



Governing Body

347th Session, Geneva, 13–23 March 2023

Minutes of the 347th Session of the Governing Body of the International Labour Office

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▶ Abbreviations

ACT/EMP	Bureau for Employers' Activities
ACTRAV	Bureau for Workers' Activities
ASEAN	Association of Southeast Asian Nations
ASPAG	Asia and Pacific group
CAS	Committee on the Application of Standards
COVID-19	Coronavirus disease
DWCP	Decent Work Country Programme
EU	European Union
EPZs	Export Processing Zones
GCC	Cooperation Council for the Arab States of the Gulf
GRULAC	group of Latin American and Caribbean countries
IAO	Office of Internal Audit and Oversight
ICJ	International Court of Justice
IFC	International Finance Corporation
IMEC	group of industrialized market economy countries
IOAC	Independent Oversight Advisory Committee
IOE	International Organisation of Employers
ITUC	International Trade Union Confederation
JIU	Joint Inspection Unit
MNE Declaration	Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy
OIC	Organisation of Islamic Cooperation
OSH	occupational safety and health
RBSA	Regular Budget Supplementary Account
SDG	Sustainable Development Goal
SME	small and medium-sized enterprise
SRM TWG	Standards Review Mechanism Tripartite Working Group
UN	United Nations
UNCTD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNSDCF	United Nations Sustainable Development Cooperation Framework
WTO	World Trade Organization

▶ Introduction

1. The 347th Session of the Governing Body of the International Labour Office was held in Geneva, from 13 to 23 March 2023. It was presided over by Ms Claudia Fuentes Julio (Chile) as Chairperson. Ms Renate Hornung-Draus, Employer member from Germany, was the spokesperson for the Employers' group and Ms Catalene Passchier, Worker member from the Netherlands, was the spokesperson for the Workers' group.

Officers of the Governing Body

Chairperson:	Ms Claudia FUENTES JULIO (Government, Chile)
Employer Vice-Chairperson:	Ms Renate HORNUNG-DRAUS (Germany)
Worker Vice-Chairperson:	Ms Catalene PASSCHIER (Netherlands)

Chairing and speaking responsibilities by section

Institutional Section (INS)

Chairperson: Ms Claudia FUENTES JULIO (Chile)

Item	Employer spokesperson	Worker spokesperson
INS/1	Ms Renate HORNUNG-DRAUS (Germany)	Ms Catalene PASSCHIER (Netherlands)
INS/2/1	Mr Scott Barklamb (Australia)	Ms Catalene PASSCHIER (Netherlands)
INS/2/2	Mr Scott BARKLAMB (Australia)	Ms Catalene PASSCHIER (Netherlands)
INS/3	Mr Hamidou DIOP (Senegal)	Ms Béatrice LESTIC (France)
INS/4	Ms Renate HORNUNG-DRAUS (Germany)	Mr Antonio de Lisboa AMANCIO VALE (Brazil)
INS/5	Ms Renate HORNUNG-DRAUS (Germany)	Ms Catalene PASSCHIER (Netherlands)
INS/6	Ms Jacqueline MUGO (Kenya)	Ms Amal EL AMRI (Morocco)
INS/7	Mr Kris DE MEESTER (Belgium)	Ms Paola del Carmen EGÚSQUIZA GRANDA (Peru)
INS/8	Ms Renate HORNUNG-DRAUS (Germany)	Ms Catalene PASSCHIER (Netherlands)
INS/9	Mr Hiroyuki MATSUI (Japan)	Ms Akiko GONO (Japan)
INS/10	Ms Renate HORNUNG-DRAUS (Germany)	Ms Catalene PASSCHIER (Netherlands)
INS/11	Ms Renate HORNUNG-DRAUS (Germany)	Mr Ayuba WABBA (Nigeria)
INS/12	Mr Scott BARKLAMB (Australia)	Ms Catalene PASSCHIER (Netherlands)
INS/13	Mr Fernando YLLANES (Mexico)	Ms Catalene PASSCHIER (Netherlands)
INS/14	Ms Renate HORNUNG-DRAUS (Germany)	Ms Catalene PASSCHIER (Netherlands)
INS/15	Ms Renate HORNUNG-DRAUS (Germany)	Ms Catalene PASSCHIER (Netherlands)
INS/16	Ms Renate HORNUNG-DRAUS (Germany)	Ms Catalene PASSCHIER (Netherlands)
INS/17	Mr Tom MACKALL (United States)	Mr Magnus NORDDAHL (Iceland)
INS/18	Mr Paul Mackay (New Zealand)	Ms Catalene PASSCHIER (Netherlands)
INS/18/1	Mr Paul Mackay (New Zealand)	Ms Catalene PASSCHIER (Netherlands)
INS/18/2	Mr Paul Mackay (New Zealand)	Ms Catalene PASSCHIER (Netherlands)
INS/20	Mr Paul Mackay (New Zealand)	Ms Catalene PASSCHIER (Netherlands)

Policy Development Section (POL)

Chairperson:¹ H.E. Mr Marc PECSTEEN DE BUYTSWERVE (Belgium)

Employment and Social Protection Segment

Item	Employer spokesperson	Worker spokesperson
POL/1	Ms Renate HORNUNG-DRAUS (Germany)	Ms Catelene PASSCHIER (Netherlands)

Social Dialogue Segment

Item	Employer spokesperson	Worker spokesperson
POL/2	Mr John BECKETT (Canada)	Mr Bheki NTSHALINTSHALI (South Africa)

Development Cooperation Segment

Item	Employer spokesperson	Worker spokesperson
POL/3	Mr Kaiser Moyane (South Africa)	Ms Amal EL AMRI (Morocco)

Legal Issues and International Labour Standards Section (LILS)

Chairperson:¹ Mr Gerardo CORRES (Argentine) and H.E. Mr Federico Villegas (Argentine)

Legal Issues Segment

Item	Employer spokesperson	Worker spokesperson
LILS/1	Ms Renate HORNUNG-DRAUS (Germany)	Ms Catelene PASSCHIER (Netherlands)
LILS/2	Mr Kaiser MOYANE (South Africa)	Ms Liliana OCMIN (Italy)
LILS/3	Mr Scott BARKLAMB (Australia)	Ms Catelene PASSCHIER (Netherlands)

International Labour Standards and Human Rights Segment

Item	Employer spokesperson	Worker spokesperson
LILS/4	Mr Kaiser Moyane (South Africa)	Ms Catelene PASSCHIER (Netherlands)
LILS/5	Mr Hamidou DIOP (Senegal)	Ms Amanda BROWN (United Kingdom)
LILS/6	Mr Kaiser MOYANE (South Africa)	Ms Catelene PASSCHIER (Netherlands)

Programme, Financial and Administrative Section (PFA)

Chairperson: Ms Claudia FUENTES JULIO (Chile)

Programme, Financial and Administrative Segment

Item	Employer spokesperson	Worker spokesperson
PFA/1	Ms Renate HORNUNG-DRAUS (Germany)	Mr Plamen DIMITROV (Bulgaria)
PFA/2	Mr Blaise MATTHEY (Switzerland)	Mr Plamen DIMITROV (Bulgaria)
PFA/3	Mr Blaise MATTHEY (Switzerland)	Mr Plamen DIMITROV (Bulgaria)
PFA/4	Mr Thomas MACKALL (United States)	Ms Toni MOORE (Barbados)
PFA/5	Mr Hamidou DIOP (Senegal)	Mr Plamen DIMITROV (Bulgaria)

Audit and Oversight Segment

Item	Employer spokesperson	Worker spokesperson
PFA/7	Mr Blaise MATTHEY (Switzerland)	Ms Annette CHIPELEME (Zambia)

¹ Delegation of authority from the Chairperson (see paragraph 2.2.5 of the [Standing Orders of the Governing Body](#)).

Programme, Financial and Administrative Section (PFA)

PFA/8	Mr Khelil GHARIANI (Tunisia)	Ms Annette CHIPELEME (Zambia)
PFA/9	Mr Blaise MATTHEY (Switzerland)	Ms Annette CHIPELEME (Zambia)

Personnel Segment

Item	Employer spokesperson	Worker spokesperson
PFA/11		Mr Magnus NORDDAHL (Iceland)
PFA/14	Ms Renate HORNUNG-DRAUS (Germany)	Mr Plamen DIMITROV (Bulgaria)

Other bodies

Committee on Freedom of Association

Chairperson:	Mr Evance KALULA (Zambia)	
Government spokesperson	Employer spokesperson	Worker spokesperson
Ms Petra HERZFELD OLSSON (Sweden)	Mr Thomas MACKALL (United States)	Ms Amanda BROWN (United Kingdom)

▶ Institutional Section

Opening remarks

2. **The Chairperson** welcomed participants to the 347th Session of the Governing Body, noting that the work carried out and the decisions taken in respect of policy and the Programme and Budget for 2024–25 would mark a new chapter in the life of the ILO.
3. **The Director-General** made an introductory statement to the Governing Body. The statement is reproduced in its entirety in Appendix I.
4. **The Employer Vice-Chairperson** said that, in a context where the international order and the world of work were undergoing profound change and where conflict and instability were putting significant pressure on the multilateral system, employers and their representative organizations played an integral part in addressing the challenges being faced, through their participation in policymaking and their engagement with trade unions and governments. Tripartism and bipartite social partnership were instrumental in developing trust and creating favourable conditions for sustainable growth and employment creation.
5. The 347th Session of the Governing Body offered an opportunity to provide guidance to the Office on how to translate the spirit and the text of the ILO Centenary Declaration for the Future of Work into action. The Employers fully supported the establishment of the Global Coalition for Social Justice, which would strengthen the role of the ILO in pursuing its social justice mandate. The contribution of the social partners, which provided a bridge between governments and the world of work, would enhance the work of the United Nations (UN) in that regard. Nevertheless, it was disappointing that no tripartite consultations had been held since the 346th Session of the Governing Body on that matter and that clarity on financing was still lacking. The Coalition must be conceived on the understanding that sustainable enterprises were a prerequisite for social justice and the tripartite constituents needed to be consulted regarding its governance structure.
6. While several informal tripartite consultations had been undertaken in the context of preparing the Office document on ensuring legal certainty in the context of the work plan on the strengthening of the supervisory system, the document neither adequately reflected the views of the majority of groups expressed during those consultations nor reflected a compromise. She hoped that the discussion in the Governing Body would pave the way for a constructive and internal ILO solution to the question of the interpretation of international labour Conventions. Referring questions of interpretation to the International Court of Justice under article 37(1) of the ILO Constitution should be a last resort.
7. She trusted that, in the discussions on decent work in the platform economy, the Governing Body would decide against adopting a damaging “one-size-fits-all” approach and holding a standard-setting discussion on that fast-evolving sector. Furthermore, she hoped that the discussions on the programme and budget would not become a debate on policy issues, which should be discussed by the International Labour Conference.
8. The Employers’ group was deeply concerned about the decision by the Government of Nicaragua to revoke in an illegal and arbitrary manner the legal status of an employer organization, the High Council of Private Enterprise (COSEP), and its 18 member associations. She urged the Director-General to intervene as a matter of urgency.

9. She trusted that the Director-General would be able to articulate long-lasting solutions to the challenges being faced and called on all members of the Governing Body to facilitate a way forward in their discussions.
10. **The Worker Vice-Chairperson**, noting the enormous impact that conflicts and natural disasters were having on populations, workers, enterprises and governments worldwide, and expressing solidarity with all the victims of those conflicts and disasters, said that it was essential for the ILO to continue to lead on its mandate for social justice and peace. The recent corruption scandal involving Qatar was regrettable and the International Trade Union Confederation (ITUC) had taken steps to address any internal issues. Given the unfortunate spillover effect on the ILO, its constituents must stand together to defend the integrity of its unique system and continue to explain that, for any country, improving compliance with international labour standards was a positive development.
11. The ILO should also show a strong and united position in respect of its supervisory system. However, the question of legal certainty in matters of interpretation had remained unresolved for 11 years. The independence and authority of the supervisory system was fundamental and must not be called into question. The Governing Body should develop a procedural framework for addressing the matter of legal certainty in the future.
12. The Workers were deeply concerned about colleagues around the world who were experiencing discrimination and repression as a result of their work championing workers' rights. She highlighted the imprisonment of Governing Body member Aliaksandr Yarashuk in Belarus, the detention of Elizabeth Tang and her sister in the Hong Kong Special Administrative Region, China, the murder of Thulani Maseko in Eswatini, the plight of Palestinian workers and the repression of workers in Myanmar.
13. She called on all members of the Governing Body to find constructive solutions to outstanding issues and move forward with the decisions that were needed to ensure the proper functioning and credibility of the ILO.

1. Approval of the minutes of the 346th Session of the Governing Body (GB.347/INS/1)

Decision

14. **The Governing Body approved the minutes of its 346th Session, as amended.**
(GB.347/INS/1, paragraph 2)

2. Agenda of the International Labour Conference

2.1. Agenda of future sessions of the Conference (GB.347/INS/2/1)

15. The Governing Body had before it two amendments to the draft decision, which had been circulated by the Office.
16. **The Employers' group** proposed amending the draft decision to indicate that: the item on the agenda of the 113th Session (2025) on decent work in the platform economy would be a general discussion; the general discussion on promoting transitions to formality would be placed on the agenda of the 113th Session (2025); the consolidation of instruments on chemical hazards would be placed on the agenda of the 114th Session (2026); and the recurrent discussion on the agenda of the 114th Session (2026) would be on social dialogue. It also

proposed adding a new subparagraph after (d), to read “decided to place an item on the evaluation of the Social Justice Declaration on the agenda of the 114th Session (2026) of the Conference”.

17. **The Workers’ group** proposed amending the draft decision to indicate that: the item on the agenda of the 113th Session (2025) on decent work in the platform economy would be for standard-setting with a double discussion; the consolidation of instruments on chemical hazards would be placed on the agenda of the 114th Session (2026); and the recurrent discussion on the agenda of the 114th Session (2026) would be on social dialogue.
18. **The Employer spokesperson** noted that the Governing Body had decided in the meantime that the discussion on the platform economy would be standard-setting through a double discussion. He emphasized that all standards needed to be set through a double discussion. The two-year iterative process of reports, questionnaires, discussion, refinement and re-discussion was fundamental to proper standard-setting. Furthermore, it was a fundamental tenet that simultaneous standard-setting should be embarked on only in the most exceptional circumstances, so that all countries, even those with only one Government, Employer and Worker member in their delegation, could participate, and experts in standard-setting within the groups could contribute. Simultaneous standard-setting also tested the capacity of the Office. He clarified that the Employers’ group had stated in the November 2022 discussion on the Conference agenda that it would not oppose a decision on simultaneous standard-setting for 2025 on an exceptional basis, but would be opposed to it beyond 2025.
19. The Employers’ group had proposed to place an item on the evaluation of the ILO Declaration on Social Justice for a Fair Globalization, 2008, as amended in 2022, (Social Justice Declaration) on the agenda of the 114th Session (2026), because it was a fundamental connection between the needs of constituents and the Organization’s activities and hence reviewing the follow-up to ensure that it remained effective was crucial. Furthermore, the last review had been in 2016, before the pandemic and the addition of the fifth fundamental principle and right at work. Moreover, it was critical to review one of the ILO’s principal Declarations and its follow-up, to support the proposed Global Coalition for Social Justice.
20. Under his group’s proposals, a general discussion on informality would take place in 2025, when the first discussion of standard-setting on the platform economy and the second discussion on standard-setting on biological hazards would also be held. In 2026, the second discussion on standard-setting for decent work in the platform economy would take place, along with the evaluation of the Social Justice Declaration and the recurrent discussion on social dialogue. As a result, the first discussion of the standard-setting item on the consolidation of instruments on chemical hazards would have to be placed on the agenda of the 115th Session (2027) of the Conference – rather than the 114th (2026) as indicated in the group’s proposed amendment – so that it would not coincide with the second discussion on the platform economy, as had been decided in the interim.
21. **The Worker spokesperson** said that her group supported the holding of a general discussion on tackling informality in 2025. The discussion should take into account the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and focus on policies to address decent work deficits, including in relation to freedom of association and the extension of social protection to workers in the informal economy. The discussion should have a rights-based focus on the application of labour standards and address the increasing informalization of formal jobs. It should consider innovative approaches developed by constituents to address challenges, and a mapping exercise of what had already been done would be a useful part of the preparatory work.

