and indicators. ILO research should focus on the factors affecting parents' ability to reconcile work and family in cooperation with other organizations working on the topic. Finally, she emphasized that national and international social partners were key to implementing work–family policies and workplace practices.

- 82.** A Government representative of India congratulated the Office on the excellent paper on an increasingly relevant concept in the current world. He noted that mainly women faced work–family tensions. Quality childcare facilities were not universally accessible due to prohibitive costs, and care programmes for the elderly were also lacking. He regretted that some workplaces looked at women taking time off from work to look after their children or the elderly as being less committed. The scenario was particularly grim for the informal sector or contractual workers. He considered that capacity building, strengthening research and knowledge through ILO technical assistance would enable a better implementation of work–life policies.
- 83.** A Government representative of Canada welcomed the paper and supported the Office's efforts towards work–life reconciliation. Her Government had proposed a conference on work–family reconciliation several years previously. She noted that Canada had adopted maternity, paternity and family benefits in the framework of labour standards and collective agreements, to promote women's and men's access to equal opportunities in paid and care work. She also remarked that the paper focused on childcare issues. She recognized that ageing societies and HIV/AIDS also warranted attention in terms of policy development, impact assessment and the sharing of best practices.
- 84.** A Government representative of Japan emphasized the importance of social dialogue as a key to the effective promotion of work–life balance. In 2007, his Government had agreed with the social partners on the adoption of a charter and action plan to promote work–life balance. On that basis, companies, workers and local governments had worked together to promote workplace work–life balance. The system worked successfully as it was based on social dialogue. He concluded by exhorting the reinforcement of social dialogue in ILO activities on work–life balance.
- 85.** A Government representative of Mexico considered that work flexibility was essential to work–life reconciliation, which did not mean working less, but instead more efficiently. She pointed out that it would lead to a better working atmosphere and higher productivity. She provided examples of Mexican policies that had positive effects on work–life balance, focusing on childcare and corporate social responsibility. She insisted on involving employers' and workers' organizations in the development and implementation of effective measures. She encouraged the ILO to generate more research by regions and countries, to identify good practices and guide governments.
- 86.** A Government representative of Qatar thanked the Office for the excellent paper and reiterated the importance of the issue for all the world's regions. He supported the ILO's research agenda on the topic and its social and economic implications. He called for the Office to promote its statistical capacities on work–life reconciliation and coordination among ILO departments in order to address the issue. He suggested the organization of a tripartite meeting of experts to exchange effective initiatives.
- 87.** The representative of the Director-General summarized the convergence points which included: the importance of work–family balance and its relevance to several social and economic objectives, including the SPFs and the MDGs; the recognition of its complexity, some of whose ramifications exceeded the ILO's remit, but needed to be understood in order to inform the ILO's work under its mandate; the need for ILO policy coherence and

coordination across the different sectors; and the key role of the State in adopting the enabling regulatory framework, along with social dialogue, collective bargaining and individual arrangements within regulated frameworks. Work–family interventions were also relevant to ageing societies, economic insecurity, unpredictable working hours, public employment programmes and social infrastructure in developing countries.

- 88.** *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion (in paragraphs 74–87 above) concerning work–life balance.*

## Social Dialogue Segment

- 89.** The Social Dialogue Segment of the Policy Development Section was held on Thursday, 10 November. It was chaired by Mr de Robien (Government, France) as assigned by the Chairperson of the Governing Body. Mr Woolford and Ms Fox were the Employer and Worker spokespersons.
- 90.** The Chairperson of the sitting congratulated Mr Oumarou on his appointment as Officer-in-Charge of the Social Dialogue Sector. Mr Oumarou thanked Mr Dragnich, the former Executive Director of the Social Dialogue Sector, for his dedication to the ILO and the Sectoral and Technical Meetings Committee (STM) during his time in office. The Governing Body reform had led to the creation of the Social Dialogue Segment, which now included, in addition to the former mandate of the STM, social dialogue and industrial relations issues, such as labour law, labour administration and labour inspection. He thanked the Governing Body members represented at the Segment in advance for their important guidance to the Office for its future work.

## Fifth item on the agenda

### Global dialogue forums: Lessons learned

- 91.** A representative of the Director-General (Director, Sectoral Activities Department (SECTOR)) explained that the paper<sup>5</sup> had been prepared taking into account a number of proposals made during discussions in the advisory bodies and the STM. The paper was based on a clear recognition of the differences in format between global dialogue forums (GDFs), meetings of experts and sectoral meetings, and aimed to capitalize on the innovations of the GDF format, drawing on successful practices. All proposals had been devised so as not to require additional resources.
- 92.** The Employer spokesperson strongly supported the holding of GDFs, since those and other sectoral meetings were where the real value-added of the ILO Sectoral Activities Programme lay. Neither Regional Meetings nor national initiatives offered a comparable opportunity to discuss global issues of concern to a sector. GDFs should not always be required to adopt conclusions; they presented a valuable opportunity to foster tripartite dialogue and to advance thinking on an issue. Therefore, the discussions themselves were the most important outcome.
- 93.** His group agreed with the proposal to limit the length of issues papers and output documents, and with the proposed structure of points of consensus. However, it could not support the proposal to reduce the number of meetings, as that would weaken the Sectoral

<sup>5</sup> GB.312/POL/5.

Activities Programme. There should be a minimum of two meetings per semester, with the possibility for additional meetings, if the need should arise. Neither did his group support the proposal to reduce the number of Employer and Worker participants for each GDF to five; even with the current composition of six, it was difficult to ensure adequate representation, in particular in cases where many subsectors had an important stake in an industry. He encouraged the Office to consider extending the duration of each GDF, as that would allow more time for substantive discussions and place less focus on the development of points for consensus. In order to give support to a chairperson tasked to provide a summary of the discussions, consultations with the vice-chairpersons should be envisaged. Given that GDFs were a fairly recent innovation, his group suggested that the Governing Body reassess this matter again to allow for additional course corrections.

- 94.** The Worker spokesperson pointed out that the meeting format needed to be selected in consideration of the topic. In some cases, a GDF had not been the right format to address particular subjects. Forums should be used only for subjects where mature social dialogue existed. Therefore, she agreed with the proposal in paragraph 12 that the advisory bodies should carefully select the right format for each meeting. She expressed her support for paragraph 17, since the length of the output document had typically been too long, making it nearly impossible for participants to examine fully the drafts. The advisory bodies should be able to recommend longer durations for specific GDFs, if the subject matter so required. However, the number of participants and the interpretation options could not be restricted as a result. While her group deemed reasonable the suggestion in paragraph 14 to limit the number of meetings in a semester, it was important that the advisory bodies should nevertheless continue to have flexibility in determining how many meetings should be held.
- 95.** The inclusion in the output document of “points on which consensus was not reached” could send a wrong signal and hinder future dialogue. Areas where there had been disagreement could be included as “areas for further discussion” in the section on suggested follow-up activities proposed in paragraph 17. The Workers’ group supported paragraphs 15, 16 and 19. It did not support paragraph 23, however, since experience had shown that having an experienced Governing Body member chair a GDF could contribute to its success. She stressed that her group wanted to discuss issues that were of concern to it, even in cases where the positions of Workers and Employers diverged. It was important to find convergence or at least commitment to look at those concerns; the ILO had an important role to play in that respect. GDFs were not necessarily the right types of meetings to address those issues, as had been demonstrated in the GDF on private employment agencies, but that meeting had been valuable in itself, by having clearly identified where the difficulties and divergences lay.
- 96.** A Government representative of Switzerland said that, in choosing a meeting format, the tripartite advisory bodies should determine whether the participants would be interested in engaging in a constructive dialogue geared towards adopting points of consensus. Switzerland supported the proposals regarding the length and structure of inputs and outputs and the delegation of certain decisions to the Officers. The procedure for adopting points for consensus, however, needed to be amended so that, if an oral summary by the chairperson had not been contested by the participants, no objection could later be raised to the inclusion of that wording in the draft points of consensus.
- 97.** A Government representative of Australia supported the point for decision. The proposals would ensure that the GDFs would fulfil their originally intended purpose. GDFs should consider emerging and topical high-level issues and, could, if necessary, be followed up by a meeting of experts to develop detailed technical guidance. He welcomed the inclusion in the outcome document of a section on “points on which consensus could not be reached” so that those points could be addressed in the future. He encouraged prompt

implementation of the measures outlined in the paper and urged the Office to continue to be open to participants' feedback on the new format and act on lessons learned.

- 98.** A Government representative of Canada supported the proposal in paragraph 12 for more comprehensive briefings to advisory bodies. Expected outcomes needed to be identified; in addition to points of consensus, other appropriate outcomes could be a short report of the discussion or a proposed plan of action outlining follow-up activities. Canada agreed with the proposal to limit the number of meetings to two per semester and could endorse the proposed delegation in paragraph 15 if rules were devised to prevent such delegation from resulting in increased costs. She supported the proposals in relation to inputs and outputs, but was concerned that the questionnaires could increase the reporting burdens for governments. Canada endorsed paragraph 18, but did not support fixing rigid rules for the drafting and adoption of points of consensus. She agreed with the Employers' group that the focus of GDFs should be on dialogue and reiterated the need for subjects and formats to be carefully selected.
- 99.** A Government representative of Qatar supported the proposal to reduce the length of the preparatory reports, as long as their quality would not be compromised. Qatar also supported the proposals in paragraphs 17–18; it was important that draft points of consensus reflected the perspectives of all constituents and that participants would be better briefed in advance of a GDF. The problems in adopting points of consensus did not stem from the procedure used, but from a lack of involvement of governments in the process. The Governing Body should review paragraph 24 and consider creating a drafting committee and extending the standard duration of GDFs to two-and-a-half days.
- 100.** GRULAC, through a Government representative of Brazil, expressed support for paragraphs 12, 13, 14, 16, 18, 19 and 20. The Group, however, objected to paragraph 15, because decisions concerning the composition of the meetings could not be delegated, by virtue of article 2.3.1 of the Standing Orders of the Governing Body. It also objected to paragraph 17, because the points on which consensus was not reached should not form part of the outcome document. To avoid confusion, those issues should be reflected in the report of proceedings. He clarified that paragraph 19 should not be interpreted in such a way that silence from a delegate implied acceptance of the oral summary made at the end of each sitting, and that footnote 12 should refer to paragraph 46 of the *Compendium of rules applicable to the Governing Body*. GRULAC objected to paragraphs 22–23, because the rules for sectoral meetings should be applied. He suggested that the Office should develop a set of rules for GDFs, for the reasons suggested in paragraphs 4 and 18 of the paper.
- 101.** The representative of the Director-General thanked the participants for their comments and great support for improving the GDF format. She noted the agreement of all speakers with the proposals to improve programming and shorten inputs and outputs. Divergent views existed, however, on the standard length of GDFs. The Office was not in the position to accommodate an extension of the GDF's standard length, without possibly having to resort to proposing that, due to resulting cost increases, the number of participants might need to be reduced. She shared the speakers' views that the purpose of GDFs was to allow for dialogue and that it was not strictly necessary for every GDF to develop points of consensus. In order to capture those points on which consensus could not be reached, she agreed that a flexible process was needed and proposed that the output document could contain a section on "Points on which further action/debate is required".
- 102.** The Employer spokesperson stressed that it was the Governing Body's prerogative to take all budgetary decisions and that no automatic reduction of the number of participants could take place in cases where a GDF's duration needed to be increased. He agreed with the

proposal to record issues on which further work or debate might be needed, since they could provide important points of departure for future consultations.