22. It was important to move forward with the normative agenda on global supply chains, as provided for in output 5 of the ILO strategy on decent work in global supply chains. There would be an opportunity for standard-setting on global supply chains in 2027, following the preparatory work to identify the challenges of cross-border supply chains, implementation gaps and national circumstances.
23. The Workers' group strongly supported the proposal to convene a technical meeting on access to labour justice in the second half of 2024 and to allocate the necessary resources in the Programme and Budget for 2024–25. Access to labour justice was key to ensuring that workers' rights were enforced effectively, and there was a need for further consolidated and up-to-date ILO guidance, including through standard-setting action. Her group remained flexible on the need for the Governing Body to have a policy discussion on the matter.
24. She welcomed the Office's proposal to provide the Governing Body with additional information on the protection of workers' personal data in the digital era at its 349th Session (October–November 2023), and requested a summarized analysis of the use and dissemination of the 1997 ILO code of practice and related capacity-building activities so that the Governing Body could decide whether updating it would be the best and most cost-effective option.
25. Concerning the effective protection of whistle-blowers in the public sector, she recalled that the conclusions of the 2022 technical meeting called on the Office to conduct studies, gather statistics and research with a view to informing decisions by the Governing Body on the acknowledged need for future action and discussion. The Office should report on its findings at upcoming sessions of the Governing Body, with a view to advancing a possible standard-setting item.
26. The follow-up to the recommendations of the Standards Review Mechanism Tripartite Working Group (SRM TWG) was a matter of institutional priority, as confirmed on numerous occasions by the Governing Body. The Workers' group would therefore prefer to hold the first discussion on chemical hazards at the 114th Session (2026) of the Conference. While it was preferable to avoid having two standard-setting items on occupational safety and health (OSH) at the same session of the Conference, it was also desirable to accelerate the follow-up to the recommendations of the SRM TWG. However, if the majority preferred to have the first discussion on chemical hazards in 2027, the Workers' group could support the consensus.
27. Concerning the items on ergonomics and manual handling and on the guarding of machinery, while it would be preferable to avoid having two standard-setting items on OSH in the same year, there had been many occasions where the Conference had discussed setting two or more standards at the same session, and she asked the Office what was feasible. Creative ways were needed to speed up the process to keep the body of labour standards up to date and fit for purpose, and allowing the Conference to consider on an ad hoc basis two standard-setting items in one year was a pragmatic way to address the issue. The Workers' group could support a double discussion on ergonomics either in 2028–29 or at a later stage, but asked the Office whether a technical meeting followed by a single discussion could also be a viable option. The group could support a single discussion on the revision of instruments concerning the guarding of machinery either in 2029 or later. She requested the Office to provide proposals at future Governing Body sessions and in tripartite discussions on how the implementation of the recommendations of the SRM TWG could be accelerated.
28. As to the recurrent discussions, while the link between them and the ratification of ILO Conventions and reporting through General Surveys remained too weak, they still served a relevant purpose. The Workers' group favoured a review of their modalities by the Governing Body in 2025. To allow time for recurrent discussions to be framed in response to the

developments of the Global Coalition for Social Justice and related UN summits, her group did not support the proposed in-depth evaluation of the Social Justice Declaration at the 114th Session (2026) of the Conference, but could support a Conference resolution requesting the Governing Body to undertake a full evaluation in time to inform decisions on the new cycle, or entrusting the evaluation to the General Affairs Committee. The Workers' group supported initiating a new cycle of recurrent discussions in 2026, starting with the strategic objective of social dialogue. In relation to the timing of the new cycle, the group supported a two-year interval between the discussion on the General Survey by the Committee on the Application of Standards (CAS) 2024 and the recurrent discussion. She strongly opposed the postponement of the selection of instruments on employment policy, which would mean that there would be no General Survey discussion in 2026. She concluded by stressing the importance of holding the discussion of General Surveys in the CAS annually and the need to strengthen the follow-up to conclusions; that issue should be included in the discussion on the modalities of recurrent discussions and the Governing Body's discussion on strengthening the supervisory system.

29. **Speaking on behalf of the Africa group**, a Government representative of Niger reiterated his group's commitment to the strategic and coherent approach to setting the agenda of the Conference. In light of the recent unprecedented changes in the world of work, it was necessary to include on the agenda of future sessions of the Conference items related to economic recovery. The Organization needed to address issues of social protection, combating informality and precarious work, and new forms of work in the face of increasing digitalization. The Africa group considered that serious discussions were needed to ensure decent work in the platform economy and supply chains, but that standard-setting was premature. Moreover, a discussion on innovative approaches to tackle informality was needed.
30. On the consolidation of instruments on chemical hazards, the Africa group was in favour of convening a technical conference followed by a single discussion rather than a double discussion. As to the proposed evaluation of the Social Justice Declaration, it would be appropriate to hold it in 2026 and also to begin a new cycle of recurrent discussions in 2026 to allow the Global Coalition for Social Justice, if launched, three years to produce results and to enable the Office to decide on appropriate parameters for the evaluation. As the document stated, that would accommodate the inclusion of technical items of strategic importance on the agenda of the 2025 session.
31. Regarding the draft decision, the standard-setting discussion on decent work in the platform economy had already been decided, but the Africa group believed that it was premature. The group's preferences would be for the item on tackling informality to be placed on the agenda of the 114th Session (2026) of the Conference and the item on the consolidation of instruments on chemical hazards to be placed on the agenda of the 115th Session (2027) of the Conference. The group agreed that the new cycle of recurrent discussions should begin with social dialogue.
32. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Colombia, underscoring the need for the Organization to have a clear, solid and up-to-date body of international labour standards, highlighted the particular importance of the annual discussion on technical items due to the implications of whether they were addressed with a view to standard-setting action, a general discussion or a recurrent discussion. A normative instrument that would regulate decent work in the platform economy was urgently needed. Therefore, GRULAC would prefer that to be included as a double discussion standard-setting item on the agenda of the 113th Session (2025) of the Conference. Additionally, her group supported a general discussion on innovative approaches to tackle

informality, which the COVID-19 pandemic had exacerbated. A normative instrument that provided rules on exposure to hazardous chemicals at work was needed, as indicated by the SRM TWG. GRULAC would therefore prefer that to be placed as a double discussion on the agenda of the 115th Session (2027) of the Conference. Furthermore, her group firmly supported the three-step procedure proposed in paragraph 19 of the document to tackle the issue of access to labour justice. GRULAC supported subparagraph (d) of the draft decision as being consistent with the discussions held and recommendations made by the SRM TWG and agreed with new subparagraph (e) as proposed by the Employers' group.

- 33. Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of Australia said that a substantial portion of the labour force in the Asia and the Pacific region worked in the informal economy and many workers lacked basic protections; her group was therefore open to a general discussion. However, she asked how a general discussion would add value to Recommendation No. 204. Looking at innovative ways to progress the recommendations of the SRM TWG to support the Organization's commitment to a robust, up-to-date body of standards was a priority for her group, which remained open to a double normative discussion on chemical hazards at the 114th Session (2026) of the Conference. Regarding the holding of two standard-setting discussions at one Conference and consecutive years of standard-setting discussions, she asked the Office to consider how it could ensure the fair and equal participation of all constituents. ASPAG remained flexible on options to look at ergonomic and manual handling and the guarding of machinery and was interested in hearing from other participants on modalities to support that work. Her group supported the commencement of a new cycle of recurrent discussions in 2026, with an interim report to be presented to the Governing Body ahead of an in-depth review of the Social Justice Declaration at the 119th Session (2031) of the Conference. The Governing Body needed to consider whether the tripartite technical meeting on access to labour justice should occur before or after the completion of the review of relevant instruments by the SRM TWG. ASPAG supported a policy paper on the protection of whistle-blowers and the protection of workers' personal data for consideration by the Governing Body at its 349th Session (October–November 2023) to inform decision-making.
- 34. Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of France underscored the importance of institutional coherence, preparation time, flexibility and tripartite engagement in setting the Conference agenda. The agenda should also reflect changes in the world of work, constituents' priorities and the conclusions of the SRM TWG. In terms of format, his group welcomed the return to in-person meetings, which improved the quality of discussions. Although IMEC would have preferred to reach consensus on the item on decent work in the platform economy, it looked forward to future discussions on that key issue. Regarding informality, the transition of workers and economic units from the informal to the formal economy was indeed of vital importance in addressing decent work deficits and achieving the Sustainable Development Goals (SDGs). However, a general discussion was not urgently required as Recommendation No. 204 provided ample guidance on the matter; any further discussion would need to be carefully prepared.
- 35.** Following up on the recommendations of the SRM TWG was a crucial part of the ILO's normative mandate. The double standard-setting discussion on chemical hazards should therefore be placed on the agenda of the 114th Session (2026) of the Conference. Furthermore, to promote consistency and productivity, the other OSH issues of ergonomics and manual handling and the guarding of machinery should be dealt with in 2028 and 2029, respectively. In that area, IMEC would prefer a single discussion preceded by a tripartite technical meeting,

but could accept a double discussion if that achieved consensus. Although IMEC appreciated the Office's efforts to cover a broad range of issues, agendas should remain sufficiently flexible to respond to emerging or urgent priorities. In particular, the group wished to retain the possibility of organizing a standard-setting discussion on decent work in supply chains from the 115th Session (2027) of the Conference, even if a standard-setting discussion on OSH were, exceptionally, held in parallel. The Office should also further consider the normative and non-normative options in the context of the proposed future item on "harnessing the fullest potential of technological progress", drawing on the general discussion on a just transition at the 111th Session (2023) of the Conference. Lastly, on the protection of whistle-blowers in the public service and access to labour justice, IMEC encouraged the Office to carry out additional research with a view to deciding on the next steps at the 349th Session of the Governing Body.

36. **A Government representative of Eswatini** said that although an expert meeting would have been preferable, he supported the proposal to convene a tripartite technical meeting on access to labour justice in the second half of 2024 and to allocate the necessary resources in the Programme and Budget proposals for 2024–25. Access to labour justice remained fundamental to the quest for social justice, and the Office should continue providing its support to labour dispute resolution agencies to improve their effectiveness.
37. **A Government representative of Mexico** said that his Government had significant experience in the area of access to labour justice, having developed and implemented with ILO support a self-diagnostic tool for dispute resolution institutions with substantial success, and would actively participate in discussions on access to labour justice with a view to its placement on future Conference agendas.
38. **A representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue) said that, although the practice was more common in the past, more than one standard-setting item could be addressed in a single Conference session provided that the items were not related to OSH, as that would put significant pressure on the same technical department. Turning to the item on ergonomics and manual handling, the Office would advise against holding a single discussion preceded by a tripartite technical meeting; a double discussion would be preferable due to the amount of work required to revise the standards on manual handling and incorporate ergonomics, which had not yet been covered by standards. However, a single discussion could be held on the guarding of machinery. Regarding the added value of a general discussion on informality, while Recommendation No. 204 was relatively recent, the COVID-19 pandemic had significantly affected the dynamics of informal work. A general discussion would provide an opportunity to assess the impact of the pandemic and the responses introduced by Member States and constituents, and to exchange innovative approaches to addressing informality, including the informalization of the formal economy. In conclusion, she confirmed that all comments would be taken into account in preparing the document on the agenda of future sessions of the Conference for the 349th Session of the Governing Body.
39. **The Worker spokesperson** confirmed her support for the inclusion of the item on innovative approaches to tackling informality on the agenda of the 113th Session (2025) of the Conference. Her group would prefer the item on chemical hazards to be addressed in 2026, but could accept its examination in 2027. On subparagraph (d) of the draft decision, she supported the initiation of a new cycle of recurrent discussions in 2026, but questioned the Employers' proposal to place an item on the evaluation of the impact of the Social Justice Declaration on the agenda of the 2026 session. Such evaluation should instead take place at the 349th Session of the Governing Body.

40. **The Employer spokesperson** confirmed that his group had agreed that informality should be discussed at the Conference in 2025. As the item on chemical hazards was to take place on the basis of a double discussion, it would be most appropriate to start that in 2027; however, that decision could be taken subsequently. Concerning the recurrent discussions and the evaluation of the Social Justice Declaration, the excerpt from its follow-up contained in Appendix II to document GB.347/INS/2/1 referred to evaluation by the Conference; an evaluation carried out by the Governing Body would not allow participation by all parties to the Declaration. However, should it prove difficult to carry out an evaluation of the recurrent discussions in the same year as a substantive concurrent discussion, his group was open to discussing alternative arrangements.
41. **Speaking on behalf of ASPAG**, a Government representative of Australia reiterated that her group would accept the proposal to hold a general discussion on tackling informality in 2025.
42. **Speaking on behalf of IMEC**, a Government representative of France said that he could be flexible regarding the date of that discussion. He could also accommodate the Employers' proposal regarding the evaluation of the impact of the Social Justice Declaration if that would facilitate consensus.
43. **The Worker spokesperson** said that her group did not agree to placing an item on the evaluation of the impact of the Social Justice Declaration on the agenda of the 2026 session. A full evaluation would be carried out at a later date; there was no reason why an interim evaluation could not be discussed by the Governing Body. Her group would prefer that the slot on the agenda of the 2026 session be used for another discussion. She asked the Office to clarify which elements of the draft decision needed to be settled at the current session.
44. **The representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue) said that the evaluation in question did pertain to the Conference, but that did not preclude the Governing Body from holding an initial discussion about the modalities of recurrent discussions or of the eventual evaluation by the Conference. In any case, should the Governing Body decide to initiate a new cycle of recurrent discussions under the Social Justice Declaration in 2026, no slots would be available for that evaluation. As for the outstanding points of the draft decision, consensus had been reached on examining the item on tackling informality at the 113th Session (2025) of the Conference. Concerning the 114th Session (2026) of the Conference, the only outstanding item was that on chemical hazards, as per subparagraph (c) of the draft decision, but that did not have to be decided immediately.
45. **The Employer spokesperson** proposed that the decision on subparagraph (c) be deferred to allow a more focused discussion by the Governing Body later in 2023.
46. **The Worker spokesperson** said that the decision could be deferred; however, the SRM TWG had long stressed the urgency of ensuring that the ILO had a robust, up-to-date body of standards on chemical hazards. The Office would be ready to handle that work in 2026, once the standard-setting item on biological hazards had been dealt with at the 112th Session (2024) and the 113th Session (2025) of the Conference. Although she agreed that some flexibility should be retained in agendas to address urgent matters, it would be better to decide directly to place the item on chemical hazards on the agenda of the 114th Session (2026). On the Social Justice Declaration, she clarified that a full evaluation should not be carried out by the Governing Body if that was indeed the role of the Conference; nevertheless, it would be useful to discuss modalities of recurrent discussions at the 349th Session of the Governing Body. On that basis, the agenda of the 114th Session (2026) would include the second discussion on decent work in the platform economy, the first discussion on chemical hazards and the recurrent discussion on the strategic objective of social dialogue.