- 103.** The Chairperson of the sitting noted that consensus had not been found on some elements in the paper and suggested that the item be examined further at the next session of the Governing Body. The Employer spokesperson agreed with the proposal to examine the issue further at the next session. The Worker spokesperson also agreed, and asked the Office to include more specific details on financial implications in the paper to be prepared for the next session.

**Governing Body decision:**

- 104.** *The Governing Body decided to examine this issue further at its next session, in March 2012.*

## **Sixth item on the agenda**

### **Labour administration and labour inspection: Follow-up to the general discussion at the 100th Session of the International Labour Conference**

- 105.** A representative of the Director-General (Director, Labour Administration and Inspection Programme (LAB/ADMIN)) introduced the paper,<sup>6</sup> underlining the strong consensus that existed between the three groups on the need for the Office to adopt a strategic approach to strengthen national systems of labour administration and labour inspection.
- 106.** The Worker spokesperson noted that her group strongly supported the conclusions and recognized the importance of effective labour administration and labour inspection systems for good governance. She expressed concern about the diminishing role of such systems in many countries and the consequent reduction in worker protection and growth of precarious work.
- 107.** She thanked donor countries for providing resources to support the Office's work and welcomed the proposed action plan, stressing the importance of action at the national level. Action to promote international labour standards was essential and should extend also to the Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81), the Employment Service Convention, 1948 (No. 88), and the Employment Relationship Recommendation, 2006 (No. 198). She recalled that the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949, (No. 98), were equally important.
- 108.** She noted with concern that private inspection initiatives risked undermining the public role of labour administration and labour inspection. The proposed tripartite meeting of experts on private compliance was a welcome opportunity to examine those initiatives in the light of international labour standards.
- 109.** She encouraged the Office, in cooperation with the International Training Centre of the ILO (the Turin Centre) and social partners, to give priority to helping constituents ensure that labour inspectors enjoyed decent working conditions and were properly trained to

<sup>6</sup> GB.312/POL/6.

reinforce ethical behaviour. It was essential to extend labour law coverage to all workers, including those in disguised or triangular employment relationships. The proposed action plan tools should prioritize a number of areas arising out of the June 2011 discussion and reflected in the recent ACTRAV Symposium on Policies and Regulations to Combat Precarious Employment.

- 110.** The proposals on research were welcomed, as were those in paragraphs 11 and 13–15 of the document, including on the enforcement of gender equality legislation. She concluded by noting that LAB/ADMIN needed resources to implement the proposed action plan.
- 111.** An Employer member from South Africa, speaking on behalf of the Employers' group, endorsed the proposed action plan. In particular, the Employers' group supported the initiative to hold a tripartite meeting of experts in the next biennium on private compliance initiatives and recognized the need to secure the necessary funding. He noted his personal participation in recent follow-up activities to the International Labour Conference (ILC) general discussion, including an international workshop on strengthening cooperation between labour inspection systems and the judiciary as well as the Labour Administration and Labour Inspection International Academy held at the Turin Centre. Those two initiatives demonstrated the Office's capacity to coordinate such work and highlighted the importance of involving social partners and securing the necessary resources. He regretted the lack of participants at the Academy from developed countries, noting that there might be a perception that developed countries could not learn from developing nations. Such attitudes needed to change, in order to foster better collaboration.
- 112.** A Government representative of Lebanon explained that his country had ratified all the relevant ILO Conventions on labour inspection and recognized the importance of labour inspection for fostering good relations between workers and employers and promoting labour market stability. It was important in that regard to train labour inspectors to carry out their functions professionally and ethically.
- 113.** A Government representative of Brazil noted that it was an honour for a representative of his country to have been selected as Reporter for the Committee on Labour Administration during the 100th Session of the ILC. In order for the Office to be more effective in strengthening the national capacity of labour inspection systems to improve labour law compliance, LAB/ADMIN's human and financial resources should be strengthened and consideration could be given to making the programme a permanent part of a re-organized technical sector.
- 114.** ASPAG, through a Government representative of Viet Nam, expressed the group's support for the proposed action plan. He highlighted the need to develop a technical cooperation portfolio to support the Office in the delivery of technical assistance and to improve coordination and information-sharing within and outside the Office and across the multilateral system. LAB/ADMIN should lead the ILO's work in that regard. Furthermore, existing channels and modalities for knowledge-sharing should be promoted through South–South and triangular cooperation.
- 115.** A Government representative of India supported the proposed action plan, noting that strong labour administration and inspection systems played a key role in addressing the negative consequences of globalization and in promoting decent work and social protection. He emphasized the need to prioritize activities and to raise awareness of occupational risks and workers' rights, and to ratify the relevant ILO Conventions. He supported the proposal to organize a tripartite meeting of experts on private compliance initiatives.

- 116.** The Africa group, through a Government representative of the Congo, recognized the need for effective systems of labour administration and labour inspection and acknowledged that labour administration played a key role in the design and implementation of socio-economic policies. The Office should continue to provide technical assistance and promote South–South cooperation. The Africa group supported the point for decision and urged the Office to commit the resources needed to organize the proposed tripartite meeting of experts.
- 117.** A Government representative of Kenya endorsed the statement made on behalf of the Africa group and noted the pivotal role of labour administration and labour inspection in achieving good governance. He expressed his support for the action plan, in particular for the organization of a tripartite meeting of experts.
- 118.** A Government representative of Ghana endorsed the statement made on behalf of the Africa group. She noted with satisfaction that the Office would continue to provide technical assistance to promote, apply and enforce labour legislation and would develop the capacity of labour officials to carry out their functions. In particular, she highlighted the need for adequate resources to support LAB/ADMIN’s work.
- 119.** The EU, through a Government representative of Denmark, supported the proposed action plan. The EU appreciated the inroads made by the Office in improving the national capacity of ILO constituents since the creation of LAB/ADMIN in 2009. He stressed the need to gather and make use of existing data, share information, and improve collaboration between international organizations. The ILO could also play a role in promoting the exchange of good practices on a voluntary basis. In addition, he emphasized the need for cost-effective labour inspection. He recalled that the legal framework for labour administration could not be replaced by other initiatives and supported the proposed tripartite meeting of experts on private compliance initiatives. Noting the important role of the ILO in ensuring the ratification and implementation of the governance Conventions, he requested the Director-General to take steps to give effect to the conclusions adopted at the 100th Session of the ILC.
- 120.** A Government representative of Cambodia supported the action plan and reiterated the importance of adopting a strategic approach to strengthening national labour administration and inspection systems, which was crucial for promoting harmonious industrial relations. He noted that his country had recently received a technical mission from the Office to carry out a rapid assessment of the country’s labour inspection system and develop a national training strategy. He thanked the Office for its assistance and hoped that additional support would be given to build the capacity of Cambodia’s labour inspection system.
- 121.** A Government representative of the United Arab Emirates supported the intervention made on behalf of ASPAG. He recalled the various challenges currently facing labour inspection and thanked the Office for its work in his country on building the capacity of labour inspectors to carry out their functions more effectively. He commended the training programme on labour inspection developed jointly by the Office and the Turin Centre and hoped that those tools would be further translated and adapted to different national circumstances to allow for wide dissemination.
- 122.** A Government representative of France supported the point for decision. Other important aspects of labour inspection, such as occupational safety and health and assistance in collective bargaining, should not be underemphasized. Since governments, including his own, were making efforts to increase the means available for labour inspection, he suggested that the ILO should consider doing the same.



- 123.** A Government representative of Sri Lanka supported the plan of action and considered the proposals to be central to the ILO's work. Private compliance initiatives were rapidly increasing in developing countries and risked undermining the authority of the public inspectorate. Efforts should be made to ensure that such initiatives served to strengthen, rather than to weaken, the public labour inspection function.
- 124.** A Government representative of the United States supported the point for decision. She noted that labour administration and labour inspection were key areas of ILO work and essential to worker protection. The Office was well placed to provide technical assistance to strengthen those systems in ILO member States. She welcomed the inclusion in the action plan of a component on internal coordination across the Office.
- 125.** The representative of the Director-General noted the genuine interest in giving priority to labour administration and labour inspection at the international and national levels. The Office would support that commitment, in particular by ensuring that labour administration and inspection objectives were reflected in DWCPs. He undertook to work with donors towards developing a portfolio of technical cooperation to support the action plan and delivering adequate technical assistance to constituents. Concerning the proposed tripartite meeting of experts on private compliance initiatives, the Office would prepare a proposal in due course as a basis for tripartite consultation.

**Governing Body decision:**

**126. *The Governing Body decided to:***

- (a) approve the action plan outlined in paragraphs 6–16 of GB.312/POL/6;*
- (b) subject to the availability of funding, approve the holding of a tripartite meeting of experts in the next biennium, as set out in paragraph 12 of GB.312/POL/6, to examine private compliance initiatives in the light of international labour standards; and*
- (c) request the Director-General to:*
- (i) take steps to give effect to the Conference conclusions on labour administration and labour inspection in a coordinated and efficient manner at headquarters and in the field, and report to the Governing Body, upon request, on progress and results achieved; and*
- (ii) take such decisions as necessary to ensure the effective implementation of the action plan, including through strengthening LAB/ADMIN's capacity to meet these objectives.*

(GB.312/POL/6, paragraph 17.)

## Seventh item on the agenda

### Decent work in the global food supply chain: A sectoral approach

127. A representative of the Director-General (Director, SECTOR) introduced the paper.<sup>7</sup> She emphasized that the proposed programme aimed at enhancing food security throughout the entire food value chain. The ILO's mandate in relation to food security had been recognized by the United Nations High-level Task Force on the Global Food Security Crisis (HLTF), which had called for an enhanced engagement of the ILO in order to promote sustainable livelihoods through decent jobs and social protection. She also recalled the ILO's mandate in connection with Millennium Development Goal 1 on eliminating poverty and hunger and achieving decent work for all. The programme comprised the promotion of decent jobs in the entire food system, income generation and social protection. Activities would be implemented in urban, peri-urban and rural areas and would cover all four pillars of the Decent Work Agenda. She called for a continuous involvement of tripartite constituents throughout all the stages of the programme; also, partnerships with other UN agencies and development partners would be crucial.
128. An Employer member from New Zealand, speaking on behalf of the Employers' group, recalled the efforts made by the Employers to give the ILO a voice in the HLTF since 2009. Since then, the Employers had made it clear that the food price crisis could only be eliminated through a partnership between the private sector, governments, multilateral organizations and global food multinationals. His group had supported the ILO's involvement in the HLTF, since it was the only UN agency that had a mandate to engage with all those actors. Elements important to his group were, however, not reflected in the proposal. There were three work-based elements for addressing food insecurity: the promotion of agricultural productivity, the stimulation of rural livelihoods, and the creation of suitably structured social safety nets. The first two elements could not be achieved through government action alone. DWCPs should be used as a reference to ensure a bottom-up approach. The link made in paragraph 10 between decent work, food security and the resolution of the food price crisis was unclear. Referring to paragraph 18 and the ILC resolution on rural employment, he noted the challenge of generating new jobs in the supply chain, particularly in rural areas. He regretted that there was little reference to the possibilities of entrepreneurship and enterprises and suggested that the Office refine its approach. The key should be to engage with the private sector rather than to pursue a "one-size-fits-all" approach. Nevertheless, the Employers would support the Office in seeking extra-budgetary funding and remained available to help the Office ensure that its activities were relevant.
129. The Worker spokesperson thanked the Office for the paper and recalled that the Workers had been asking the Office since the 2008 session of the ILC to address food insecurity. She endorsed the definition of food security contained in paragraph 9 as a twofold issue of physical as well as economic access to food. Often workers remained "food insecure", despite the availability of food. She recalled that close to 1 billion people were hungry and many of them were involved in the food supply chain. Food insecurity affected half a billion agricultural workers. Moreover, agriculture was an industry where child labour and fatality rates were very high. It was clear that a particular focus on agricultural workers was required, with international labour standards being given a central role. Her group endorsed the promotion of decent jobs and social protection, but a number of concepts needed to be reinforced in the plan, such as: a rights-based approach; living wages; the

<sup>7</sup> GB.312/POL/7.

right to freedom of association; and access to cooperatives. Collective bargaining and minimum wage fixing was crucial, both in rural and urban areas. In addition, research needed to be undertaken on food policy and the contribution that the Decent Work Agenda could make to food security in the current climate of high food prices. The Office's work should cover all areas of the food chain and needed to address the wider context, including food price speculation, bio-fuels, commercial pressures, land grabbing and migration issues. Referring to the 2008 ILC conclusions on rural employment, the Workers endorsed the programme and called for collaboration with the International Union of Food Workers (IUF) and other relevant Global Union Federations.

- 130.** A Government representative of Australia supported the proposed programme. The ILO had a strong contribution to make through the Decent Work Agenda to the growing issue of food security, especially to efforts to ensure a long-term, sustainable food future. Her delegation appreciated that the programme would be informed by a food system country analysis to ensure that activities were tailored to specific country needs, reflect DWCP priorities and involve tripartite constituents. She recommended that the Office develop measurable and practical targets and indicators that would make it possible to assess and improve programme implementation.
- 131.** GRULAC, through a Government representative of Brazil, supported the point for decision, acknowledged the important role of decent work in promoting food security and endorsed the Office's participation in the HLTF. His region had successfully taken steps to improve food security based on policies to increase production, guarantee income to producers, ensure internal consumption, and protect vulnerable groups. He emphasized that the programme should be based on national priorities and the needs of each country, taking into account the principle of national ownership and practices, as well as the mandate of other international organizations working towards global food security.
- 132.** A Government representative of Kenya expressed support for the proposed programme, its objectives and its strategic approach. The ILO could greatly assist many African countries where food security was endemic. To counter food insecurity, decent work and green jobs needed to be anchored in the food supply chain. A comprehensive and coherent approach was necessary that comprised inclusive social dialogue on minimum wages and improved working conditions in the agriculture and forestry sectors. Kenya thanked the Office for its support and was working actively with the relevant government agencies, employers and workers in food supply chains, UN agencies and other stakeholders to mainstream decent work in its food security and nutrition policy.
- 133.** A Government representative of Mexico stressed the importance of the issue to her country. A constitutional reform had just been approved on the right to food in order to ensure the right to quality, sufficient and nutritious food. She noted the importance of the participation of sectoral trade unions, employers' organizations and national, regional and local authorities in the formulation and application of a strategy on food security as mentioned in paragraph 13. The issues mentioned in paragraph 18 were of great importance, such as the creation of green jobs in the food value chain, the promotion of sustainable enterprises, and the improvement of occupational safety and health. The ILO could greatly contribute to efforts to address those aspects through the proposed programme.
- 134.** A Government representative of India supported the proposed programme, particularly in view of the importance of decent work for building livelihood resilience. The Government of India endeavoured to move from a needs-based to a rights-based approach to food security. The Mahatma Gandhi National Rural Employment Guarantee Act had been very successful.

135. A Government representative of Brazil welcomed the programme and supported the statement made by GRULAC. She endorsed the continuous cooperation between the ILO and both the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP); such partnership was crucial for the successful development of concrete projects on the ground and for knowledge sharing. It was also important to consider targeted action in favour of migrant workers in the food supply chain, as such workers were often victims of difficult working conditions.
136. A Government representative of the Netherlands welcomed the proposal for a strategic approach to achieve decent work in the global food supply chain. Food security was one of the key priorities in the development cooperation policy of the Dutch Government and the food sector played an important role in the Dutch Sustainable Trade Initiative. She endorsed the point for decision in paragraph 22 but suggested that the Office needed to give more attention to certain conceptual aspects, namely: socio-economic food security; safe and healthy working conditions in the food production sector; safety standards for the food product; and sustainable production in the food sector.
137. The representative of the Director-General thanked the constituents for their support and suggestions. The programme was a work in progress and continued support and collaboration from all ILO constituents, including the Employers, would be sought. The programme acknowledged that there could not be a “one-size-fits all” approach; every country had specific needs in relation to food security. She agreed with the importance of promoting sustainable enterprises, protecting migrant workers and of a rights-based approach. The programme would incorporate all suggestions made.

**Governing Body decision:**

138. *The Governing Body endorsed the strategic approach contained in paragraphs 9–16 of GB.312/POL/7 and encouraged the Office to seek extra-budgetary funding to support the implementation of sector-specific activities as described in paragraphs 17–21 of GB.312/POL/7.*

(GB.312/POL/7, paragraph 22.)

## **Eighth item on the agenda**

### **Other questions: Effect to be given to the recommendations of sectoral and technical meetings**

139. The representative of the Director-General introduced the paper.<sup>8</sup> She noted that all four items concerned ILO work in collaboration with other UN agencies, in particular the International Maritime Organization (IMO), as well as the UN Economic Commission for Europe (UNECE), which was actively involved in work dealing with the packing of containers.
140. The Worker spokesperson endorsed the points for decision.
141. The Employer spokesperson endorsed the points for decision but added that, given the reform of the Governing Body, his group deemed that some items included in the paper

<sup>8</sup> GB.312/POL/8.

should have been reviewed by a meeting of the secretaries of the social partners, regional coordinators and the Office and then brought to the screening group for consideration of whether they should be brought to the attention of the Governing Body.

142. A Government representative of India endorsed the points for decision.

**Governing Body decisions:**

143. *The Governing Body decided to:*

- (a) *authorize the Director-General to communicate the final report<sup>9</sup> of the Global Dialogue Forum on Safety in the Supply Chain in Relation to the Packing of Containers to governments, requesting them to communicate the text to the employers' and workers' organizations concerned; and to communicate the report to the international employers' and workers' organizations and other international organizations concerned; and*
- (b) *request the Director-General to give due consideration to implementation arrangements for the recommendations made by the Forum.*

(GB.312/POL/8, paragraph 4.)

144. *The Governing Body decided to:*

- (a) *communicate the text of the resolution concerning the ILO minimum basic wage for the able seafarer contained in Appendix I to GB.312/POL/8 to governments of member States, drawing their attention to the paragraph relating to the increase in the wage figure which should be applied in substitution for those in paragraph 10 of the Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187), and Guideline B2.2.4 of the Maritime Labour Convention, 2006, on the minimum monthly basic pay or wage figure for able seafarers;*
- (b) *communicate the text of the resolution to the international employers' and workers' organizations having consultative status;*
- (c) *request governments to transmit the text of the resolution to the employers' and workers' organizations concerned; and*
- (d) *in due course, consult with the international employers' and workers' organizations concerned on the convening of a meeting of the Subcommittee on Wages of Seafarers of the Joint Maritime Commission as requested by the resolution.*

(GB.312/POL/8, paragraph 7.)

145. *The Governing Body decided to:*

- (a) *endorse the terms of the draft resolution contained in Appendix II to GB.312/POL/8; and*

<sup>9</sup> GDFPC/2011/12.