47. **Speaking on behalf of GRULAC**, a Government representative of Colombia confirmed that her group would prefer the discussion on chemical hazards to take place in 2026.
48. **Speaking on behalf of IMEC**, a Government representative of France concurred that the discussion on chemical hazards should be placed on the agenda for 2026.
49. **Speaking on behalf of ASPAG**, a Government representative of Australia reiterated that her group was also open to holding a double standard-setting discussion on chemical hazards starting at the 2026 session.
50. **The Chairperson** asked whether there was consensus on placing the item on chemical hazards on the agenda of the 114th Session (2026).
51. **The Employer spokesperson** said that, although a majority might favour such a decision, that did not necessarily constitute consensus. As the decision did not need to be made straight away, it should be deferred to the 349th Session of the Governing Body.
52. **The Worker spokesperson** said that it was unclear how positions would change in the intervening period. A significant majority wanted the item to be discussed in 2026 and understood that having two standard-setting items on the same agenda represented an exceptional case.
53. **The Employer spokesperson** said that his group simply wanted to consider the practicalities more closely. Following the vote on the item on decent work in the platform economy, an exception had already been made to allow two standard-setting items on the agenda of the 2025 session. It did not make sense to immediately repeat that exception without further discussion.
54. **The representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue), returning to the Social Justice Declaration, confirmed that the Governing Body could evaluate the modalities of the recurrent discussion. However, the full evaluation of the impact of the follow-up to the Social Justice Declaration should be carried out by the Conference.
55. **The Chairperson** asked whether the Governing Body could accept subparagraph (c) of the draft decision if both options were left to indicate that the item on chemical hazards would be placed on the agenda of either the 114th Session (2026) or the 115th Session (2027).
56. **The Worker spokesperson** reiterated that she did not believe positions would change during the intersessional period but could accept that proposal as a basis for moving forward.
57. **The Employer spokesperson** welcomed the proposal. His group would also give further thought to the follow-up of the Social Justice Declaration.

Decision

58. **The Governing Body:**
 - (a) **decided to place on the agenda of the 113th Session (2025) of the Conference an item on decent work in the platform economy for standard-setting on the basis of a double discussion;**
 - (b) **decided to place on the agenda of the 113th Session (2025) of the Conference an item on innovative approaches to tackling informality and promoting transitions towards formality to promote decent work for a general discussion;**

- (c) **decided to place on the agenda of the 114th Session (2026) or of the 115th Session (2027) of the Conference an item on the consolidation of instruments on chemical hazards for standard-setting on the basis of a double discussion;**
- (d) **decided to initiate in 2026 a new cycle of recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, and to place an item on the strategic objective of social dialogue on the agenda of the 114th Session (2026) of the Conference for a recurrent discussion;**
- (e) **requested the Office to take into account the guidance provided in preparing the document concerning the agenda of future sessions of the Conference for the 349th Session (October–November 2023) of the Governing Body.**

(GB.347/INS/2/1, paragraph 48, as amended by the Governing Body)

2.2. Arrangements for the 111th Session (2023) of the Conference (GB.347/INS/2/2)

- 59. **The Employer spokesperson** said that document GB.347/INS/2/2 addressed important practical considerations to ensure that the Conference was as successful as possible for everyone. His group welcomed the return to in-person sessions as experience had shown that in-person dialogue was most effective for achieving positive and productive outcomes. Attendance was a constitutional obligation for all Member States and remote participation should be permitted only where there was a valid reason for not attending in person. The Office should actively encourage participation and remind Member States that their delegations must be complete and tripartite.
- 60. Given the uncertainty of the venue and the potentially disruptive effect of commuting between ILO headquarters and the Palais des Nations on the functioning of the Conference, he asked the Governing Body to keep the secretariats of the groups informed about the impact of the renovation works on the 112th Session (2024) and the 113th Session (2025) of the Conference, and to update and consult with them on the tentative order of business and draft working methods and preparation of the various committees and their respective venues.
- 61. Statements by Government representatives in plenary sittings should be limited to one per Member State and have a maximum duration of four minutes. Pre-recorded video statements should be allowed only in exceptional circumstances, in order not to discourage high-level participants and guests from attending in person. Each group should ensure that the majority of its delegation attended committee meetings in person and online participation should be permitted subject to an authorization procedure, to be agreed by the groups' respective secretariats. Conversely, observers should not be allowed to attend in person, owing to the shortage of available rooms and should connect remotely.
- 62. Meetings of drafting groups and voting in committees should be conducted in person only. The new electronic voting system to be used in plenary should be intuitive and user-friendly, provide user guidance and be compatible with all operating systems. The Office should provide clear guidance to groups on the functioning of the system immediately prior to and during a vote and in advance of the Conference session.
- 63. Regarding the tentative programme of work, his group agreed that the opening sitting should take place on the morning of 5 June 2023 and the technical committees start work at 3.30 p.m. that day. Evening sittings should be actively avoided. He requested the Office to present a revised programme of work showing sittings ending at 6.30 p.m. As for the recurrent

discussion and the general discussion committees, three sittings – one on Monday afternoon and two on Tuesday – should be sufficient for general statements. The precise working arrangements remained to be finalized through informal consultations between the Office and the groups. He welcomed the time management measures set out in paragraph 40 of the document and stressed the importance of beginning sittings punctually. Furthermore, the tentative conclusions drafted by the Office to be distributed to the groups during the night of 7 June should be as concise as possible and distributed by 8 p.m. at the latest, in order to allow delegates to properly prepare for the start of the drafting group on 8 June. The draft conclusions should be short and better reflect all views expressed. They should be distributed on the official web pages of each committee and each group secretariat informed by email as soon as available. Lastly, the allocation of 90 minutes for the adoption of committees' reports in plenary appeared suitable and should be managed strictly. Individual government delegates should be encouraged to channel their interventions through regional group representatives wherever possible.

64. With regard to standing committees, each group should determine how to organize itself for the work of the Credentials Committee, including in relation to nominating substitutes. The arrangements of the CAS should, as usual, be determined during informal consultations, which should take into account the post-COVID-19 context. It did not seem appropriate for the Office to pre-empt the decision of how many cases would be considered. In relation to technical committees, the Employers' group supported the option proposed by the Office to submission of amendments to the draft conclusions on 10 June. He expressed regret that despite his group's repeated calls for simultaneous drafting in the ILO's three official languages, the proposed working methods for the drafting group continued to foresee drafting and displaying text solely in English, which did not reflect the diversity of participants. The Employers' group asked the Office to take measures to allow for drafting in all three languages. On the understanding that its comments would be duly considered, the group supported the draft decision.
65. **The Worker spokesperson** warmly welcomed the return to a fully in-person Conference, including full delegations, international non-governmental organizations and the general public. In-person communications were important not least because they allowed for informal exchanges and negotiations, which facilitated the achievement of consensus. While continuing to benefit from the online participation facilities developed over recent years, the status of participants should be clearly delineated, as suggested in the document. Member States had a constitutional obligation to send tripartite delegations to the Conference and incomplete delegations did not have voting rights.
66. Her group would nominate its Officers of the Conference and the committees soon but would only confirm following a meeting of the group on 4 June, in which Workers' delegates must be allowed to participate in order to ensure the Officers' democratic legitimacy. She invited all delegations to take note of that date when making travel, accommodation and other arrangements.
67. Her group looked forward to learning how to use the new electronic voting system, which should be user-friendly, and agreed to maintain the option of conducting a vote by show of hands or roll call in committees. The group agreed with the Conference plenary schedule and the statement delivery time limits proposed by the Office, but did not agree with the Employers' group proposal to reduce the limit to four minutes. The CAS should resume the practice of considering 24 cases, as there was no reason to reduce that number in a post-COVID-19 context. As to the programme of work for the technical committees, her group supported the option of submitting amendments to the draft conclusions on 10 June to allow more time for

negotiation in the second week of the Conference. The Workers' group did not agree with the Employers' group that shorter draft conclusions were necessarily better. Conciseness was desirable, but not always possible when different views must be reflected. Similarly, although the positions of regional groups helped to foster a sense of developing majorities on positions, her group would not discourage individual governments from speaking. Concerning the 2024 and 2025 sessions of the Conference, her group encouraged the Office to secure a sufficiently large venue as soon as possible and to organize safe and smooth transport between ILO headquarters and that venue. The Workers' group supported the draft decision.

- 68. Speaking on behalf of GRULAC**, a Government representative of Colombia said that further information on the high-level launch of the Global Coalition for Social Justice, in line with the results of the Governing Body's discussion of document GB.347/INS/4, would be welcome. For GRULAC, it was important to consider the lessons learned from holding the Conference sessions in 2021 and 2022 in virtual and hybrid format, respectively. She welcomed the fact that the session would be fully in-person with the option of remote access. While in-person participation was preferable, there were myriad legitimate reasons for needing remote access to discussions; therefore, her group agreed that plenary sittings should be accessible online in real time and that there should be the option of making pre-recorded video statements. While her group agreed that there should be no remote connection for drafting groups, it disagreed that online participants in committees should have only passive participation. While prioritizing in-person participants, remote attendants should be given the possibility to take the floor to ensure equal conditions for participation for all. As to the preparatory process, she asked the Office to organize briefing sessions for governments at a time that suited all groups. On the understanding that its comments would be duly considered, GRULAC supported the draft decision.
- 69. Speaking on behalf of the Africa group**, a Government representative of Nigeria said that reverting to an in-person format afforded delegates the opportunity to build consensus and would allow proceedings to run smoothly. It was important to be mindful of the workload required for different items on the agenda, especially the standard-setting discussion on apprenticeships. Noting that the Conference would be held at Palais des Nations, he expressed the hope that the seating arrangements in the room would properly reflect the Organization's tripartite structure. He commended the Office for its use of technology to improve the functioning of the Conference, including delegate registration, voting and documents management, and asked to continue adapting in the return to an in-person format. He welcomed the initiation of the preparatory process, such as the call for nominations of Officers of the Conference and of committees. His group appreciated the imminent publication of a detailed Conference guide, with regular updates, on the Conference web page and would appreciate information on the use of a differentiated badge system for delegates to manage limited room capacity. He welcomed the restrictions on committee and drafting group meeting hours, which would help the Conference to practise what it preached. Concerning the 2024 and 2025 sessions, his group would appreciate the presentation of detailed information at the 349th Session of the Governing Body on the state of discussions between the Office and the Swiss authorities, including regarding the venue and cost-sharing options. On the understanding that its comments would be duly considered, the Africa group supported the draft decision.
- 70. Speaking on behalf of IMEC**, a Government representative of Canada said that her group appreciated that the proposed arrangements for the 111th Session of the Conference followed the Governing Body's guidance and built on the experience gained during the pandemic. With regard to the venue, she requested to receive information on the arrangements for the 2024

and 2025 sessions as soon as possible and encouraged the Office to identify cost-saving measures and explore all available options with the host Government. IMEC supported a fully in-person session with an option for passive online participation, but would welcome the possibility for fully remote participation in group coordination meetings. In drafting groups, the in-person format was indispensable to ensure effective negotiation and achieve consensus-based outcomes. Furthermore, her group supported the possibility for delegates who were unable to attend to make pre-recorded video statements during plenary sittings. Giving high-level officials the opportunity to address the plenary before and during the World of Work Summit would also be welcome.

71. Concerning the preparatory process, she reiterated the importance of full tripartite consultations and preparatory meetings open to all Member States for building consensus and facilitating discussions in committees. With regard to voting, she agreed with the approach outlined in the report, noting the importance of in-person voting without special arrangements. Her group looked forward to receiving further information about the new electronic voting system and encouraged the Office to ensure clear and timely communication on how and when voting would take place. IMEC encouraged the Office to continue strict compliance with time allocation for the adoption of committee reports.
72. It was important for the Conference to have in-person political engagement at high-level events. Therefore, IMEC would appreciate further information on the high-level segment, including the possibility of allowing political participation at multiple levels. The group would also appreciate efforts to make meeting rooms available to Member States for bilateral meetings.
73. In respect of committees, IMEC agreed that the CAS should resume its practice of considering 24 cases and encouraged the Office to continue to consider improvements in that Committee's working methods, including good practices arising from its previous virtual and hybrid sessions. Regarding the two different options presented for the preparation of draft conclusions, her group recommended retaining the 2022 practice of bringing drafting groups forward to the first Thursday and the submission of amendments to the first Saturday, to enable committees to devote all sittings in the second week to discussion of the draft conclusions. The time schedules of the recurrent discussion and the general discussion committees should also be assessed with a view to having a more meaningful programme of work during the first week that would encourage greater participation and make better use of participants' time on site. IMEC reiterated the importance of after-hours support, including the availability of basic sustenance, since committees often held late sittings, and urged the Office to put in place measures to ensure the safety of delegates working late, including by providing accessible transport.
74. **A Representative of the Director-General** (Director, Official Meetings, Documents and Relations Department) said that the 111th Session of the Conference would differ from the 2022 session, which had been held in hybrid format, by returning to a fully in-person format with remote participation as an added feature. That addition demonstrated that the idea was not to go back to 2019 practices, but to take into account lessons from the experience acquired during the pandemic, as well as from the guidance provided by the Governing Body at its 346th Session (October–November 2022). Another significant difference with regard to the previous session was that this year there would be no shortage of space as more rooms would be available at the Palais des Nations, although the availability of the Assembly Hall remained uncertain. He thanked Governing Body members for the extremely rich feedback and advice provided and assured that the Office would be reaching out to the various groups to discuss arrangements further in the following weeks.

75. **The Employer spokesperson** underscored the importance of providing transport for participants, many of whom were young people in a strange city. Prior to the pandemic, shuttle buses had been available to take participants to the central train station, which was a very good safety measure. Improved access to food during the Conference would also be welcome.