*(b) request the Director-General to:*

- (i) disseminate the resolution, once adopted by the IMO Assembly; and*
- (ii) ensure that the Office, in collaboration with the IMO, continues to keep the problem of unfair treatment of seafarers in the event of a maritime accident under review and, as appropriate, periodically assesses the scale of the problem.*

(GB.312/POL/8, paragraph 13.)

**146.** *The Governing Body authorized the Director-General to consult with the Secretary-General of the IMO with a view to establishing a joint ILO–IMO working group on the impact of the tonnage measurement of ships on the living and working conditions of seafarers and fishers.*

(GB.312/POL/8, paragraph 18.)

## **Technical Cooperation Segment**

**147.** The Technical Cooperation Segment of the Policy Development Section was held on Wednesday, 9 November 2011. Mr Jazairy (Government, Algeria) chaired the meeting, as assigned by the Chairperson of the Governing Body. The Employer and Worker spokespersons were Mr Traore and Mr Gómez Esguerra.

## **Ninth item on the agenda**

### **Capacity development for constituents in DWCPs and technical cooperation: Follow-up**

**148.** The Governing Body had before it a paper<sup>10</sup> providing an overview of capacity development initiatives for constituents in the ILO's technical cooperation programme.

**149.** The Chairperson of the sitting noted that the paper dealt with capacity development in DWCPs, giving primary consideration to the priorities of, and implementation by, the countries and regions that are recipients of technical assistance. It also covered the internal process through which such priorities were determined by ILO constituents at the national level. It further related to responding to these priorities through maximizing the flow and flexibility of multilateral funding, much of which was in the form of voluntary contributions, including a sizeable part that was earmarked to different degrees. Lastly, it looked at the rising potential of South–South technical cooperation and knowledge sharing.

**150.** A representative of the Director-General (Director of the Partnerships and Development Cooperation Department) introduced the paper. The aim of the paper, and of the two previous papers on the topic for discussion, had been to strengthen the ILO's efforts to provide effective and efficient capacity development for ILO tripartite constituents through technical cooperation.

<sup>10</sup> GB.312/POL/9.

- 151.** In March 2011, the Committee had asked the Office to produce an inventory of capacity development measures in technical cooperation. The Office had responded to that request by producing an initial inventory of capacity development approaches, contained in the Appendix to the paper. In preparing the inventory, the Office had taken the opportunity to engage in a more comprehensive analysis of ILO technical cooperation approaches throughout all sectors and regions. The Office had also developed internal guidance on capacity-building results and indicators, and introduced criteria on capacity building for constituents in guidance on the programming of DWCPs. The issue of capacity development had also been incorporated into the ILO's project cycle management training programme.
- 152.** Moreover, the ILO capacity-building programme entitled "Working with the United Nations" had continued throughout the 2010–11 biennium: all regions had received training through an Office-wide effort involving the Turin Centre. Capacity-building training for Arab States and Asia would be implemented before the end of 2011.
- 153.** Some results of that effort had become visible. An analysis undertaken by the Office of the 13 United Nations Development Assistance Frameworks (UNDAFs) signed in 2010 showed that all of them reflected decent work outcomes and priorities in their respective results matrix. All of the UNDAFs also indicated that consultations with social partners had taken place during their preparation, which was a new development.
- 154.** The Employer spokesperson recalled that strengthening the capacity of the tripartite constituents was a priority of ILO technical cooperation projects and DWCPs. The Employers' group encouraged the ILO to pursue its efforts, in particular in regard to training, results-based management and monitoring and evaluation, with a special focus on measuring the impact of its action.
- 155.** Strengthening ACT/EMP would facilitate improved assistance in policy design, advocacy and business service development. There was also a need for greater strategic involvement of the Turin Centre in ILO action. Moreover, strengthening the institutional capacity of workers and employers would enable their needs to be better taken into account. The paper provided good examples in the areas of skills development, enterprise competitiveness and social dialogue. Lastly, the ILO should ensure tripartism in the implementation of DWCPs. The Employers' group supported the point for decision.
- 156.** The Worker spokesperson drew attention to the fact that, while capacity development of constituents was a priority, it had been included in only 58 per cent of the DWCPs analysed. He requested more information on the trade unions that had benefited from it and on the number of trade unionists trained, as well as on its impact on participation of workers' organizations and the inclusion of trade union priorities in DWCPs and the role of ACTRAV. He emphasized the need, in the preparatory stage of the DWCPs, to identify constituents' training needs, promote institutional training, and design bipartite and tripartite trade union programmes. That should be part of a new DWCP development methodology. He added that the technical cooperation model should make constituents the key players in the development process, and that its training strategy should be based on the establishment of specialized national teams. He emphasized that coordination among trade unions was fundamental, and therefore training programmes should be unified and designed to contribute to social dialogue and the implementation of DWCPs.
- 157.** He highlighted the importance of the Turin Centre and ACTRAV–Turin in the training strategy, citing the example of the ACTRAV–Turin programme entitled "Decent Work Cubed", covering the four strategic objectives of the ILO. He noted that ACTRAV's role was key to ensuring that technical cooperation met the needs of the trade unions, and was consistent with workers' priorities and the importance of tripartism. He expressed concern

at the large number of consultants involved in training, without knowing anything about trade union priorities, tripartism or the ILO's values and standards. Lastly, the Workers' group, while noting the persistence of work that was not "decent", appreciated the progress made in designing a strategy of training programmes for constituents, and requested that the inventory of technical cooperation strategies be finalized.

- 158.** GRULAC, through a Government representative of Brazil, stressed the importance of providing a special discussion space for technical cooperation within the Governing Body, giving priority to a strategic focus on how to train and advise the ILO's constituents. He proposed five means of consolidating such an approach: (i) national ownership; (ii) absence of conditionalities; (iii) the use of solutions adapted to national realities; (iv) stimulation of inter-country exchange and South-South cooperation; and (v) consistency with national demands and priorities.
- 159.** ASPAG, through a Government representative of Viet Nam, affirmed the crucial role of capacity development and expressed support for the point for decision. The ILO should evaluate the outcomes of capacity-building projects as compared to their objectives and the demands of constituents, as well as identifying sustainable indicators. He called for the dissemination of good practices in the development and implementation of DWCPs on capacity development for constituents at country level. He also recalled the discussion at the 304th Session of the Governing Body in March 2009 on the review of the ILO field structure, and urged the Office to assess the impacts of the field structure review on the scale and effectiveness of ILO efforts in building capacity for national constituents. Finally, he proposed a review of the UN "Delivering as One" reform at country level on capacity development for national constituents.
- 160.** IMEC, through a Government representative of Italy, appreciated the follow-up on its request, during the last Governing Body session, for more information on good practices. She affirmed that the paper provided lessons learned and welcomed the fact that 58 per cent of DWCPs included specific outcomes and outputs on capacity development. She underlined the importance of being able to evaluate the impact and added value of capacity development activities when included in DWCPs, and emphasized that such aspects should be an integral part of the programme itself. On the basis of the mapping, she looked forward to concrete fact-based proposals including for monitoring, evaluation and communication of capacity development results. She asked what measures had been taken following the call at the March 2011 session of the Governing Body for the Office to leverage the results of the Turin Centre to make training opportunities more widely available. She concluded by agreeing with the decision point in paragraph 14 as long as the mapping stayed focused on concrete outcomes and field-based results.
- 161.** The Africa group, through a Government representative of Zambia, recognized that much had been done since the last Governing Body session on the assessment of capacity development. He underlined Africa's need for the ILO to strengthen technical cooperation programmes and ensure that sufficient resources were allocated in that area. Capacity building in the design and implementation of DWCPs constituted a key building block for the Decent Work Agenda in the African countries and the Millennium Development Goals (MDGs). Indicators for thematic areas were important. His delegation supported the proposed way forward as outlined in paragraph 13 and supported the point for decision.
- 162.** A Government representative of Ghana reiterated the importance of the technical cooperation programme, and underlined the need for resources to be allocated for the implementation of DWCPs in Africa. She also recognized the role of the Turin Centre in developing constituents' capacity. She expressed support for strengthening the approaches to capacity development and endorsed the point for decision.



163. A Government representative of India affirmed that operational integration and an integrated approach in capacity development programmes would strengthen and enhance the impact of capacity initiatives via synergy and network effects. South–South knowledge sharing and its incorporation in the Turin model could also enhance the institutional capacity development agenda. The problems of the informal economy should also be addressed. He called for the development of suitable, flexible, comprehensive and appropriate indicators to capture decent work in the informal sector. ILO inputs and expertise gathered from various countries and regions could be shared through bilateral and multilateral exchanges and forums, and triangular cooperation involving South–South countries could serve as a possible medium. He mentioned some of the various activities that his Government was implementing under the DWCP and expressed his support of paragraph 14.
164. A Government representative of Pakistan said that his country was mainstreaming decent work in all sectors of economic activity but there was still a long way ahead to achieve the DWCP, particularly in the creation of work opportunities, provision of social safety nets for all workers, the elimination of child labour, improving working conditions and increasing labour productivity. Pakistan had recently gone through a process of devolution and labour laws were being developed in the provinces while the federal Government ensured compliance with international commitments. He requested the Office’s technical and financial support to help establish and run a strong coordination set-up at the federal level to implement the DWCP.
165. The representative of the Director-General, replying to the call for more capacity development on the results-based management of programmes, noted that specific courses on DWCP programming and management for constituents were being developed with Regular Budget Supplementary Account (RBSA) and Extra-budgetary Technical Cooperation (XBTC) funds, particularly in Africa. Moreover, courses organized by the Turin Centre were also addressing the issue in order to build constituents’ capacity.
166. Regarding the 42 per cent of DWCPs which did not have specific capacity development outputs, the Office would strengthen its quality assurance mechanism on DWCPs in that regard. The Office could also better support the social partners in influencing national planning processes and priority seeking, and such a task could become a future priority for the Office. He emphasized that while many projects were not specifically dedicated to capacity development, they did allocate resources to important capacity development activities for constituents.
167. He agreed with the point made previously by GRULAC, and believed that countries should not only own the DWCP process but also use national and human capacities and human resources for its development. He also stated that South–South and triangular cooperation had become a priority for the Office, which was developing a strategy in that regard. Overall, it should be noted that the discussions from previous Governing Body sessions on capacity development had been integrated into the capacity development strategy of the 2012–13 programme and budget.

#### **Governing Body decision:**

168. *The Governing Body requested the Office to report on the results of the mapping of technical cooperation approaches at its November 2012 session and to make proposals in its report on how the current technical cooperation strategy could be adapted to strengthen a more programmatic approach to technical cooperation and capacity development.*

## Tenth item on the agenda

### ILO technical cooperation and DWCPs, 2009–10

- 169.** The Governing Body had before it a paper<sup>11</sup> which provided an overview of new DWCPs and expenditure, allocations and related developments in the ILO's technical cooperation programme.
- 170.** A representative of the Director-General (Director, Partnerships and Development Cooperation Department) noted that the scope of the paper has been considerably reduced from previous versions, in view of the consolidated implementation reporting on the 2010–11 biennium which the Office would provide in March 2012. What was new in the paper were figures indicating XBTC expenditure by outcome and showing roughly which ILO outcomes attracted XBTC funding. These figures should be interpreted with some caution, however, as many technical cooperation projects contributed to several outcomes simultaneously, whereas the financial breakdown did not fully reflect that dimension. Nevertheless, the figures did indicate the widespread popularity of outcomes related to employment promotion, skills development, enterprise development and the elimination of child labour, which were prominent in DWCPs, in high demand by member States, and most attractive to donors. That also meant that the challenge of attracting donor funding for other key outcomes remained.
- 171.** The RBSA was important in that respect. While full accounting for the use of RBSA resources would be presented in March 2012 in the implementation report, preliminary figures showed that, for example, such outcomes as 9 and 10 (strengthened employers' and workers' organizations) each received funding. Those outcomes were also strongly supported through Regular Budget for Technical Cooperation (RBTC) allocations.
- 172.** However, the RBSA was not the only solution to the problem of adequate financing of all 19 outcomes. The Office clearly needed to do more to explain the relevance of all decent work outcomes to internationally agreed development goals and donor priorities, and that was the Office's main approach in resource mobilization efforts for 2012 and beyond. It would be crucial to preserve the RBSA at the current level of approximately US\$50 million per year in support of the outcome-based workplans alongside the regular budget and extra-budgetary resources.
- 173.** In addition, it was encouraging to see that an increasing number of donors agreed to provide funding at the outcome level, leaving it to the Office to undertake the detailed programming of their resources in relation to the specific country programme outcomes and global products that had been set as priorities for each biennium. As a result, a more integrated resource framework for the delivery of DWCPs was emerging.
- 174.** The Office was also widening the donor base with new modalities such as South–South and triangular cooperation, and public–private partnerships. Those elements would constitute a main approach as the Office worked on a new round of resource mobilization, for XBTC, RBSA, South–South and triangular cooperation and for public–private partnerships, based on achieving results, transparency, accountability and efficiency.
- 175.** The representative of the Director-General concluded by pointing out that the last Conference discussion on the ILO's role in technical cooperation had taken place in 2006; the resolution adopted on that occasion implied that the next Conference discussion on

<sup>11</sup> GB.312/POL/10.

technical cooperation would take place in 2011. The Governing Body might therefore consider placing the item of technical cooperation on the agenda of a future session.

- 176.** The Employer spokesperson welcomed the progress made in many DWCPs. Although there was still a need for capacity building, constituent involvement in the design, implementation and evaluation of DWCPs had been improved. However, the document presented did not provide enough detail on technical cooperation expenditure or on the impact of projects and programmes. Moreover, limited extra-budgetary resources had been allocated to strengthening employers' and workers' organizations. The respective roles of the social partners in support to least developed countries had not been sufficiently described.
- 177.** The Employers' group welcomed the trend among donors away from linking assistance to predefined results, which enabled the ILO to better respond to constituents' needs. The Office should pursue its efforts in regard to quality control of technical cooperation projects. Increasing the delivery rate contributed to meeting the objectives of the DWCPs.
- 178.** South–South and triangular cooperation and public–private partnerships should enable the ILO to diversify its partnerships to meet its objectives and offset a potential decrease in financing. G20 participation should be part of that approach.
- 179.** The Worker spokesperson thanked those donors that had signed partnership agreements, especially those that included social dialogue and capacity building of the social partners. He stated that the paper presented failed to provide recommendations or a point for decision on how to address structural imbalances in the resources allocated to technical cooperation, or on guidelines for the process of resource allocation; it also lacked a political, legal or financial vision.
- 180.** The speaker requested additional clarification on the imbalance in the allocation of resources among the 19 strategic outcomes of the ILO. He added that the outcome-based planning tools and the RBSA had failed to fulfil their function of redressing that situation; neither had they enabled an increase in the amount of resources allocated to the workers. By way of example, he noted that 45 per cent of extra-budgetary resources were concentrated on two outcomes. He requested clarification of the role of the Office in mobilizing and distributing those resources, and on how their management fitted into the governance of the Governing Body.
- 181.** With regard to new resource mobilization initiatives, such as public–private partnerships, he pointed out that the Workers' group did not wish to increase the number of public–private partnerships, which must not jeopardize the independence of the United Nations or its capacity to respond to the needs of its member States and its own development strategies. He called on the industrialized countries to meet the target of 0.7 per cent of GDP for official development assistance (ODA), saying that such assistance should not be privatized.
- 182.** He asked the Office to clarify how involvement of the social partners in technical cooperation projects could be verified, how the DWCP appraisal mechanism could contribute to ensuring a better balance in resource allocation, and how to ensure that outcomes relating to freedom of association and the right to collective bargaining were integrated in all DWCPs. Lastly, he requested that labour standards and working conditions be incorporated in technical cooperation projects on sustainable enterprises in order to improve the balance among the 19 outcomes, that a more detailed gender perspective by region be included in the document in future, and that the document include a point for decision.

- 183.** GRULAC, through a Government representative of Brazil, stated that, in future, the documents should refer more explicitly to challenges and ways forward in order to guide the debate towards more concrete results. He recognized the steady progress being made towards the 75 per cent delivery target, and requested identification of the challenges in the way of continuing to improve that rate, as well as information on how the situation of the ILO compared to that of other UN agencies. He emphasized that ILO participation in the UNDAFs was essential to ensure coherence in international development efforts, that measures should be taken to that end, and efforts should continue to explore complementarities among the mandates of the different agencies, in order to achieve better results in the field.
- 184.** The Africa group, through a Government representative of Zambia, warned that funding continued to lag behind in key areas, such as youth employment, labour migration, forced labour, HIV/AIDS, social protection and the promotion of international labour standards. Social protection was of particular interest to the Africa group, and more resources were needed for Africa in general. With regard to better quality control of technical cooperation projects and programmes, the speaker urged the Office to continue providing training and support for project design to African member States.
- 185.** A Government representative of Ghana supported the call for more initiatives to mobilize technical cooperation resources, and encouraged ILO efforts to expand and strengthen public-private partnerships. In particular, she supported innovative partnerships with private and non-traditional donors.
- 186.** A Government representative of the Republic of Korea appreciated the quality of the report and affirmed her country's continued commitment and support to technical cooperation initiatives since 2003. It was strengthening its efforts to expand and diversify themes of technical cooperation.
- 187.** The evaluation of many projects implemented with the support of Republic of Korea-ILO cooperation programme funds, such as projects for the establishment of occupational safety and health systems in Central Asian countries and improvement of technical qualifications for migrant workers in Asian countries, produced effective and helpful results. Donor countries should be better informed on how technical cooperation projects were implemented and on results. Better communication could also lead to the mobilization of resources from other non-traditional partners.
- 188.** A Government representative of Brazil stated that the cooperation his country had established with others was horizontal in nature, and that they therefore preferred to use the term "development partners" instead of "donors". With ILO assistance, between May and November 2011, 150 municipal and inter-municipal conferences and 27 state conferences had been held, at which the concept of decent work had been debated. That initiative would culminate in the first National Decent Work Conference, to be held in May 2012.
- 189.** A Government representative of Mexico recognized the efforts being made by the ILO to broaden its donor base to include "non-traditional" donors. She stated that ILO technical assistance to her country had resulted in a change in the labour culture in the sugar industry, enhancing communication between employers and workers.
- 190.** A Government representative of India noted that the alignment of DWCPs with the Strategic Policy Framework 2010-15 and the priorities and needs of constituents would improve DWCP outcomes. The focus on productive job creation following the global financial crisis underlined the need for allocating resources to employment and social protection. She felt that resource mobilization should focus on partnerships and locally mobilized resources. South-South and triangular cooperation were also very effective

mechanisms for enhancing the impact of ILO technical cooperation and actively pursued by the Government of India. She added that linking public–private partnerships to DWCPs was a very innovative approach, and suggested that in order to further improve results-based management, project design had to take the specificities of host nations into account.