Decision

76. **The Governing Body:**

- (a) **decided that the 111th Session of the International Labour Conference would be held in person, with the option of following remotely under the conditions described in paragraph 8 of document GB.347/INS/2/2;**
- (b) **endorsed the tentative programme of work in the appendix to the document, subject to any adjustments that might be necessary until its adoption by the Conference at the opening sitting of the 111th Session; and**
- (c) **requested the Office to implement all the arrangements outlined in the document, taking into account the guidance provided.**

(GB.347/INS/2/2, paragraph 43)

3. Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022 (GB.347/INS/3)

77. **The Employer spokesperson** called for greater and more determined efforts to give effect to the fundamental principles and rights at work in practice, both by countries that had not yet ratified the fundamental Conventions and those who had. Follow-up to the 1998 Declaration provided an important opportunity for governments and the social partners to identify the action needed for the effective implementation of its principles. ILO technical assistance had proved useful to Member States in respecting and implementing the fundamental rights, therefore the lack of requests in relation to some fundamental principles and rights at work, such as child labour, was concerning. The annual review was not an end in itself, but a starting point to identify actions required of Members and the ILO. The reporting rate of under 50 per cent was a concern, and was lower than 2021. It was also concerning that some States had provided reports on the Protocol of 2014 to the Forced Labour Convention, 1930, but did not update their information in relation to the other fundamental Conventions and vice versa. The online questionnaire tool, which was intended to facilitate and streamline reporting for States, did not seem to be realizing its full potential. The Office must take all necessary measures to improve the reporting rate in 2023, as coherent and consistent reporting was a prerequisite for effective follow-up.
78. The structure and objectives of the annual report needed to be rethought so that included analysis and discussion highlighting current circumstances, progress and regress, and opportunities for technical and programmatic work. As the Employers' group had stated one year previously, the review should contain more information on efforts to realize the principles of the fundamental Conventions in States that had not yet ratified all of them. Furthermore, ratifications should not be the only means of determining progress in promoting principles and rights; the review should be a tool to help States to respect, promote and implement fundamental principles and rights at work.

79. It was important that reports from Member States should be of equal quality. Moreover, the review should list countries that had taken action in particular areas. Better communication between the Office and Member States must also be a priority in order to ensure timely transmission of information. The review needed to include a more qualitative analysis to enable constituents to assess their circumstances at the national level, and to present a clearer picture of good practices and encourage peer learning. The Employers' group considered that the e-questionnaire tool needed to be adapted; the group was continuing work in that area and would be happy to discuss it with the Office in greater depth. One positive aspect of the review was the increase in comments submitted by the social partners, either directly or through Government reports; the Employers' group would discuss with the Office how to enhance participation and feedback from employers' organizations.
80. The Employers' group considered that the review should cover not only ratifications but also technical cooperation and capacity-building, as they were crucial to the successful implementation of standards and realization of the fundamental principles and rights at work. The example of Uzbekistan in eliminating systemic child labour and forced labour in its cotton harvesting had shown what could be done when there was political will from governments, effective technical cooperation from the ILO and other international bodies, and collective action by social partners; it was therefore regrettable that such important information had not been included in the review.
81. The follow-up mechanism was an important tool in ensuring that the fundamental principles and rights were implemented appropriately and without delay. It was time to rethink the way in which the questionnaire was prepared so that the report could help countries create circumstances conducive to complying with their human rights responsibilities and making progress in closing any gaps between the Declaration's aspirations and the reality on the ground. He requested the Office to take account of his group's comments in its preparatory work for the recurrent discussion on the strategic objective of fundamental principles and rights at work, which was an item on the agenda of the 112th Session of the International Labour Conference (2024). The Employers' group supported the draft decision.
82. **The Worker spokesperson** noted that 38 Member States had not yet ratified all the fundamental Conventions; 104 additional ratifications were needed to achieve universal ratification. It was disappointing that the number of reports received had fallen, which might be due to the introduction of the online tool. She expressed satisfaction that the online tool had been used for almost all of the reports received, and encouraged the Office to address the challenges faced by some governments in using the system. The Workers' group welcomed the increased submission of comments by workers' and employers' organizations, and would continue to promote the practice among workers' organizations.
83. She noted with regret that no new ratifications had been received for 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). She proposed that the Office should aim to achieve full ratification by region. Her group urged countries in Asia and the Pacific that had not yet ratified those two fundamental Conventions to work towards ratifying them. It was regrettable that some countries still limited freedom of association and the right to collective bargaining; she urged the Office to provide the necessary support to maintain momentum in ratification and implementation of the two Conventions.
84. She urged States that had not yet done so to ratify the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), and encouraged the 28 Members that had indicated their intention to ratify the Protocol of 2014 to the Forced

Labour Convention, 1930, to continue their efforts. She also called on Malaysia and Singapore, which had denounced Convention No. 105, to ratify it again.

85. The universal ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), was something to be proud of. She congratulated Bangladesh and Liberia on their ratification of the Minimum Age Convention, 1973 (No. 138), while noting that 12 Member States had yet to ratify it. She acknowledged the fact that all countries in the Arab States and Europe had ratified both fundamental Conventions on child labour, and invited the Africa region to encourage Somalia to ratify Convention No. 138, and the Americas region to encourage Saint Lucia and the United States of America, in order to achieve full ratification in their respective regions. She noted with concern that the Asia and the Pacific region had the lowest number of ratifications of Convention No. 138, with nine countries yet to ratify it.
86. She welcomed the ratification by Liberia of the Equal Remuneration Convention, 1951 (No. 100), in June 2022, but lamented the fact that no new ratifications of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), had been registered in the reporting cycle; she therefore urged the 16 countries that had not yet ratified one or both of those Conventions to do so. She acknowledged the various legislative changes, promotional activity and challenges encountered, as reflected in the document, and called on the Office to provide the requested technical assistance to maintain momentum in terms of ratifications and effective implementation. She supported the draft decision.
87. **Speaking on behalf of the Africa group**, a Government representative of Senegal commended the Office for the quality of the document and noted that ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930, were still under 40 per cent. It was, however, encouraging that 24 Member States had indicated their intention to ratify it, five of them from Africa. The Organization was moving closer to its goal of universal ratification of the fundamental Conventions, although 38 Member States required further encouragement. African countries had ratified virtually all of the fundamental Conventions; the group urged other Member States to do the same. He noted with satisfaction that Conventions Nos 29, 105, 138, 100 and 111 were very close to achieving universal ratification. However, for others, such as Conventions Nos 87 and 98, progress seemed to have stagnated, and the percentage of Member States that had not ratified the Protocol remained relatively high. Despite the fact that the online system was intended to facilitate reporting, under 50 per cent of Member States had submitted a report, which was partly due to unfamiliarity with the online tool or problems with the email distribution list based on protocol information. To overcome such obstacles, the Office should provide technical support and training to officials involved in preparing the reports. The Africa group supported the draft decision.
88. **Speaking on behalf of GRULAC**, a Government representative of Colombia said that the fact that most of the reports from governments provided useful information on their intentions, the challenges faced and the actions taken in realizing fundamental principles and rights at work was crucial, as it provided the Office with guidance on how to help States to overcome gaps in law or in practice. Latin America and the Caribbean had a high rate of ratification of the fundamental Conventions. Nevertheless, there were still many challenges to address and the technical assistance provided by the Office was important in overcoming them.
89. It was encouraging that approximately 72 per cent of the countries that submitted a report had a national policy and plan of action to combat trafficking in persons; the Office should continue to develop joint strategies with constituents to combat it. She highlighted the intergovernmental and tripartite work by the Latin America and the Caribbean Free of Child Labour Regional Initiative to consolidate progress and accelerate the elimination of child

labour in the region through action plans with concrete goals and budgets. Significant progress had also been made in the application of ILO Conventions Nos 100 and 111 in the region; some countries had been at the forefront in securing the rights for communities especially vulnerable to discrimination and championing gender equality. The ILO and its Member States must redouble their efforts to close remaining gaps to include all groups vulnerable to discrimination, at the regional, global and national levels. GRULAC remained committed to continuing awareness-raising initiatives and formulating new policies in pursuit of respect for the fundamental rights, and supported the draft decision.

90. **Speaking on behalf of ASPAG**, a Government representative of the Islamic Republic of Iran said that the incorporation of the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), into the fundamental Conventions in 2022, the period covered by the report, was an important turning point in the realization and integration of the fundamental principles and rights at work. Although the Declaration's follow-up would not include developments for those Conventions until 2024, it might be helpful to include general information on new ratifications to promote fundamental principles and rights at work.
91. Overall, the report reflected the interest, dedication and efforts of governments in many countries to respect, promote and realize the fundamental principles and rights at work. It was commendable that eight new ratifications had been registered during the reporting period, with six from his region. However, the composition of the registered ratifications, and alarming decrease in the number of ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930, alongside a slight increase in the number of ratifications of fundamental Conventions, merited due consideration. He encouraged the Office to replicate its ratification campaigns, concentrating on the most ratified Convention, the Convention No. 29, and to provide the technical assistance requested by Member States that had confirmed their intention to ratify. The follow up report should include additional information on the Office's responses to requests for technical assistance from the Member States.
92. Although positive progress had been made with regard to reporting rates on Conventions Nos 87, 98 and 100, rates for other Conventions and the Protocol had decreased. He acknowledged the challenges and technical difficulties encountered by Member States in adapting to online reporting, and encouraged the Office to address technical difficulties and make the system more user-friendly to encourage a significant increase in reporting rates. The review underscored the challenges that Member States, especially in the Asia and the Pacific region, faced in ratifying and implementing the principle of freedom of association and the right to collective bargaining. Although the slight rise in reporting rates for Conventions Nos 87 and 98 was encouraging, additional efforts were needed to analyse the obstacles to ratification posed by the national, legal and socio-economic conditions of Member States, followed by appropriate technical assistance from the ILO. With those comments, ASPAG supported the draft decision.
93. **Speaking on behalf of IMEC**, a Government representative of Iceland said that there had been no new ratifications of Conventions Nos 87 and 98 during the reporting period and they therefore remained the least ratified of the fundamental Conventions; she therefore welcomed the news that some countries (five for Convention No. 87 and three for Convention No. 98) had indicated ratification was likely, as well as the improved reporting rates in respect of those Conventions. The additional ratifications of Conventions Nos 29 and 105 during the reporting period, as well as of the Protocol, were also welcome. The Office should continue to provide technical assistance in that regard. IMEC hoped the launch of the Forced Labour Observatory

would contribute to the elimination of new forms of forced labour and human trafficking covered by the Protocol.

94. She highlighted the success of the Worst Forms of Child Labour Convention, 1999 (No. 182), which had achieved universal ratification in August 2020, making it the fastest ratified agreement in the history of the UN. The important and positive information presented in the report about promotional activities and policy and legal developments could serve as inspiration and best practice for other Member States. Some Member States had reported on challenges, with some requesting technical assistance. IMEC thanked the social partners for their contributions, including their perspectives on the situation and prospect of ratification in the countries concerned.
95. She noted with concern the reduction in the number of reports received compared to the previous year. The process of reporting must be made as easy as possible. She welcomed the fact that the overwhelming majority of reporting States had submitted their reports via the new online tool; the Office must take into account any technical problems to enhance future online reporting. She also welcomed the continued flexibility shown in enabling governments to submit reports via the paper form, which some Member States continued to prefer. IMEC supported the draft decision and encouraged the Office to continue its technical cooperation to address obstacles to ratification and realization of the fundamental principles and rights at work.
96. **Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, Republic of Moldova, Montenegro, Norway and Türkiye aligned themselves with his statement. He aligned his statement with that delivered by IMEC. He commended the Office on the annual review. Full realization of the fundamental principles and rights at work was a prerequisite for an equitable and just global labour market and society; that was why the EU comprehensively addressed effective implementation of core labour standards in its trade instruments. The Office should continue its efforts to facilitate digital reporting for Member States and deliver an improved reporting response in future.
97. There had been encouraging progress in several countries with regard to the four categories of fundamental principles and rights at work. In particular, he welcomed the commitment to awareness-raising initiatives and the development and improved implementation of new policies and laws, which in some cases included taking steps towards ratification of the relevant instruments. It was less encouraging that several countries had neither ratified nor expressed the intention to ratify several of the fundamental normative instruments considered by the report. Moreover, full realization of fundamental principles and rights at work was hampered in several countries by challenges such as lack of data and awareness, the absence of resources and capacities, and political instability.
98. The emergence of new technologies and the effects of the COVID-19 pandemic had also been mentioned by some countries as significant challenges with the potential to impact the realization of those rights and principles in the future. Those challenges must be addressed and requests for assistance taken into consideration. He welcomed the launch of the Forced Labour Observatory, expressing confidence that the Office would continue to encourage ratification of the fundamental Conventions and the Protocol and support full realization of the fundamental principles and rights of work, including in the context of tripartite social dialogue. The EU and its Member States remained strongly committed to global progress in line with the ILO Centenary Declaration for the Future of Work and the 2017 resolution concerning the

second recurrent discussion on fundamental principles and rights at work. Commending the Office for its efforts, he supported the draft decision.

- 99. A representative of the Director-General** (Director, International Labour Standards Department) thanked the members of the Governing Body for their comments and suggestions. She acknowledged the Employers' interest in continuing the discussion and the support expressed regarding the importance of technical assistance. She explained that the reason Uzbekistan's success in eradicating child labour in its cotton industry after ten years of effort had not been mentioned in the report was because it had ratified the Convention. She thanked the Governing Body for its encouragement.
- 100. The Employer spokesperson** said that everyone must play their part – by fulfilling the commitments they had entered into, increasing ratification rates and taking action to overcome the disparities that existed in every region of the world.

Decision

101. The Governing Body:

- (a) **took note of the information presented in the Annual Review under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work for the 2022 period;**
- (b) **invited the Office to continue its support to Member States to ensure timely reporting on all unratified fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930, and to ensure priority follow-up to requests for technical assistance to address obstacles to ratification and realization of the fundamental principles and rights at work;**
- (c) **reiterated its support for the mobilization of resources with a view to further assisting Member States in their efforts to respect, promote and realize fundamental principles and rights at work, including through universal ratification of all fundamental Conventions and the Protocol of 2014 to the Forced Labour Convention, 1930.**

(GB.347/INS/3, paragraph 125)

4. Update on the Global Coalition for Social Justice (GB.347/INS/4)

- 102.** The Governing Body had before it two amendments to the draft decision: the Workers' group proposed to replace, in subparagraph (a), the words "its launch" with "through a high-level event", and the Employers' group proposed the following amended version:

31. The Governing Body:

- (a) ~~endorsed~~ took note of the Director-General's proposal to forge a Global Coalition for Social Justice, including its ~~presentation launch~~ during the 111th Session of the International Labour Conference (June 2023);
- (b) requested the Director-General to take into account its guidance ~~and in the further development of the Global Coalition for Social Justice, and in close consultation with tripartite constituents: to report on progress at its 349th Session (October–November 2023).~~
 - (i) a governance structure, including criteria and procedure for partners' engagement, and the respective allocation of resources; and
 - (ii) an action plan which includes specific outcomes and thematic and functional areas, based on the ILO's mandate and in line with the Centenary Declaration.

(c) requested the Director-General to report on its development at its 349th Session (October–November 2023).

- 103. The Employer spokesperson**, reiterating points previously made by her group, supported efforts to strengthen policy coherence and promote collaboration on social justice, but stressed the need to avoid duplication of ILO activities. Most importantly, the Coalition should increase the visibility and importance of the ILO within the UN system. It must focus on activities with direct national impact and its scope must encompass the needs of business, particularly small and medium-sized enterprises, and address youth employment and women's economic empowerment. It should enhance and broaden existing initiatives and programmes and avoid duplication.
- 104.** However, key questions remained unanswered regarding the Coalition's aims, plans and expected outcomes; its added value and impact on the ground; and decision-making on its priorities and partners. It was unclear how the Coalition would be governed, how it would be coordinated with multilateral processes and initiatives, and how much it would cost. Its scope remained broad and nebulous, and inconsistent with the priorities agreed in the Centenary Declaration. Also necessary was clarity on how the Coalition was linked to the Centenary Declaration, the Global Call to Action, the Global Accelerator on Jobs and Social Protection for Just Transitions, and other global initiatives.
- 105.** It was concerning that the Coalition would include workstreams on topics outside the ILO's mandate, whereas the Governing Body had emphasized the need to remain within the world of work. There must be a clear, shared understanding of the Coalition's goals, modalities and value added for intended stakeholders to engage more meaningfully in support of its objectives.
- 106.** The Coalition offered an opportunity to strengthen the ILO's role in the implementation of the UN Secretary-General's *Our Common Agenda*, but the Office document suggested that the Coalition's role was limited to mobilizing political, technical and financial support for the 2025 World Social Summit and did not present clear outputs or a role for ILO constituents to shape any outcome of the Summit.
- 107.** The document included commitments to integrate tripartism and social dialogue, but without practical measures. It was stated that there would be no financial implications, but also that in 2023, costs associated with the development of the Coalition and related activities would be covered by existing resources. Moreover, outcome 8 and enablers A and B of the Programme and Budget proposals for 2024–25 portrayed the Coalition as requiring significant financial resources, including staff costs, and activities such as research, advocacy and dialogue would imply additional resources. Clarity on the potential cost and sustainability of the initiative was imperative.
- 108.** All thematic areas listed were already part of the ILO's current programme; thus, the need for the Coalition, and its added value, were unclear. Social protection was mentioned without reference to sustainability, indicating a misalignment with the Conference recurrent discussion on social protection. Fundamental aspects of social justice, such as skills, lifelong learning, women's empowerment and the youth perspective, had not been included. Most concerning was that the enabling environment for sustainable enterprises had been subsumed under "productive and freely chosen employment", instead of being a stand-alone item.
- 109.** The functional areas also closely resembled the ILO's current work. The influence of the social partners was unclear, as were the budgetary implications. Questions persisted on the eligibility criteria for partners, the decision-making and whether there would be a tripartite steering committee. Outreach to companies should not bypass the International Organisation of

Employers (IOE). The Office had said in consultations that a governance structure for the Coalition was not yet necessary, but paragraph 27 of the document stated that its activities would be coordinated by Coalition partners. The document stated that the Coalition would not be a new entity; yet, the plans had all the hallmarks of an entity, requiring Secretariat support and funding.

110. The Employers' group supported the concept of a global coalition, but its endorsement required a revision of the proposed document to establish a process to operationalize it, identifying clear objectives, processes, deliverables and a governance structure. The Employers' group could support the Workers' group's proposed amendment on holding a high-level panel at the 2023 session of the Conference. The Employers' group's own amendment aimed to achieve clarity on the questions raised before proceeding.
111. **The Worker spokesperson** supported the Director-General's initiative to galvanize coordinated action against global inequality. The Coalition had the ambition and the potential to advance the ILO's mission significantly. It must be constituent-driven, with collective and coordinated efforts at all levels. He agreed with the Coalition's proposed action to tackle inequalities through the protection of workers' rights, and with its particular attention to the most vulnerable and marginalized individuals.
112. The group also agreed with the stated purpose and scope of the Coalition. It could operate without a separate governance framework, provided there were regular, structured discussions in existing governance forums to guide its direction through tripartite engagement at all levels. The Coalition's work should be structured around the strategic objectives of the Social Justice Declaration and the seven thematic areas of the 2021 Conference resolution concerning inequalities and the world of work. He expressed the hope that other groups would agree to focus on shifting investment from military industries to health, education and other public services, just transitions and industrial transformation for peace and resilience. If the Coalition's work was in line with agreed Declarations and conclusions, it would not require additional structures and governing mechanisms; it would also facilitate regular reporting. Redefining priorities for the Coalition's work would risk diverting from agreed priorities and might generate extended debates before the Coalition could move to action. He sought clarification on the various workstreams, as similar experience within Alliance 8.7 had shown that it was difficult to ensure that they contributed to the overall initiative.
113. As to the thematic areas, he agreed with the proposed focuses of promoting labour rights as human rights; following up on the recommendations of the supervisory system; expanding fiscal space for increased investment in social protection; and including decent jobs in socially sustainable anti-crisis frameworks and recovery programmes. Nonetheless, the initial idea for anti-crisis frameworks had been to create linkages across the UN system and with international financial institutions, to have agreed mechanisms that combined crisis-related funds with ILO interventions, whereas the reference in paragraph 14 appeared to be only in the context of social protection. It was important to revert to stronger language on such collaboration.
114. The focus on expanding employment was welcome; however, the issue of minimum wages was lacking. Tackling working poverty and inequality should be an overarching priority. The work on employment as presented focused on supply-side measures. Promoting an enabling environment for enterprise and productive growth without national pro-employment microeconomic and industrial policy plans, and just transition strategies without safeguarding living wages and collective bargaining rights, would risk exacerbating inequality and social

injustice. He welcomed the focus on inequalities, but action to reduce wealth inequality and address diminishing shares of labour income was missing.

115. The Workers' group also supported the focus on a just transition. However, the protection of workers' rights should not be equated with support for business, as the ILO had no mandate for business promotion. He recognized the need for sustainable finance for development, highlighted the importance of fair taxation and debt cancellation, and emphasized that workers and their organizations must be engaged at all levels to ensure that investments strengthened decent work. The anticipated outreach efforts to have labour provisions included in trade agreements were welcome. There should be further engagement and capacity-building of constituents on socially just trade and investment policies. As part of the Trade Policy Review Mechanism of the World Trade Organization (WTO), the Office could prepare reports on labour standards in countries under review. However, work on trade should not be limited to social clauses and trade reviews; the Coalition should aim to place social justice at the heart of negotiations of bilateral, regional and multilateral agreements under the WTO.
116. As to the functional areas, he asked how the envisaged social justice report related to existing ILO flagship reports. The ILO should consider undertaking joint research with the Division on Globalization and Development Strategies of the United Nations Conference on Trade and Development (UNCTAD) to identify the impact of current trade and investment rules on social justice and to create new understanding among the institutions involved. Beyond trade, the Office could research linkages between sustainable and pro-employment microeconomic frameworks and labour institutions and policies, to showcase the ILO's added value in sustainable development.
117. In relation to governance and participation, the unconditional open participation envisaged was concerning. Clear rules and safeguards should be instituted, based on governments' commitment to the supervisory system and companies' commitment to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), to ensure alignment with international labour standards, tripartism and the overall ambition of the Coalition. Enabling or reviewing and strengthening existing due diligence structures of the ILO would be essential. Periodic discussion in the Governing Body would not suffice to shape the work of the Coalition; therefore, there must be continual consultation. Further clarifications were required on the terms of reference and membership of the envisaged small group of Coalition partners.
118. The group agreed with framing the Coalition as a contribution to the UN Secretary-General's *Our Common Agenda*, including the call for a renewed social contract, with the World Social Summit in 2025 as a key moment. That vision and timeline would allow the Coalition to grow in political support and ambition.
119. The Workers' group supported holding a high-level event during the Conference in June 2023. However, it should not be framed as the launch of the Coalition, as the short timeline might be detrimental to fostering ownership among constituents. He therefore proposed amending the draft decision to replace "its launch" by "through a high-level event".
120. **Speaking on behalf of the Government group**, a Government representative of Germany expressed appreciation for the two fruitful consultation sessions on the added value of the global Coalition and on its international and institutional framework, and looked forward to further consultations before the planned launch. Coherence among multilateral actors was a key objective of the initiative in fighting inequalities. Multilateralism was fundamentally important and the need to ensure decent work was at the heart of multilateral engagements. The Coalition should seek to elevate international labour standards – the cornerstone of the

ILO's mandate – and social dialogue – its competitive advantage. While the Coalition's ambition encompassed a broad social justice mandate, the ILO's contributions should be grounded in issues related to the world of work, as that was where the Organization could exert leadership and add value.

121. The Office document had taken account of comments and questions from constituents, yet some questions on the impact of governments and the operationalization of the Coalition remained. Many regional groups and individual governments had expressed general, and continuing, support for the Director-General's initiative. The Office should heed the questions and remarks from all constituents, keep constituents informed and involve them in the upcoming preparations for the launch.
122. Questions also remained regarding how the Coalition would contribute to the Office's internal governance, whether the 25 partners mentioned constituted the small group of Coalition partners, and whether the group would include governments, social partners and international organizations. She asked which potential partners had been approached, which of them had agreed to join the Coalition and whether they would have to make specific commitments before joining. She also requested clarification on the actual impact the Coalition sought on the ground, and how Member States could contribute to that impact.
123. **Speaking on behalf of the Africa group**, a Government representative of Eswatini welcomed the initiative, which would strengthen partnerships and enhance collaboration in the quest for social justice. However, his group had several questions that had not yet been answered. He asked: how the Coalition would link the UN Sustainable Development Cooperation Frameworks and the development of Decent Work Country Programmes (DWCPs), particularly in light of UN General Assembly resolution 72/279; what was meant by the statement that the Coalition would not be a new institutional entity and would not have a separate or distinct existence from that of its partners; and whether it would be a Coalition, or a Global Forum for Social Justice, as referred to in paragraph 24 of the document. He enquired about the extent of the consultations undertaken with UN policy coordination structures and the outcomes, the level of political approval that would be required to establish the Coalition, and the procedures for obtaining that approval. He asked how the Coalition would fit into the existing framework of instruments supporting delivery of the 2030 Agenda for Sustainable Development, and when negotiations with potential partners on the strategy and terms of the Coalition would be concluded. Finally, he questioned the procedural correctness of the inclusion of the launch of the Coalition in the letter of convocation to the 111th Session (2023) of the Conference before the Governing Body had concluded its discussion. His group proposed that a tripartite task force should be established to support and guide the Office in its work on the Coalition. The Africa group reserved its position on the draft decision pending a response from the Office to the questions raised, but would support a consensus-based decision.
124. **Speaking on behalf of GRULAC**, a Government representative of Colombia said that the Global Coalition for Social Justice would provide greater policy coherence at the international level and within the ILO and would enable actors to work together to combat the many challenges that the multilateral system might face. The quest for social justice went beyond the world of work to involve progress towards greater human development and dignity, with a focus on human rights and gender. She welcomed the inclusion of a thematic area on addressing inequality, discrimination and exclusion in all its forms and combatting violence and harassment, as that was essential to achieve social justice.
125. She requested more information about the structure and governance of the Coalition, in particular on the small group of Coalition partners that would coordinate activities. The

Governing Body should define the appointment criteria, working methods, and participation and accountability mechanisms of the group, as transparency, tripartism and social dialogue should be fundamental pillars of the Coalition. The Office should also organize tripartite consultations to determine the needs of each region. She noted that the costs associated with the Coalition in 2023 would be covered by existing resources; however, any costs would need to be included in the programme and budget proposals for future bienniums. She asked the Office to confirm that the initiative was not expected to have any budgetary implications.

126. GRULAC considered that the amendments proposed by the Workers' and Employers' groups both had elements that merited further deliberation.
127. **Speaking on behalf of ASPAG**, a Government representative of the Philippines noted that at the 17th Asia and the Pacific Regional Meeting (2022), Member States had agreed to work collectively towards the promotion of social justice and the fundamental rights and principles at work, and to engage in consultations on developing the Global Coalition for Social Justice, which would contribute to the wider UN agenda for a new social contract. The Coalition would seek to address the growing inequalities within and between countries and advance social justice. The success of the Coalition would require full, equal and democratic participation in ILO's governance; policy coherence with the multilateral system; strong tripartism; and global solidarity. The document did not sufficiently address the importance of the democratization of the ILO and of ensuring the fair representation of all regions, as called for in the Singapore Statement. As 60 per cent of the world's labour force was in the Asia and the Pacific, the region's voice must be heard.
128. The group agreed that the Coalition should include the broadest number of relevant participants. The involvement of actors from other international organizations, international financial institutions and other stakeholders would demonstrate the global solidarity required for the Coalition to be effective. She asked which of the potential members had already expressed an interest in joining the Coalition, and what criteria would be used to determine the relevant stakeholders.
129. She urged the Office to exercise caution in referring to the Coalition in documents until its structure and governance had been finalized. She requested clarification on the nature and objective of launching the Coalition during the 111th Session (2023) of the Conference. The group supported the launch of the Coalition, but it had to be at the right time. ASPAG therefore supported subparagraph (b) of the draft decision, but reserved its position on subparagraph (a).
130. **Speaking on behalf of IMEC**, a Government representative of Belgium said that the Coalition could provide a human-centred approach to addressing increasing social unrest and growing inequalities, within the fundamental framework of multilateralism. The Office should highlight the critical role of freedom of association and collective bargaining in combating inequality and achieving social justice. The purpose and scope of the Coalition should be more clearly defined. Advocacy was an important method of creating awareness and understanding of the Coalition's goals, but a limited number of clearly defined activities to which Member States could contribute should be identified. The emphasis of the Coalition should be on labour rights. The proposed thematic areas could be based more closely on the ILO's strategic objectives, and the proposed functional areas could be aligned to activities with an impact on the ground. She welcomed the focus on fostering knowledge generation on social justice, which was in line with the output on enhanced communication in the Programme and Budget proposals for 2024-25. The added value of tripartism and the content of international labour standards should be the focus of communication and action.