191. A Government representative of France emphasized that constituent involvement in the design of DWCPs enhanced national ownership. France had also reaffirmed its interest in South–South and triangular cooperation through the multi-annual partnership agreement renewed in 2010. In that context, the implementation of social protection floors was a priority. Moreover, public–private partnerships should be incorporated in operational programmes in the field.
192. France supported ILO initiatives aimed at improving quality control of projects. In that regard, it was essential to develop indicators to measure the impact of project implementation. Moreover, project evaluation should involve all of the stakeholders, including donors.
193. The representative of the Director-General, responding to the questions raised, explained that the relatively low level of extra-budgetary support to Outcomes 9 and 10 was partly due to the one–one linking of projects to outcomes. A majority of projects did in some manner support work with employers’ and workers’ organizations. He noted that the majority of donors still earmarked funding and preferred projects related to popular outcomes such as employment and child labour. Other sources of funding (RBTC, RBSA, regular budget) had been allocated to Outcomes 9 and 10 in addition to extra-budgetary resources.
194. He recalled that the Governing Body in 2008 had approved the principle of public–private partnerships and pointed out that each public–private partnership agreement was cleared by ACTRAV and ACT/EMP. Targets for delivery for 2011 and 2015 had been set at 75 and 90 per cent respectively in the technical cooperation strategy as adopted by the Governing Body in November 2009. Comparative delivery figures of other UN agencies could be presented to a future session of the Governing Body.
195. Lastly, he noted that much progress had been made with the second generation of DWCPs, all of which had been designed with the involvement of workers’ and employers’ organizations, which also had a role in monitoring implementation.
196. A representative of the Director-General (Director of the Bureau of Programming and Management), explained that the report for the agenda item under discussion focused on the flow of resources related to technical cooperation. A more detailed report on the results achieved in 2010–11 with various sources of funding would be presented to the next session of the Governing Body.
197. *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion, including the need to expand South–South and triangular cooperation, public–private partnerships and local resource mobilization; the need to outline efforts to ensure a more equitable resource distribution between outcomes, to provide more information on results achieved in the regions, to refine the result indicators, and to set out points for debate and decision; and the importance of engaging in better communication with donors on the implementation of projects and involving constituents in evaluations.*

## Eleventh item on the agenda

### Enhanced programme of technical cooperation for the occupied Arab territories

- 198.** A representative of the Director-General (Director, ILO Regional Office for the Arab States) introduced the Office paper,<sup>12</sup> which was intended for debate and guidance. She noted that the paper's assessment had benefited from extensive consultations with the constituents, including a number of technical missions, the last being her own recent visit. It showed the reality of economic, political and financial constraints that had enormous implications for the livelihoods and well-being of the Palestinian people. The recommendations of the Director-General's mission in 2011 and the resulting Report on the situation of workers in the occupied Arab territories provided critical guidance for programme interventions, notably the need for: increased support to the Palestinian private sector to create more jobs; continued emphasis on the importance of anchoring labour and employment laws and regulations firmly in international labour standards that supported decent work; determined action to settle compensation claims of Palestinians working in Israel (for example, by maintaining the legal clinic initiative); revitalization of the Palestinian Fund for Employment and Social Protection as an instrument of poverty alleviation and employment generation; institutionalized social dialogue in support of broader policy exchanges tackling the strategic development agenda including core issues such as the minimum wage, social protection and labour inspection.
- 199.** The paper outlined the three priority "pillars" of the forthcoming Decent Work Strategy, reflecting a widespread intergovernmental consultation through the good offices of the labour, women's affairs, national economy, education and social affairs ministries. Those pillars were: supporting rights and labour market governance through improved industrial relations and strong institutions; providing a sustainable economic environment for greater access to employment and livelihoods; and facilitating the development of an integrated social security system and the extension of social security.
- 200.** Two clear tracks had emerged as "rallying points" for future investment and collaboration. Firstly, the Employment and Social Protection Fund was now a viable national entity with a new team in place, a clear capacity-building agenda, a robust internal governance structure and a clear operational focus on two or three pilot projects with quantitative targets. They included a job placement scheme for 100 unemployed graduates in collaboration with the private sector, and subsidized self-employment schemes. The Fund would increasingly assume the role of "champion for job creation" with local and international partners. Secondly, earlier in 2011, a social dialogue process had been launched and led to a series of capacity-building workshops for workers, employers and government officials, with a view to establishing a national conference and an economic and social council early in 2012.
- 201.** The good news included a clear commitment to internal revitalization, with elections among both the social partners. She had met with some of the newly elected representatives of the business chambers and with workers who would be holding a national Congress in early December 2011. The new heads of the chambers had come with fresh demands for strategic planning tools and effective employers' training. There had been requests for support to the strategic plan and institutional strengthening of the incoming leadership of the Palestinian General Federation of Trade Unions (PGFTU). Tripartite delegations were being supported by the European Union, and there were high

<sup>12</sup> GB.312/POL/11.

expectations of that leading to a stronger and more sustainable European partnership during 2012.

- 202.** Challenges persisted (overstretched resources, limitations on economic self-sufficiency, and the socio-economic consequences of the Gaza blockade), but there were bright spots. The “Know about Business” entrepreneurship education modules were to be rolled out as part of national secondary and vocational school curricula from January 2012 onwards and could be a real example for the rest of the Arab world; work on the economic empowerment of Palestinian women (part of an inter-agency MDG initiative) had been adapted for application in North Lebanon with excellent leveraging of technical capacity, enhanced advocacy and impact, and greater mainstreaming of labour priorities within the overall UN agenda; the same model of opportunity creation was now being adapted for post-conflict Yemen. Three major evaluations of the key projects would be undertaken before the end of 2011 to validate the progress made and enable the lessons learned to be fully assimilated.
- 203.** An Employer member from the United Arab Emirates stated that stronger Palestinian institutions and better programmes were needed, with the ultimate goal of a viable Palestinian State living at peace with its neighbours. While the Office paper noted the real progress that had been made, the social, economic and humanitarian situation in the territories overall remained very difficult. Serious breaches of human rights by Israeli forces, constraints on the movement of goods and people, and adverse demographic factors, all contributed to a difficult employment situation and a general worsening in the financial situation of Palestinian workers. The international community had to shoulder its responsibilities in that area, and in particular more support was needed from the ILO for Palestinian institutions. In the context of the Palestinian people’s demands for full membership of the United Nations, it was essential to broaden social protection through social dialogue and improve protection of Palestinian workers’ rights and standards of living.
- 204.** He was pleased that a donor meeting had been organized in November 2010, and wanted the ILO and all involved to increase resources for promoting employment in the Palestinian territories and improving the lot of people living there. All the institutions and donors involved should support the Palestinian people in their efforts to overcome the effects of the occupation. Constructive cooperation between the ILO and the Arab Labor Organization needed to be enhanced in order to surmount the difficulties confronting the Palestinian people. In conclusion, he invited the Director-General to attend the next Arab Labor Conference to be held in Beirut in early 2012.
- 205.** The Worker spokesperson noted that the region was witnessing the birth of a new era of greater democracy, freedom and human rights and greater commitment to issues of human security. The continuing occupation in Palestine had destructive social and economic consequences, and the Palestinian people was being denied the right to determine its own destiny. The Workers shared the concerns voiced in the Office document about the effects of the occupation on the everyday lives of people living on the West Bank.
- 206.** Unfortunately, in a situation of occupation, the Palestinian Authority had only a limited capacity to respond to those challenges, and there was little it could do to formulate and implement effective policies for economic and social recovery and sustainable growth. The prevailing difficulties also limited the effectiveness of social and economic assistance from international organizations, which was often unable to go beyond palliative measures and not sustainable. New structures were needed to overcome underdevelopment and dependency.

- 207.** Real progress was nevertheless possible, even under such difficult circumstances, and for that reason the Workers had always supported the ILO's efforts to broaden the spectrum of social and economic policies to strengthen the Palestinian economy, which had been weakened by years of unacceptable occupation. The ILO needed to support the National Development Plan for 2011–13, which had laid the foundation for real improvements in Palestinian institutions. The ILO needed to adapt its future technical cooperation and give the social partners the tools they needed to determine the right measures for the sustained and equitable economic growth that could guarantee social progress.
- 208.** Much remained to be done with regard to decent work. The Workers supported the Office efforts to develop a decent work strategy centred on social cohesion, justice and equality through an integrated results-based approach. They welcomed the focus on labour rights, labour market governance and promotion of a sustainable economic environment that would improve access to job opportunities and promote the development of an integrated social security system and social protection floor.
- 209.** Those priorities were in tune with the demands of the PGFTU with regard to job creation, a minimum wage and a broader social security system. The Workers hoped that the ILO would encourage tripartite consultations and collective bargaining with a view to a national consensus in those areas. The establishment by the Palestinian Authority, with the ILO's help, of an economic and social council for social dialogue was a top priority. The role of the PGFTU in that process was crucial, as an independent organization promoting decent work and defending workers' rights in the formal and informal sectors.
- 210.** As for sustainable enterprise development, the workers supported programmes that helped such enterprises to rebuild productive capacity and promoted the creation of decent jobs in the production of high value-added services and goods, but the ILO's technical assistance had to be in line with the conclusions on sustainable enterprises adopted at the International Labour Conference in 2007.
- 211.** Palestinian women had shown inspiring resilience in the face of all their difficulties. Greater emphasis needed to be placed on specific gender equality programmes. Women's employment opportunities could be improved by supporting the National Women's Employment Committee, developing social assistance infrastructures and investing in rural employment for women including in genuine cooperatives.
- 212.** For those policies to be fully implemented, Palestinian statehood needed to be recognized, occupation had to end, and a sovereign Palestinian State had to be established with its own economic and social policies. Although obstacles remained, recognition of Palestinian statehood could boost the institutional ability of Palestine to enjoy its rights under international law.
- 213.** The Workers strongly endorsed the vision expressed by the Director-General during the Conference in 2011, when he affirmed that recent changes in the Arab world, and the calls there for freedom, social justice and basic rights, would probably have a decisive impact on future development in the occupied Arab territories. That would have to be taken into account in the process of building the new State, where decent work and social justice would be not just social and economic objectives but key pillars of a future Palestinian State.
- 214.** The Africa group, through a Government representative of Zambia, noted that the situation in the occupied Palestinian territory continued to be a source of tensions within the region and beyond. Signs of improvement were welcome but hardly comforting to the workers in those territories, who continued to face poverty and restrictions on freedom, without any real breakthrough in the political negotiations. The Africa group noted the ILO's efforts in



support of the tripartite partners, and urged it to align its technical assistance with the objectives of the Palestinian National Development Plan and to continue to apply its multilateral influence to bring about a lasting solution to the crisis.