131. She welcomed the fact that the proposed recurring report on the state of social justice in the world would build on existing flagship reports, and supported links with the Research Department and the Turin Centre. The Office should undertake research prior to determining how the proposed report could best add value to existing relevant reports, and provide more detailed information on it at the October–November 2023 session of the Governing Body.
132. The Coalition presented an important opportunity to better integrate tripartism and social dialogue into multilateral cooperation, and would support countries in promoting freedom of association and collective bargaining, which was critical in achieving social justice. The Coalition's secretariat should have a mandate to ensure regular social dialogue and should foster exchange between Coalition partners. The Coalition should enable the Office and constituents to examine all economic and financial policies in light of the fundamental objective of social justice.
133. The group had several questions concerning the governance structure of the Coalition. She therefore asked: whether the Coalition would be an open forum and how interactions with external partners would be organized; who the proposed 25 partners would be; which international organizations would serve as coordinating partners; what the outcomes were of the Director-General's exchanges with multilateral organizations; whether international financial institutions had shown willingness to work with the Coalition; what the decision-making processes within the Coalition would be; who would be considered as leaders within each workstream; whether any partner joining the Coalition would have to pledge to undertake certain actions in support of social justice, combating inequality and promoting decent work; how the participation of the social partners and the centrality of the ILO's values and principles would be ensured; what the composition and structure of the small group of Coalition partners responsible for the coordination of activities would be; and, finally, what activities were envisaged under the various workstreams. Subject to those comments and the response of the Office, IMEC could support the draft decision.
134. **Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, the Republic of Moldova, Montenegro, Serbia, Ukraine, Georgia, Iceland, Norway and Armenia aligned themselves with her statement. The EU and its Member States aligned themselves with the statement made on behalf of IMEC. She expressed support for the Global Coalition for Social Justice and its multilateral approach and highlighted the need for an appropriate balance of tripartite ILO constituents and other interested partners.
135. It would be essential to ensure that the Coalition added value to the existing landscape. Indeed, the fact that it was embedded within existing international structures meant that the duplication of work would be avoided. The Office should clarify aspects of the governance of the Coalition, including its role in political dialogue, the implementation of official development assistance and donor coordination. She asked how the small group of partners tasked with coordinating the Coalition's activities would be chosen and what their mandate would be; whether the Director-General would chair the Coalition; what the various workstreams would entail and how they would be organized to ensure that focus was not lost. She requested information regarding the outcomes of the Director-General's meetings with potential partners; the international organizations that would be invited to join the Coalition and the long-term commitment of those partners and organizations to the goals of the Coalition.
136. She welcomed the inclusion of multilateral development banks in the Coalition. It was likely that the Coalition would have financial implications, and she asked the Office to provide further details on planning for such an eventuality. The conclusions of the discussion on social justice

at the 111th Session (2023) of the International Labour Conference should be taken into account in the work of the Coalition. She encouraged the Office to involve constituents in preparations for the launch of the Coalition and other related activities. Pending the provision of the information requested by the Office, the EU and its Member States supported the draft decision in its original form.

- 137. Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)**, a Government representative of Indonesia said that his group aligned itself with the statement made on behalf of ASPAG and supported the creation of the Global Coalition for Social Justice, which reflected his group's priorities. ASEAN's theme for the year, "ASEAN Matters: Epicentrum of Growth", promoted cooperation and partnership in addressing global challenges, including the social justice deficit. It focused on the socio-economic aspects of development. Since the quest for social justice went beyond the world of work, ASEAN extended priorities in the area of decent work to initiatives in multiple sectors, such as health, education and training. His group stood ready to engage with the Coalition's partners and participants to address the social justice deficit and wished to discuss further the plans to launch the Coalition at the 111th Session of the International Labour Conference.
- 138. A Government representative of China** welcomed the establishment of the Global Coalition for Social Justice as a platform for deepening practical cooperation. The Coalition should adopt a people-first philosophy aimed at improving well-being, supporting vulnerable groups, enhancing social cohesion and promoting development, and it should effectively protect the rights of workers by enhancing multilateral coordination to address global problems facing the world of work.
- 139.** Greater policy coordination between the ILO and other international organizations was welcome, as was the planned synergy between the Coalition and other multilateral mechanisms. The Coalition must allow for extensive consultation, joint contributions and shared benefits, enabling the tripartite constituents' full participation in decision-making. Its composition should respect the principle of equitable geographical representation regardless of participants' level of economic development. Effective synergies should be developed between the Coalition and the Global Development Initiative proposed by Chinese President Xi Jinping to support the implementation of 2030 Agenda for Sustainable Development.
- 140. A Government representative of Brazil** highlighted that it was of utmost importance that the Global Coalition for Social Justice paid special attention to the rights of vulnerable groups, such as lesbian, gay, bisexual, transgender, queer, intersex, and asexual persons+, refugees and indigenous peoples while addressing gender inequality, exploitation, violence, harassment and stigmatization in the public and private sectors.
- 141.** The Coalition should seek to increase coherence in the multilateral system through development cooperation. He reaffirmed Brazil's commitment to improving South-South cooperation within the Coalition, and he requested clarification of the composition of the group of partners that would coordinate the Coalition's activities and the Coalition's possible budgetary and financial impact. Brazil was firmly committed to working with ILO leadership and the tripartite system to achieve results, as effectiveness should be the main driver of the Coalition.
- 142. A Government representative of France** noted the emerging consensus that the Global Coalition for Social Justice was in line with the ILO's mandate to promote policy coherence in the multilateral system and responded to the need for greater convergence in employment and social policy. Cooperation and coherence should be promoted to better integrate international labour standards into policies. The Coalition would therefore represent a bold

step towards strengthening international labour standards and tripartism so that a just transition could be ensured throughout the world of work. As such, it was necessary to give a clear, tripartite mandate to the Director-General so that he could begin the necessary work with the multilateral community, particularly within the UN system. The Coalition's launch at the 111th Session of the International Labour Conference would allow the tripartite constituents to support the initiative, and the Governing Body could provide ongoing guidance.

- 143. A Government representative of India** welcomed the emphasis placed on the social dimension and the human rights of vulnerable and marginalized groups, as well as the Coalition's aim to promote social justice through ILO instruments and closer engagement with other multilateral bodies. However, the Coalition should be launched only once there was consensus among all key stakeholders on a universal definition of social justice. The Coalition must complement existing mechanisms and avoid duplicating the work of other international organizations. Care must be taken when incorporating social justice and labour rights into financial, trade and investment agreements to ensure that low- and middle-income constituents were not forced to enter those agreements that could be prejudicial to their interests; such agreements must not be used as non-tariff barriers, since that could prove counterproductive to the Coalition's agenda and further widen socio-economic inequalities. There was a need for support, guidance, resources and economic growth, rather than increased international obligations.
- 144.** The open approach to participation in the Coalition required further discussion, with consideration given to the role of non-constituent stakeholders and the impact of their participation on the tripartite structure. The decision on their participation must be based on consensus and consider the constituents' views. Clarification was required as to how the Coalition would be able to attain its goal effectively in the absence of a charter and without being a separate institutional entity with long-term funding, and regarding how multilateral coherence would be achieved if decision-making power was retained by the Governing Body. There must be adequate geographical and gender representation among the relatively small group of Coalition partners that would coordinate the Coalition's activities. The ILO's role in the Coalition must be defined more clearly, and it must focus on its core mandate – attaining social justice through decent work – rather than leading broader efforts towards social justice and avoid any diversion of its resources away from that core mandate. The Office should clarify those key aspects of the Coalition before moving forward with its launch.
- 145. A Government representative of the Russian Federation** commended the Director-General's efforts to promote policy coherence and structure in the ILO's social justice activities. The success of the Global Coalition for Social Justice, which his country supported, depended on the formulation of a comprehensive, clear and structured implementation plan. He joined the calls for additional clarification on practical aspects of the Coalition's functioning, in particular its aims, scope, governance and financial implications. Information on the composition and mandate of the group responsible for coordinating the Coalition's activities would be welcome. While he preferred the amendments to the draft decision proposed by the Employers' group, he could join the consensus.
- 146. A Government representative of Morocco**, while reiterating his Government's support for the Coalition, requested information on the steps that must be taken with partner organizations to promote high-level political dialogue on social justice based on sound economic arguments that would justify additional investment, and to mobilize extra resources and support for national reforms and recovery strategies. The Coalition would benefit from increased clarity in its institutional framework, operation and governance, with particular

consideration given to inclusivity and regional balance. A better understanding of the allocation of resources and technical assistance by international institutions to ILO or partner programmes was required.

147. The Coalition was accounted for in the ILO's budget and should therefore bring together, and benefit, all constituents. Although the dissemination of knowledge on social justice was welcome, it was important to clarify the content and scope of the report on the state of social justice in the world. In addition to facilitating coordination and synergies between all relevant units and staff members, the Coalition should improve the targeting of actions and priorities and the provision of more tangible support to constituents to enable them to assist states in bringing about socio-economic reform.
148. **A Government representative of Argentina** welcomed the tripartite consultations carried out by the Office on the Global Coalition for Social Justice, which could contribute to reducing inequality and become a cornerstone for the multilateral system. A fairer and more sustainable financial system with the equitable distribution of economic benefits was needed if universal rights and social justice were to be upheld. The Coalition constituted a welcome opportunity to more firmly establish tripartism and social dialogue and had the potential to contribute to realizing human rights, ensuring human dignity, meeting basic needs, reducing and preventing inequalities and ensuring that social justice was prioritized in national, regional and global policies and activities. He supported the amendments proposed by the Employers' and Workers' groups.
149. **A Government representative of Indonesia** expressed support for the Coalition's focus on poverty and inequalities, which would further consolidate the ILO's role in achieving SDGs 1, 8 and 10. The Coalition could play several roles in global efforts towards social justice, including ensuring that needs and expectations of ILO constituents were met, enabling governments to take better policy actions by balancing the supply and demand of labour and promoting labour rights. It could also promote investment opportunities in labour markets and ensure that trade barriers were not created by considering trade and labour laws and regulations, as well as enabling collaboration through enhanced coordination and partnership with relevant stakeholders. It should also ensure that programmes and budgets were transparent, efficient and targeted, with clear budget allocations, purposes and priorities that did not overlap with existing activities.
150. Before its launch, he wished to know how the Coalition would help to strengthen global economic growth as the driver of development, particularly in relation to ensuring decent work and protecting workers in the informal sector, empowering vulnerable workers and improving the skills and working conditions of all workers.
151. **A Government representative of Niger**, noting that workers throughout the world had been seriously affected by a range of crises, recalled the potential of the Global Coalition for Social Justice to rebuild confidence, facilitate the pooling of human and material resources and ensure that technological advancements led to prosperity for all. Her country therefore supported the establishment of the Coalition.
152. **A Government representative of the United Kingdom of Great Britain and Northern Ireland** stressed that it was vital that the Global Coalition for Social Justice protected all marginalized groups, especially in the context of rising global inequality. She asked what concrete outcomes the Office hoped to achieve in the first two years after the Coalition's proposed launch, what progress the Coalition would make by the Summit of the Future in 2024 and the World Social Summit in 2025 and what role it would play in those events. The individual initiatives supported by the Coalition at the national level should be in line with the UN Charter,

international human rights law and the 2030 Agenda. She requested the Office to consider how the Coalition would facilitate sustained communication between partners outside events and forums; the partnerships formed through the Coalition should create long-term systemic change. She asked how the Coalition would hold non-constituent stakeholders accountable, what the approval process to join the Coalition would involve and whether external stakeholders would guide the Coalition's outputs or implement them.

- 153. A Government representative of Pakistan** expressed support for the Director-General's vision for the Global Coalition for Social Justice. Social justice and decent work were key to ensuring a human-centred recovery to the COVID-19 pandemic, promoting investment in social policies and reinforcing institutions of social dialogue. Social justice was a prerequisite for achieving the SDGs and building resilient societies. The Coalition should assist Member States in inspiring innovation, facilitating the exchange of best practices and utilizing indigenous knowledge to accelerate the achievement of the SDGs.
- 154. A Government representative of Bangladesh** said that the Coalition should consider ways of promoting and accelerating job creation and ensuring the availability of jobs during crises, such as the COVID-19 pandemic. The Coalition should also assist Member States in ensuring decent work environments.
- 155. A Government representative of Barbados** highlighted that until international financial institutions addressed development and development funding in small developing States, discussions on social justice would ring hollow. It was important for the ILO to draw on the work and expertise of the multilateral partners that would form part of the Coalition, including international development banks, in order to address issues that impacted social justice, such as debt and climate change. The ILO was well positioned to coordinate with other institutions and raise global awareness of the need for coherence, and the Coalition would play an important role in that respect. He supported the draft decision.
- 156. A representative of the Director-General** (Senior Adviser for Special Initiatives in the Director-General's Office (CABINET)) said that the Coalition would aim to ensure that social justice was prioritized and that all relevant expertise and efforts led to more action towards social justice. The Coalition would present an opportunity for the ILO to mainstream its mandate, promote the tripartite model of social dialogue and provide social partners with a platform to engage with the multilateral system.
- 157.** The six thematic areas had been proposed based on the current and future programme and budget, the Decent Work Agenda and the Social Justice Declaration, and they covered areas requiring urgent and concerted action as set out in the Director-General's vision statement. Several existing programmes and projects at the ILO would feed directly into the thematic areas covered by the Coalition, and its functions would be supported by the ILO research, statistics, communication and multilateral affairs departments and by its partners. For social development programmes, such as health or education, where the ILO did not develop expertise, contributions to the Coalition would mobilize partners' work in areas where their mandates overlapped. Similarly, with regard to human rights, the ILO's contribution to the Coalition would focus on the promotion, ratification and implementation of international labour standards in parallel with other human rights instruments. The standards would serve as a catalyst for the fulfilment of fundamental needs in terms of wages, OSH, and collective bargaining. The Coalition should boost support for initiatives to ensure wage security; better implement rights at work in all sectors and in enterprises of all sizes; reinforce measures that supported workers, communities and enterprises undergoing transition linked to climate

change; ensure quality opportunities for women and girls in the labour market and equal work for equal pay; and develop common frameworks on issues such as combating inequality.

158. All partners that wished to promote social justice on a national, regional and global level could join the Coalition. ILO constituents, the UN and related organizations, and multilateral development banks were eligible, and the applications of other stakeholders would be subject to an approval process that had yet to be defined. Social partners would contribute to the governance of the Coalition and would be called upon to undertake political and technical actions for social justice. Once the Coalition had been approved by the Governing Body, the Director-General would send letters to heads of state and government and to the Employers' and Workers' groups inviting them to join the Coalition and address the launch event. The Office would also meet with other partner organizations that had expressed an interest in joining and they would receive their invitations from the Director-General in the days following the approval of their applications.
159. The Coalition would be structured as a platform that allowed various entities to pool their efforts to promote social justice; no new institutional entity with decision-making powers or the authority to allocate financing would be created. Discussions at Governing Body sessions and the International Labour Conference would guide the work of the Coalition and decide on its structure. The 25 partners referred to in the Programme and Budget proposals for 2024–25 had no bearing on the Coalition's structure, functioning or composition. The workstreams had yet to be developed and discussed with partners and the constituents and would be defined based on the Coalition's thematic priorities. During the launch of the Coalition, the various ILO departments and country offices would need to agree on their work plans and objectives. In 2023, the Coalition and its activities would be covered by existing resources, and the internal work undertaken to establish and launch the Coalition would fall under outcome 8 of the programme and budget. Funding would come from voluntary sources, and since the Coalition's work was closely aligned with the Office's cooperation and development projects, it would receive ILO support. Furthermore, opportunities for funding would arise as more partners joined the Coalition.
160. With regard to the next steps, provided that the Coalition was approved by the Governing Body, it was proposed that consultations with the tripartite constituents should be held soon after the current Governing Body session to prepare for the launch and finalize the structure of the Coalition, determine its terms of reference, and decide on the participation of other stakeholders. The suggested launch dates were 14 or 15 June 2023, during the International Labour Conference. Heads of state and government would be called upon to reiterate their commitment to social justice and accept the Coalition as a means of strengthening joint action. Further national and regional consultations with the constituents would need to be held to identify needs and priorities. It was hoped that the Coalition would provide a strong platform to advocate for social investment and raise the profile of the social dimension of sustainable development at the SDG Summit in September 2023. By the end of 2023, work would be carried out with partners to compile a list of initiatives for implementation on the ground. In 2024, the implementation plan would be finalized in anticipation of the Summit of the Future in 2024 and the World Social Summit in 2025.
161. **A representative of the Director-General** (Director, Multilateral Partnerships and Development Cooperation Department) emphasized the need to create synergies between the Global Coalition and other activities at country level. National and regional consultations had been held on social justice, and the outcomes of those discussions would hopefully be reflected in the upcoming DWCPs. The UN Sustainable Development Cooperation Frameworks were government initiatives to measure UN support for national development plans, and it would

be for governments to include social justice in those. The idea was to ensure convergence between the DWCPs and the Cooperation Frameworks. The Common Country Analysis was a UN exercise to evaluate a country's needs, and efforts would of course be made, including by involving the social partners, as well as country offices and regional offices, to ensure that a social justice dimension was included.

- 162.** Another query that had been raised in recent months concerned the relationship between the Coalition and the High-Level Political Forum on Sustainable Development, under the auspices of the UN Economic and Social Council. That was an intergovernmental forum to follow progress and challenges in implementing the 2030 Agenda for Sustainable Development. The social partners were increasingly involved in those discussions. The Global Coalition would be a much broader exercise, involving more stakeholders coming together around the specific objective of social justice. The two should be complementary and every effort would be made to avoid duplication. The intention was for the voluntary national reviews at the High-Level Political Forum to include more of a social justice dimension.
- 163.** With regard to the target for the number of partners, he clarified that for the purpose of the programme and budget a specific number had had to be chosen for the next biennium and 25 had seemed like a realistic target, but that was likely to evolve over time. Preliminary consultations had already been held with a number of organizations that had expressed an interest in working together on social justice, including the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the World Health Organization (WHO) and the United Nations Environment Programme (UNEP). The initial targets were UN organizations with operations in the field, but financial institutions had significant leverage at the national and global levels and so would also be essential partners for the Coalition. Indeed, preliminary discussions were under way with the Bretton Woods institutions as well as with regional and public development banks.
- 164.** The Employers and the Workers had emphasized the importance of the link with the Secretary-General's *Our Common Agenda* initiative; indeed, *Our Common Agenda* had the social contract at its heart, with a strong focus on youth, the future, global public goods, on a UN system that was adapted to the challenges ahead, and on networked multilateralism. The Secretary-General had launched several policy briefs to steer Member States' deliberations over the coming months. The year ahead would see significant milestones in the process, with the SDG Summit marking the mid-point of the implementation of the 2030 Agenda. The High-Level Advisory Board on Effective Multilateralism was due to deliver its report in the coming weeks, which would help feed into the September 2023 ministerial preparatory meeting for the Summit of the Future to be held in 2024 and the World Social Summit in 2025.
- 165.** On the subject of financing for development, he noted that that had been another of the Secretary-General's initiatives, launched during the COVID-19 pandemic. That process had an extremely ambitious agenda to reform the global financial system. The Secretary-General had spoken to the members of the G20 about an annual stimulus package of US\$500 billion for the implementation of the SDGs, which gave some idea as to the scale of the challenge, and the financial institutions would have a role to play, especially related to the access to financing.
- 166.** With regard to internal governance, he noted that outcome 8 of the programme and budget outlined that the Coalition would have a dual role, projecting outwards on the topic of social justice, as well as strengthening structural coherence within the Organization between headquarters and the field, which would have a great impact on working methods.

- 167. A representative of the Director-General** (Assistant Director-General, Jobs and Social Protection Cluster) added that the Global Coalition would give more weight to ongoing ILO initiatives in the field, both in the context of UN Country Teams and with international financial institutions.
- 168. The Director-General** thanked the members of the Governing Body for the very rich discussion. He welcomed the importance that was being attached to the initiative and recognized the Office's responsibility to respond to questions and take guidance. Moving into the implementation phase of the initiative, he reiterated that they could not be limited to just existing cooperation. There must be a new impetus for the inter-agency Coalition, so although there were many initiatives in progress, more could still be done. Indeed, everybody already knew that most targets would be missed at the forthcoming SDG Summit, which implied that increased commitment was needed. It was important to increase visibility for social justice by having heads of state present at the launch of the Global Coalition.
- 169.** Once the pillars of the Coalition had been formed, members would be invited to join specific pillars, as well as the Coalition as a whole, and each pillar would then define its own goals. Examples included the ILO's work on social protection, where both the potential for progress and the challenges could already be seen. The more people were brought into the Global Accelerator on Jobs and Social Protection for Just Transitions, the better their chances were of making a difference on the ground. Another example was the potential of supply chains for economic growth and fighting against poverty, but there were also potential issues of child labour or forced labour. Different stakeholders should not use supply chains as a barrier but create a synergy encompassing both the economic and social rights aspects.
- 170.** He reassured members that there would be further consultations before the Coalition was launched, but it was a difficult process to manage. In order to mobilize heads of state for the launch event, plans needed to be already under way, which was why the invitations to the Conference had included a reference to the Coalition launch. That in no way meant that the Governing Body's decision had been taken for granted. Once the decision had been taken, more formal steps would be taken to invite heads of state and other UN agencies to the launch and to make more concrete plans.
- 171.** With regard to governance, he had been examining the governance structures of the Equal Pay International Coalition and Alliance 8.7, in an effort to avoid doing something unfamiliar and to draw lessons from other cases. The Coalition would be governed by a high-level steering committee or advisory board, which he would hopefully chair himself, but he had not wanted to presume that in advance. The advisory board would also have at least one Worker representative, at least one Employer representative and several Government representatives, perhaps three or four regional groups on a rotational basis. No due diligence was planned for the World Bank, as it was considered part of the UN system. However, for those partners outside the UN system it would be for the members to decide on due diligence. Lessons would be drawn from existing initiatives regarding the criteria to use. He offered assurance that no action would be taken to bypass the Employers' group or the Workers' group. Some Government groups had also expressed concern about civil society organizations, and that feedback was noted. He hoped that the ILO would take on the role of secretariat for the Global Coalition, but once the pillars had been defined, they would each have to fund their own initiatives through special resource mobilization. That would not necessarily represent an additional burden for the ILO, but if it did, it would be to further its mandate.
- 172.** In closing, he said that the ultimate objective of the Coalition was to make a difference on the ground, so between September and December 2023 there would be a consultation phase at

the regional and country levels before each pillar finalized its action plan. He would report back to the Governing Body at its next session.

- 173. The Employer spokesperson** thanked members for the broad support that had been expressed for the amendment proposed by the Employers' group. It was very concerning that the invitations to the International Labour Conference had already made reference to the launch of the Global Coalition, as the Governing Body needed to approve major initiatives before they went ahead. It was important to give assurance that members would receive the necessary information to endorse the initiative before it was launched.
- 174.** The Employers' group firmly supported the Coalition, but needed to know exactly the details before embarking upon. It was the mandate of the ILO to strive for social justice through decent work, and the task at hand was to ensure that the Coalition raised the visibility of social justice within the UN family. The Global Coalition was a very comprehensive initiative and could not be compared to Alliance 8.7 or the Equal Pay International Coalition, which were much more narrowly oriented. The concept was already clear and both the Employers' group and the Workers' group were actively contributing to it in a positive way. She hoped that the Governing Body would be able to work on both groups' amendments and come to a consensual conclusion so that the Coalition could be launched in June.
- 175.** She had been disappointed to see that the responses given by the Office had in fact been read at speed from a text that had been prepared before the questions had even been asked, so she requested that the text be distributed to delegates so that they could properly reflect on it. She also requested the Office to provide concrete answers to the questions that had been asked, so that a decision could be taken after further discussion.
- 176. The Worker spokesperson** reiterated his group's support for the initiative and thanked the Office and the Director-General for the additional information. Clear rules of engagement were needed, as well as conditions for the participation of the various stakeholders. Tripartite governance was also very important. The Workers' group stood by its proposed amendment, but was prepared to be flexible in order to reach consensus.
- 177. The Director-General** introduced document GB.347/INS/4/Additional information, containing further details on the Coalition. The main ambition of the Coalition was to generate the highest level of political support for social justice, on a par with climate change. Huge gains could be made through the Coalition simply by coordinating actions and improving policy coherence towards achieving the SDGs by 2030. As governments, social partners and other development actors joined the Coalition, they would contribute to shaping its activities, including in relation to resource mobilization. For that reason, several elements had been left open for further discussion as part of a multilateral approach. The ILO's current focus was the four pillars of the Decent Work Agenda; the Coalition would allow scope to add further pillars, such as inequality or the just transition, both major issues that needed to be addressed on several fronts.
- 178.** In terms of governance, there would be a tripartite steering committee the exact size and composition of which would be decided during the forthcoming tripartite consultations. The steering committee would be led by two co-chairs, one the ILO Director-General and the other a Government representative. Its members would include representatives of other international organizations, including international financial institutions, in addition to the tripartite constituents. There would also be potential to include representatives from academia, civil society or the private sector through the IOE, depending on the overall eligibility criteria established. The Office would provide support to the steering committee as part of its role as secretariat to the Coalition, so the ILO would remain in full control of the initiative.

- 179.** It was likely that members of the Coalition would decide to focus on specific pillars according to their own needs and interests; as part of that approach, they would be able to act as champion of a particular cause. The secretariat would coordinate actions as the work programme was being developed. During that phase, the Governing Body would be kept fully informed, while feedback would also be provided through the tripartite consultations during the intersessional period. Particular input would be needed regarding the eligibility criteria for the Coalition; some concerns had already been expressed in that respect. It might be appropriate, for example, to exclude certain companies or States that had a large number of outstanding cases against them. Finally, in relation to financing, an innovative approach would be taken to avoid generating significant additional costs. Many of the secretariat costs would be covered by existing funds from the Office, but donors might be asked to cover specific positions on the Coalition team. Resource mobilization could be necessary to fund additional activities at the pillar level, but such efforts would be carried out alongside partners as needed.
- 180. The Worker spokesperson** reaffirmed his group's support for the Coalition and thanked the Director-General for the additional information, which provided reassurance regarding the next steps to be taken. In terms of the rationale and priorities, he welcomed the decision to base the design of the Coalition on the Social Justice Declaration, stressing that both that instrument and the 2021 Conference conclusions concerning inequalities should form the basis of the Office's work on the Coalition. Further tripartite discussions should be held on the subject, as proposed. His group largely supported the new objectives outlined, but wished to emphasize that advocacy for social justice should be based on the promotion of international labour standards and tripartism in policymaking and decision-making. Similarly, he agreed with the four functions of the Coalition, but asked for further clarification regarding how the proposed biennial flagship report on the state of social justice would tie in with existing flagship reports.
- 181.** His group welcomed the positioning of the Global Accelerator on Jobs and Social Protection for Just Transitions as a key mechanism for the Coalition and the ideas for initiatives with international organizations, which provided a good basis for the future development of partnerships in line with international labour standards and tripartism. It was likewise positive that a tripartite approach would be taken to the steering committee, although questions remained regarding how the ILO's standard criteria for representation would apply to a body that included other international organizations. Constituents must retain tripartite oversight of all initiatives, partnerships and criteria, including those involving other international organizations, to ensure strict accountability. Recognizing that those internal issues remained to be resolved, he said that the Workers' group was nevertheless happy to move forward with the Coalition and was reassured to learn that the steering committee would play a major role through a tripartite process. However, it might be more useful to organize its meetings outside sessions of the Governing Body or Conference, as they already had full agendas, which would also facilitate reporting. The Governing Body could then guide the Coalition's work through a standing agenda item.
- 182.** The Workers' group generally agreed with the proposed timeline, notably the announcement of the Coalition at a social justice summit during the Conference, which addressed the high-level event the group had proposed in its earlier amendment. The group supported the budget proposals, which it hoped would be acceptable to the Governments. It would be preferable not to have voluntary contributions earmarked for specific purposes, and instead have financial support for the Coalition as a whole. The Workers' group was prepared to be flexible in arriving at a decision that would drive the process forward.

- 183. The Employer spokesperson** reiterated her group's support for the proposed Coalition but noted that a number of questions remained. The Director-General had said that the objective of the Coalition was to mobilize more resources to do more for social justice through collaboration with other UN organizations. However, the document containing additional information did not show the added value of the Coalition, which would be necessary to attract other organizations to join it. It was not enough to explain what the Governing Body was looking for in potential partners; the document should also specify what the ILO had to offer. The Coalition should amplify the ILO's work and mandate across the UN system. To achieve buy-in from partners, the ILO's unique tripartite governance structure and the work it had already done on decent work and social justice, including in the ILO Centenary Declaration, should be highlighted, alongside its work on sustainable enterprises to create decent work, which improved the wealth of people, which in turn improved social justice by alleviating poverty and addressing informality and precarious employment.
- 184.** Furthermore, she called on the Office to review the definition of social justice in the first paragraph of the additional information, as it was surprisingly one-sided. Social justice was not only related to protecting the most vulnerable and marginalized and mitigating inequality; the definition should also include those who worked to create employment and to protect the vulnerable, who deserved to have their contribution to society recognized. Social justice was above all about fairness. She asked whether the Office had verified whether the WTO was working on trade and supply chains, before proposing policy alignment between the two organizations.
- 185.** She was unconvinced that the proposals concerning governance had been improved. The fact that businesses were separate from employers' organizations in the list of proposed Coalition members was inconsistent with the Governing Body's agreed rules that the ILO's engagement with the private sector, which included commercial companies and foundations financed by private companies, should be channelled through employers' organizations. The other groups listed should only be included in such a way as to safeguard the primacy of tripartism. The membership criteria that were to be developed by the Coalition secretariat did not take account of the guiding principles on public-private partnerships adopted by the Conference and the Office's internal clearance procedure.
- 186.** As the Coalition would be created by the Governing Body and chaired by the Director-General, it should be subject to the authority and control of the Governing Body. Therefore, more specific information about the proposed governance structure was needed. She asked how the Office would ensure that staff members who contributed working hours to the Coalition secretariat were not distracted from their core functions under the programme and budget and were not overburdened, as well as what proportion of its staff would be devoted to the Coalition. The Office must be able to satisfactorily execute its duty of care to its staff.
- 187.** She supported the proposed timeline and the proposal to hold a social justice summit. The Coalition should only be launched once the remaining questions had been clarified and the Governing Body had approved the initiative. The Coalition would clearly have financial implications, and she asked how the financial and staffing implications of the Coalition, once launched, would be integrated into the Programme and Budget proposals for 2024-25, and where budgetary savings would be made to cover those costs. Her group opposed diverting any resources that could lead to the reduction of activities agreed in the Programme and Budget for 2022-23. The Office should fully evaluate all potential cost implications of the Coalition, including working time from different ILO departments.