- 215.** A Government representative of Qatar thanked the Office for its paper, and the Director-General for his role in organizing a donor meeting in 2010, and all the countries that had contributed funding as a result of it.
- 216.** He noted that technical and financial support was being given to the PGFTU, but also called on the Office to continue its efforts to raise the funds needed to establish a development agency for micro-, small and medium-sized enterprises (MSMEs) to which paragraph 11 of the Office paper referred. He also asked the Office to consider submitting a concise report on the latest developments at the March 2010 session of the Government Body in order to keep the Governing Body's members informed.
- 217.** A Government representative of Lebanon noted that the ILO's Beirut Office was very active, and thanks were due in particular to its Regional Director for her assistance to the Ministry of Labour, especially on issues of the worst forms of child labour, domestic work and labour inspection. A second point concerned the technical assistance given to Palestinian programme, which had played a crucial role in helping a population experiencing unprecedented difficulties. It was hoped that the Palestinian people would in the near future have a seat in the United Nations like other peoples and thus enjoy the benefits of democracy and self-determination.
- 218.** The representative of the Director-General, responding to some of the comments that had been made, noted the need to maintain the existing areas of technical cooperation outlined in the report in the face of continuing resource limitations. The legal clinic could have been a major casualty but additional resources had been found to keep it going until March 2012. She was hopeful that a further contribution would enable work on the social dialogue process to continue at least until mid-2012. Resource mobilization efforts continued, and the Office would be kept informed of that and of the outcome of the donor meeting in November 2010.
- 219.** She thanked all those who had contributed comments on the overall context, which had been covered by the Report of the Director-General's mission. Developments would continue to be monitored. She thanked the workers' and employers' organizations for their help in rallying the support of their counterparts, in a situation which was likely to remain critical over the coming biennium.
- 220.** *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion concerning the need for further resource mobilization and support to ongoing technical cooperation in the occupied Palestinian territory, and the need to report on such efforts and follow up to the donor meeting in November 2010.*

## Twelfth item on the agenda

### **Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: Technical cooperation priorities and action plans regarding the elimination of discrimination in employment and occupation**

- 221.** In introducing the paper<sup>13</sup> on behalf of the Office, a representative of the Director-General (Executive Director, Standards and Fundamental Principles and Rights at Work Sector (STANDARDS)), reminded the meeting that the 2011 Global Report on non-discrimination, *Equality at work: The continuing challenge*, had concluded the third cycle of Global Reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, and that, in 2012, in accordance with the terms of the 2008 ILO Declaration on Social Justice for a Fair Globalization, all four fundamental principles and rights at work would be discussed under one single recurrent item report. He highlighted the following thematic priority areas identified by the International Labour Conference for action by the Office: sex-based discrimination and gender equality, racial and ethnic discrimination, discrimination based on migrant status, discrimination based on multiple grounds, discrimination against persons with disabilities, and discrimination against persons living with HIV and AIDS.
- 222.** To implement those thematic priorities, he recalled that the International Labour Conference had recommended the following means of action: (a) promoting the relevant ILO instruments; (b) developing and sharing knowledge on the elimination of discrimination in employment and occupation; (c) developing the institutional capacity of constituents to effectively implement the fundamental right of non-discrimination at work; and (d) strengthening international partnerships with major international actors on equality at work.
- 223.** An Employer member from the United Kingdom, speaking on behalf of the Employers' group, thanked the Office for the paper, and reiterated the group's commitment to the principle of non-discrimination. While indicating the group's willingness to mobilize the resources required for the implementation of training programmes and other activities geared to employers, he did not believe that the action plan responded adequately to employers' needs, and would have preferred the inclusion of initiatives such as the Employers' Disability Network. He further requested that a detailed audit of the Office's work on non-discrimination, together with a gap analysis, be undertaken by a tripartite working party. To justify the plea for resources he suggested that all activities proposed be developed using "SMART" objectives and presented with detailed budgets. He reviewed existing programme and budget arrangements in respect of the elimination of discrimination and sought clarity on how the priorities now proposed fitted into them. In conclusion, he proposed that the action plan be resubmitted to the March 2012 session of the Governing Body once the requested work had been undertaken.
- 224.** The Worker spokesperson supported the thematic priorities and areas of action identified in the paper. Within those priorities he highlighted specific areas which required particular attention, such as equal pay for work of equal value and maternity protection. On the subject of racial discrimination, he recommended the establishment of an observatory within the Office to monitor trends, identify case studies, develop information and training materials, and provide policy advice. He also asked for work to be done in the area of

<sup>13</sup> GB.312/POL/12.

discrimination against migrant workers, for the development of an assessment of national policies, and for promotion of Convention No. 143. Other Conventions to be promoted were Conventions Nos 126 and 183. He concluded by supporting the call for additional financial resources from the donor community to implement the proposed activities.

- 225.** The Africa group, through a Government representative of Zambia, noted that weak labour administration and inspection systems in many African countries posed a challenge to the effective promotion and implementation of fundamental principles and rights at work. The Africa group expressed concern about the limited availability of regular budget resources for work in the area of discrimination, and supported the priorities, activities and point for decision in the paper.
- 226.** ASPAG, through a Government representative of China, noted the persistence of racial and ethnic discrimination in the world of work and expressed concern that migrants had become the scapegoats of the economic crisis. He reiterated the group's commitment to the elimination of discrimination in employment and occupation and endorsed the priorities and activities in the paper.
- 227.** IMEC, through a Government representative of the United States, expressed concern at the considerable extra-budgetary resources required to implement the action plan successfully, given the current fiscal realities, and encouraged the Office to prioritize the proposed activities. She also expressed concern that the conclusions and recommendations of the independent evaluation of the ILO strategy for the elimination of discrimination in employment and occupation – which would be examined by the Governing Body – had not been taken into consideration in the development of the action plan. In order to take a position on the point for decision, she requested information on how the Office intended to address the issues raised and how the current action plan would be integrated into the 2012 recurrent item discussion.
- 228.** A Government representative of Algeria suggested that such ILO reports in future should include reference to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and to Recommendation No. 1737 of the parliamentary Assembly of the Council of Europe, adopted on 17 March 2006.
- 229.** A Government representative of Sri Lanka, endorsing the point for decision, announced that his country was already implementing policies, programmes and projects to address the four proposed priority areas for action identified in paragraphs 12–13 of the paper.
- 230.** A Government representative of China, endorsing the priorities in the action plan, expressed hope that the section concerning the promotion of equal treatment for migrant workers would also include internal migrants. Further, he requested specific technical assistance in the following areas: (a) gender-neutral job evaluations; (b) capacity building on labour statistics especially in the area of sex-disaggregated data; and (c) general awareness raising on the principles of ILO Conventions Nos 100 and 111.
- 231.** A Government representative of India, endorsing the priority areas identified in the action plan, observed that workers in the informal economy had limited knowledge about their rights and that in developing countries, gender-based discrimination was more acute in informal jobs. He suggested that awareness-raising campaigns, capacity building for the social partners and the promotion of collective bargaining were crucial to achieving the objectives of the action plan.
- 232.** The Office was encouraged to intensify advocacy of ratification and implementation of the international instruments relating to discrimination in employment and occupation,

including ILO Conventions Nos 100, 111, 156 and 183 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- 233.** Responding to the discussion on behalf of the Office, the representative of the Director-General noted the continued importance and relevance of the principle of non-discrimination in employment and occupation. He also noted that, while there was general consensus on the proposed priority areas identified in the paper, there were some concerns regarding process and programming. The paper had been prepared in accordance with the follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work. However, he emphasized that the proposed thematic and priority areas for action would be taken fully into consideration in the preparation of the 2012 recurrent item document.
- 234.** Responding to the questions raised on the findings and recommendations of the independent evaluation of the ILO strategy for the elimination of discrimination in employment and occupation, he recalled that, given the timeline for production of the Governing Body documents, the two papers had been prepared in parallel; they were in fact complementary and should not be seen as overlapping. He stressed that the purpose of the action plan was to highlight the priorities, i.e. themes and areas of action for further technical cooperation work on the principle of non-discrimination in employment and occupation as emerging from the political debate by the International Labour Conference, while that of the independent evaluation was to provide guidance on internal working methods and arrangements of the Office related to the outcome on non-discrimination.
- 235.** The Chairperson of the sitting suggested that the Governing Body should endorse the substantive priorities set out in paragraphs 12–13 of document GB.312/POL/12 on the development of an action plan regarding the elimination of discrimination in employment and occupation, and to request the Office to take those into account in the preparation of proposals to be submitted in that regard to the next session of the International Labour Conference in 2012. The views expressed by participants during the meeting on results, processes, programming and financial issues would be taken into account, as well as the independent evaluation of the ILO's strategy for the elimination of discrimination in employment and occupation.

**Governing Body decision:**

- 236.** *Subject to the outcome of the June 2012 session of the International Labour Conference, the Governing Body endorses the substantive priorities set out in paragraphs 12–13 of document GB.312/POL/12. With a view to the development, at the June 2012 session of the Conference, of a coherent, focused and sustainable plan of action, the Governing Body requests the Office to take into account, in the preparation of the recurrent discussion on fundamental principles and rights at work at that session, the proposals contained in GB.312/POL/12 and the views expressed in the course of the November 2011 Governing Body discussion of this issue; and to address the conclusions and recommendations of the independent evaluation of the ILO's strategy for the elimination of discrimination in employment and occupation.*

(GB.312/PFA/9, Part 1.)

## Multinational Enterprises Segment

### Thirteenth item on the agenda

#### **Update on strategic priorities 2010–11, including promotion of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy in collaboration with intergovernmental and other international organizations**

237. The Multinational Enterprises Segment of the Policy Development Section was held on Tuesday, 8 November. It was chaired by Mr de Robien (Government, France), as assigned by the Chairperson of the Governing Body. Ms Hornung-Draus and Mr Gurney were the Employer and Worker spokespersons.
238. The Chairperson of the sitting opened with a brief summary of the recent G20 meeting in Cannes, France, as it related to the agenda item before the Governing Body. He highlighted the joint statement adopted by the “L20” and “B20”, which referred to the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration).
239. Mr Nieuwenkamp, Chairperson of the Working Party of the OECD Investment Committee, gave a short presentation, highlighting the process and key outcomes of the update of the *OECD Guidelines for Multinational Enterprises*. He described the inclusive process underpinning the update, which had comprised numerous consultations with developing countries and emerging economies. He noted some new additions, including a chapter on human rights and a text on due diligence and responsibility regarding supply chains. He provided examples of how the OECD Guidelines had been brought into line with the provisions of the MNE Declaration and explained how the complaints procedure had been strengthened. Finally, the speaker emphasized the complementary roles of the ILO and the OECD and their respective competencies, and welcomed ILO technical assistance to the OECD National Contact Points (NCPs), as well as the broader cooperation between the OECD and the ILO.
240. The Employer spokesperson welcomed the Chairperson’s mention of the B20 and L20 joint statement, which the Employers’ group fully supported. She stressed the need to avoid parallel interpretations of the international labour standards referenced in the OECD Guidelines, and encouraged the OECD to refer questions of interpretation to the ILO. To make outreach more effective, the OECD must ensure that developing countries were able to adhere to the principles. The ILO and the OECD should cooperate, but each must stick to its own field of competence.
241. The Worker spokesperson welcomed the important changes brought about by the update of the Guidelines, in particular concerning due diligence, supply chains, human rights and use of the term “worker” instead of “employee”. The OECD should go further in its revision of the procedures for NCP operations, for instance to include peer review of NCPs in all adhering countries. He commended the collaboration between the ILO and the OECD. Finally, he raised the question of updating the MNE Declaration to take into account issues such as supply chains and due diligence.

- 242.** A Government representative of the Netherlands commended the close collaboration between the OECD and the ILO on the update of the Guidelines. She also welcomed the inclusion of guidance on supply chains, which drew on the UN Framework for Business and Human Rights, and urged updating the MNE Declaration to include that subject.
- 243.** A Government representative of France also commended the cooperation between the ILO and the OECD. The content of the Guidelines and the MNE Declaration was mutually supportive and converged. The inclusion of the supply chain issue was crucial in the update, and the ILO should follow suit. The ILO should step up collaboration with the OECD and be more proactive.
- 244.** A Government representative of Brazil called for further ILO cooperation with the OECD to help strengthen the social dialogue component of NCPs.
- 245.** Mr Nieuwenkamp offered some closing observations.
- 246.** The Governing Body had before it the paper “Update on Strategic Priorities 2010–11, including promotion of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy in collaboration with intergovernmental and other international organizations”.<sup>14</sup>
- 247.** A representative of the Director-General (Chief, Multinational Enterprises Programme (EMP/MULTI)) introduced the paper before the Governing Body. She provided additional information about the European Commission Renewed Strategy on corporate social responsibility (CSR), mentioning in particular that the Commission invited all European-based multinational enterprises to make a commitment by 2014 to respect the MNE Declaration.
- 248.** The Worker spokesperson noted that the MNE Declaration was being integrated into some of the work of the Office, such as the checklists used in the Better Work programme and the Sustaining Competitive and Responsible Enterprises (SCORE) project; however, the integration needed to become systematic. He called on the Office to restart its research agenda on sectoral issues. Work at the country level should go beyond awareness-raising to include activities to bring about real improvements, as was the case of the Office’s work in support of the constituents in Argentina. The ILO Helpdesk for Business on International Labour Standards brought together across-the-board expertise from the Office to promote international labour standards; it should also encourage companies to engage more broadly on the wider range of issues covered by the MNE Declaration. Due diligence was a crucial area where the ILO should seek to achieve progress.
- 249.** He strongly supported the collaboration between the ILO and the OECD to support NCPs, and mentioned the work of the Bureau for Workers’ Activities (ACTRAV) in collaboration with the Trade Union Advisory Committee to the OECD (TUAC) and the Global Union Federations to promote both the MNE Declaration and the OECD Guidelines. He also welcomed coordination with other international organizations, as many international organizations were looking at ways to improve their impact and many companies were starting to see the limits of private initiatives. The ILO should focus on its comparative advantages, which included an emphasis on collective bargaining, promotion of the rule of law and the participation of the social partners who could work with companies to prevent problems by promoting mature industrial relations. When companies engaged with trade unions and supported industrial relations, they could help to promote social development.

<sup>14</sup> GB.312/POL/13.

- 250.** He also noted the good work of the UN Global Compact Labour Working Group and urged the Office to be vigilant concerning the new Children's Rights and Business Principles being developed by the UN Global Compact. He welcomed the new European Commission Renewed Strategy on CSR, with its specific references to the MNE Declaration, which provided many entry points for cooperation between the European Commission and the ILO. Lastly, he clarified the workers' position concerning the social responsibility standard ISO 26000 of the International Organization for Standardization (ISO): while the workers remained concerned about ISO "mission creep", they were not averse to including some elements of ISO 26000 in broader training and outreach programmes concerning international labour standards principles in company operations.
- 251.** The Employer spokesperson pointed out that the principal purpose of the MNE segment was the promotion of the MNE Declaration and requested more information on how the MNE Declaration was promoted by the Office. The principles of the MNE Declaration referred to small and medium-sized enterprises (SMEs) and domestic enterprises; therefore, the Office needed to support the integration of SMEs into the global supply chains. Referring to the Office's work with regard to the "Protect, Respect and Remedy" Business and Human Rights Framework presented by Mr Ruggie, Special Representative of the UN Secretary-General on human rights and transnational corporations and other business enterprises (the "Ruggie Framework") and the OECD Guidelines, she said that the reference to the MNE Declaration in those documents did not constitute promotion of the instrument and that what was needed was to provide support to companies in understanding the principles contained in the different instruments. Furthermore, the European Commission's Communication on CSR asking companies to make a commitment to uphold the principles contained in the MNE Declaration did not constitute promotion of the MNE Declaration, since such an invitation undermined the voluntary nature of CSR. The ILO Helpdesk for Business was a tool for information; the promotion of dialogue and establishing contact with companies were not part of its mandate. Lastly, the ILO's involvement in the Inter-agency Working Group on the Private Investment and Job Creation Pillar of the G20 Multi-year Action Plan on Development (IAWG) was a useful activity. She requested the Office to actively consult the constituents in the process.
- 252.** An Employer member from China stated that the MNE Declaration and the UN Global Compact together promoted CSR and requested the Office to mobilize resources to position the MNE Declaration as the gateway for companies. She also suggested that the ILO should provide technical assistance to SMEs that currently operated outside the global supply chains.
- 253.** An Employer member from South Africa concurred with the Worker spokesperson regarding ways to mainstream the MNE Declaration, including through ensuring that ILO units were aware of the instrument. A mere reference to the instrument might weaken the document and he stressed the need to adopt a strategic approach in order to achieve optimal success.
- 254.** A Government representative of China pointed out that the ILO was the authority on international labour issues and cautioned against duplication. Cooperation should be based on the ILO Helpdesk for Business and other existing resources. He noted that concerns existed regarding ISO activity and hoped for ILO involvement in that activity, on the basis of tripartite consultation.
- 255.** The representative of the European Commission highlighted the key features of the new European Commission Communication on CSR.
- 256.** The Africa group, through a Government representative of Togo, highlighted the importance of inter-agency collaboration and expressed his appreciation of the Office's

endeavours to address the repercussions of other agencies' work. He encouraged the Office to further collaborate with the Human Rights Council and the OECD and noted that job creation as a response to the crisis was a priority for his region.

- 257.** A Government representative of India emphasized that labour issues were within the domain of the ILO and that matters related to labour standards should be brought to the ILO for discussion. He also requested circulation of the OECD Guidelines for discussion.
- 258.** A Government representative of France noted the effective collaboration between the ILO and the OECD in the revision of the OECD Guidelines. He stated that coherence at the international level was indispensable and recognized the progress that the ILO had made on institution-wide coherence. He requested a more dynamic approach with emphasis on the promotion of the MNE Declaration and available tools.
- 259.** The representative of the Director-General clarified that the paper had focused solely on one area of work and did not report on all ongoing activities, including those at the local level. It described how much the social responsibility agenda had developed in the current year and the challenges that the Office faced, for which guidance from the Governing Body was sought. In response to the Employer spokesperson's remark on the European Commission's Communication on CSR, she stated that the document had enhanced the visibility of the MNE Declaration and clarified that it "invited" companies to respect the MNE Declaration, thus maintaining the voluntary nature of CSR. In response to other points raised, she noted that sectoral dimensions could be included in work at the country level and that capacity-building activities could also be mainstreamed, and should include SMEs, with education being a good place to start. Monitoring the activities of other standard-setting organizations required resources and there were also other limits to constant monitoring. Lastly, she requested the Governing Body to modify its June 2011 decision<sup>15</sup> to authorize an additional meeting, before the March 2012 session, of the ad hoc working group to review the follow-up mechanism of the MNE Declaration, which would deliver its recommendations, through the Director-General, to the Governing Body at its 313th Session. Provision for necessary expenditure would be made through a budget line item in the Employment Sector that would need to be identified.
- 260.** A representative of the Director-General (Executive Director, EMPLOYMENT) reflected on the meaning of "promotion". First, it implied that the ILO constituents, MNEs and SMEs knew about the existence of the MNE Declaration, its interpretation and its links with decent work, all of which entailed more than just distributing copies of the MNE Declaration. Second, it consisted of substantive work in the five topic areas of the MNE Declaration. He reported that the Office had developed a matrix which mapped the various ILO activities for each topic and which demonstrated that many MNE-related activities were cross-cutting in nature. Third, collaboration with global and regional organizations to position the MNE Declaration was a key aspect of promotion. He stated that the example of the European Commission's Communication was a powerful means of recognizing the importance of and promoting the MNE Declaration. He reported that the ad hoc working group would present a set of recommendations during the March 2012 session of the Governing Body on a tripartite strategy to promote the MNE Declaration. Fourth, in response to the statement made by the Government representative of India, he gave his assurances that the ILO was vigilant with regard to the work of other organizations. Reference to the MNE Declaration by other international organizations should be welcomed, but the ILO's values and the integrity of its standards needed to be defended and preserved. He recognized the challenges involved concerning ISO encroachment on the ILO's mandate and the need for the ILO to engage strategically. Lastly, he pointed out

<sup>15</sup> See document GB.311/7/2(Corr.), decision point.



that building the capacity of OECD NCPs was important and that such capacity building fell within the ILO mandate.

**261.** The Chairperson of the sitting added in closing that inter-agency collaboration strengthened ILO credibility.

**262.** *The Governing Body took note of the paper and invited the Office to take into account the views expressed during its discussion. To allow for presentation in writing of the proposal that the Governing Body should authorize one last meeting of the ad hoc working group to review the follow-up mechanism of the MNE Declaration, this matter was referred to the Programme, Financial and Administrative Section for its consideration.*

(GB.312/PFA/7/3.)

Geneva, 14 November 2011

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