- 188.** She requested the Office to prepare a revised concept paper that was coherent in substance, demonstrated the added value of the Coalition, was based on a realistic operational budget, and which had a governance structure in line with the ILO's principle of social dialogue. Only when there was such clarity could the Office expect that other organizations might join the Coalition. She recalled that her group had proposed amending the draft decision accordingly. At the current juncture, she was unable to endorse the launch of the Coalition, despite her group's overall support of the initiative and its objectives.
- 189. Speaking on behalf of ASPAG,** a Government representative of the Philippines welcomed the additional information provided on the membership and governance of the Coalition and the proposal to form a steering committee. He reiterated the importance of tripartite participation of ILO constituents alongside other international organizations. The fact that the Director-General would chair the steering committee, alongside an elected co-chairperson, would ensure that the Coalition remained focused on the ILO's social justice mandate. He looked forward to receiving more information about the specific role and functioning of the steering committee.
- 190.** He welcomed the proposed tripartite consultations leading up to the 111th Session (2023) of the Conference, which should address all the issues raised by the constituents. He noted with optimism the possible areas of collaboration with other international organizations. He requested more information about the planned social justice summit, and how the Coalition would be incorporated. He asked whether it was a novel initiative of the ILO, and how would it differ from the annual World of Work Summit that it would replace. As the lead organization of the Coalition, it was important for the ILO to democratize its own tripartite governance, as social justice could only be obtained through the full, equal and democratic participation of all States. As Asia and the Pacific created half of global wealth but was home to two thirds of the world's population struggling to rise above the poverty line, for whom social justice mattered most, the region could provide guidance on the preparation of the structure and programme of work of the steering committee and the direction of the Coalition. The Coalition should draw on the 1986 UN Declaration on the Right to Development as well as the ILO Social Justice Declaration. On the understanding that the clarifications requested would be provided in tripartite consultations, he supported the draft decision.
- 191. Speaking on behalf of the Africa group,** a Government representative of Eswatini urged the Office to take into account guidance from the Governing Body in its ongoing work on the proposed Coalition. His group could support the original draft decision, but there were also positive elements in both proposed amendments. He expressed a preference for the amendment proposed by the Workers' group to subparagraph (a) and could consider the amendments proposed by the Employers' group to subparagraph (b) and the new subparagraph (c).
- 192. Speaking on behalf of GRULAC,** a Government representative of Colombia said that the proposed Global Coalition for Social Justice would provide a multilateral platform for coherent efforts towards social justice. The Coalition should be human-centred and focused on gender equality and the inclusion of groups vulnerable to discrimination, with social dialogue and the promotion of decent work at its heart. She agreed with the four proposed functions of the Coalition and its proposed membership, and asked whether any international organizations had already expressed an interest in joining the Coalition.
- 193.** Her group supported the creation of a steering committee and its proposed composition. There should be a balanced participation of Governments, based on geographical representation and gender equality. Noting that the steering committee would be co-chaired

by the Director-General and an elected Government representative, she asked for more information regarding the expected level of that representation.

- 194.** Concerning the proposed timeline, she said that the tripartite consultations planned for April and May 2023 should be used to refine the details of the steering committee, its membership and terms of reference. Her group agreed that the establishment of the Coalition could be announced during the planned social justice summit, on the understanding that subsequent consultations would be required to finalize the pending governance questions. She asked whether tripartite constituents participating in that summit would be automatically invited to join the Coalition's steering committee. She noted that the steering committee would be established between July and September 2023, and she reiterated the importance of the active participation of the tripartite constituents in all decisions relating to the steering committee, including on the work programme. She welcomed the details of the expected costs and funding sources, and looked forward to more information about the allocation of the necessary funds under the programme and budget. She supported the Director-General's initiative and, subject to the questions she had raised, supported the draft decision.
- 195. Speaking on behalf of IMEC,** a Government representative of Belgium requested information in the upcoming consultations on how the four proposed functions of the proposed Global Coalition related to the thematic and functional areas mentioned in document GB.347/INS/4. She highlighted the vital normative role of the ILO, which should be further strengthened, and the focus on the enabling rights of freedom of association and collective bargaining. Her group would welcome stronger linkages with the four priority action programmes outlined in the Programme and Budget proposals for 2024–25. The Coalition should also highlight the link between combating inequalities and advancing social justice, as the four areas of focus contributed to the ILO Strategy to reduce and prevent inequalities in the world of work. It was regrettable that addressing inequality, discrimination and exclusion was no longer an explicit area of focus for the Coalition. Given their cross-cutting nature, work to promote gender equality and combat discrimination should be mainstreamed across all the Coalition's activities. Her group welcomed the additional information about the objectives of the Coalition; achieving them would depend on constituents' ownership and the ability to implement the objectives at the national level. Concerning the flagship report on social justice, she asked the Office to provide more details of the plans at the October–November 2023 session of the Governing Body.
- 196.** Her group welcomed the examples provided of close cooperation with UN agencies and other international organizations and encouraged the Office to make such examples a reality in the upcoming months. It would be important to clarify what was meant by the fourth function of the Coalition, "action, partnership and resource mobilization in support of country needs". The Global Accelerator on Jobs and Social Protection was key to advancing social justice, and the difference in its scope and that of the Coalition was now clear. IMEC agreed that additional focus areas could be added in the future, provided that the Coalition remained closely focused on the needs of the most vulnerable people and the fight against inequalities, discrimination, poverty and insecurity with a view to realizing social justice.
- 197.** She supported the proposed composition of the Coalition, but would welcome further clarification on the role of the social partners. All members should be committed to the Coalition's terms of engagement. As to the Coalition's governance structure, she noted the important role of the steering committee and asked whether three meetings per year would be sufficient. She asked the Office to provide information from comparable steering committees, and whether virtual meetings had been contemplated. All elements relating to the steering committee, its governance and its implementation should be discussed during the

first set of consultations. She recognized the value of including other international organizations on the committee, but emphasized that the majority of members should be ILO tripartite constituents. She sought clarification regarding the representational criteria to be applied to its membership and asked how potential committee members would be identified.

- 198.** She expressed her group's support for the ambitious proposed timeline for the plan to hold tripartite consultations in April and May 2023, which should be used to provide updates and seek further guidance from constituents. She urged caution regarding the budget; allocation of resources should depend on progress in implementation of the Coalition. She requested more information concerning the suggested costs of steering committee meetings and regional and national consultations.
- 199.** She requested the Office to respond to the outstanding questions, in particular on the specific impact of the Coalition and the expected activities to which Member States could contribute, during the next round of consultations. IMEC supported the initiative, which should be able to adapt to changing circumstances to ensure that it could deliver on its objectives. The group supported the draft decision but could be flexible in joining the consensus on the amendments.
- 200. Speaking on behalf of the EU and its Member States,** a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, the Republic of Moldova, Montenegro, Georgia, Iceland, Norway and Armenia aligned themselves with his statement. He said that the additional information had provided insufficient clarity on the final governance structure, or on how the steering committee would be set up and by whom. The proposed timetable should allow for engagement and for the tripartite constituents to take ownership of the initiative. The Director-General's role as co-chairperson of the steering committee reflected the fact that the ILO was best placed to coordinate social justice initiatives and that he had been elected by constituents on the basis of that ambition. Tripartism must be embedded in the governance and implementation structures of the Coalition. He expressed appreciation for the activities already initiated by the ILO that were in line with the Coalition. He emphasized the importance of close cooperation with UN agencies and other international organizations, which could contribute positively to the Coalition. However, during the tripartite consultations, the Office should clarify several outstanding aspects, including the potential budgetary implications and the impact of the Coalition on the work of the ILO. His group supported the draft decision.
- 201. The Director-General** said that the recurrent report on the state of social justice in the world would not replace any existing flagship report, but would draw on, and add to, other reports and background work. The incoming Deputy Director-General would be tasked with improving coordination among ILO reports and supervising the research and statistics produced by the various departments that published flagship reports.
- 202.** Tripartite consultation would play a key role in determining representation within the Coalition. The Office would prepare a proposal and constituents would be able to make suggestions on the membership criteria, which would be finalized during the consultations planned for late April 2023. Further consultations would take place in May 2023 to update constituents on the progress made and seek their guidance. The constituents would also be represented on the Coalition's steering committee and thus able to approve members, meaning that enterprises would not be able to join the Coalition without constituents' approval and emphasis could be placed on the involvement of sustainable enterprises. It would also ensure that the guidelines on public-private partnerships were respected. Representatives of the social partners could be allowed to join the secretariat; that could be discussed during the consultations. He welcomed

the point raised by the Employer spokesperson that the Coalition's rules for engaging with the private sector should also apply to foundations funded by private companies. Tripartite constituents' membership in the Coalition would be automatic and, once finalized, the membership criteria would govern whether countries participating in the social justice summit would be invited to join the Coalition

203. The steering committee could not be subject to the control of the Governing Body because it would comprise members that were not ILO constituents, including, potentially, representatives from other international organizations such as the UN, the broader UN system, the World Bank and the International Monetary Fund. The Governing Body's control would stem from the constituents' participation in the steering committee and the fact that he, as Director-General, would be a co-chairperson. The consultations that would take place between the Governing Body's sessions would allow the constituents to contribute to progress reports to the Governing Body and to voice their opinions on the matters to be taken up by the steering committee. Flexibility was required in the timing of the establishment of the steering committee, and there was no requirement for it to be in place before the Coalition's launch.
204. Initial contact with other parties had shown that the ILO did not need to convince others of the value that it added to efforts to bring about social justice; to do so would be to undervalue its work. The creation of the Coalition was a long-awaited step. Moreover, the ILO's added value was already evident in its existing partnerships. Nevertheless, the ILO must champion its leadership of the Coalition once a work plan had been established. The Coalition's impact depended heavily on the involvement of the governments, particularly in defining and implementing its work plan on the various pillars. The Office had approached the WTO for initial discussions on supply chains; if it transpired that joint work on supply chains was not possible, other areas for potential partnership would be explored. The impact of such a partnership would be enhanced through the addition of other partners. His ultimate aim, whether through the Coalition or not, was to increase the impact of cooperation within the UN system.
205. The time normally dedicated to the World of Work Summit would be used for the social justice summit during the 111th Session (2023) of the International Labour Conference, in an effort to garner political commitment prior to the SDG Summit in September 2023. Although the ILO alone could not define the Coalition's work plan – that task must involve other Coalition members – he did not envisage any objections to the inclusion of a pillar on inequality. It would likely take until the end of 2023 to finalize the work plan and governance structure, with action on the ground commencing in 2024. Consultations at the national and regional levels would constitute a one-off cost and were expected to adopt a hybrid format. It was important to hear the views of actors on the ground, including regional economic commissions, before finalizing the work plan.
206. **The Chairperson** noted that some Governments had supported the original draft decision while others had indicated flexibility on the proposed amendments, and invited Governing Body members to seek consensus.
207. **The Employer spokesperson** said she could support the Africa group's proposal to combine the Workers' group's proposed amendment to subparagraph (a) with the Employers' proposed amendment to subparagraphs (b) and (c).
208. **The Director-General** suggested that in subparagraph (a), the term "social justice summit" could be used to replace the word "launch", rather than "a high-level event". In subparagraph (b), he suggested that the phrase "and the respective allocation of resources" could be deleted, because the Office was not planning any allocation of resources. He also

suggested that the reference to an action plan might be problematic, as the Coalition must first be formed so that a plan could be finalized after it had been discussed with other members of the Coalition; the wording under clause (ii) could perhaps be replaced with a reference to tripartite consultation.

- 209.** After a short adjournment, a **Government representative of the United States, speaking also on behalf of the Government representative of France**, proposed the following subamendment in the light of the Director-General's comments:

The Governing Body:

- (a) endorsed the Director-General's proposal to forge a Global Coalition for Social Justice, including its launch through a Social Justice Summit during the 111th Session of the International Labour Conference (June 2023);
- (b) welcomed the Director-General's commitment to take into account its guidance, and proposal to hold tripartite consultations, including on governance and criteria for partners' engagement, between now and the June 2023 ILC, and regular tripartite consultations on the further development of the Coalition;
- (c) requested the Director-General to report on further developments regarding ~~of the~~ Global Coalition for Social Justice, and to report on progress at its 349th Session (October–November 2023) and the March and October–November Sessions thereafter, and to take into account its continuing guidance.

- 210. The Employer spokesperson** raised a point of order, as the latest proposal was an entirely new version that was not based on the amendments of the Workers' and Employers' groups, which they had submitted in accordance with the proper procedure to allow for preparation and discussion within groups. The new proposals should not, therefore, be discussed. She repeated that she would support the proposed merge of the Workers' group's amendment with her group's, and could be flexible in discussing the suggestions of the Director-General, which would not necessitate a completely new text.
- 211. The Worker spokesperson** supported the latest subamendment, as it sought to capture all the points raised.
- 212. A Government representative of Belgium** also supported it.
- 213. The Employer spokesperson** said that the new text could not be characterized as a subamendment, as her group's amendment had been replaced with a completely different text and was no longer recognizable. She insisted that a 24-hour period be granted to allow for consultations, in accordance with the Governing Body's rules.
- 214. The Worker spokesperson** noted that it was a subamendment that had arisen from the floor, and requested guidance from the Legal Adviser on whether it was permissible under the rules.
- 215. A representative of the Director-General** (Legal Adviser) explained that a subamendment was defined as a proposal that sought to add text to or delete text from an existing amendment. Accordingly, the proposal from the floor could be characterized as a subamendment. Currently, there was no rule establishing a deadline for the submission of amendments or subamendments, only a best practice for logistical reasons. Such a rule had, however, existed under the special arrangements in place during the COVID-19 pandemic, when amendments had to be submitted 48 hours in advance, and subamendments, 24 hours in advance. There was therefore no procedural irregularity in the spontaneous submission of the subamendment by the Government representative of the United States.

- 216. Speaking on behalf of the Africa group**, a Government representative of Eswatini requested an explanation of the difference between a “high-level event” and the summit that had been referred to. His group could support the emerging consensus.
- 217. A representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster) clarified that a World of Work Summit was held annually at the International Labour Conference, where high-level dignitaries discussed a different theme each time. The intention of the proposal had been to devote the World of Work Summit to the issue of social justice in June 2023.
- 218. A Government representative of China** questioned whether the decision should refer to a “Social Justice Summit”, of which there seemed to be many, and suggested that “a high-level event” or “a summit” could be used instead, to allow time to reflect on the most appropriate name for the event.
- 219. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden supported the subamendment proposed by the Government representative of the United States.
- 220. A Government representative of Argentina** suggested that it might be useful if the proponents of the latest subamendment could explain the rationale behind it.
- 221. The Government representative of the United States** said that the subamendment included the proposal to hold consultations, including on a governance structure and criteria for partners’ engagement. The reference to allocation of resources had been deleted in the light of the concerns expressed. The reference to an action plan had not been included either, because the regular tripartite consultations before the Conference in June implied that there would be further development of specific areas of action in the thematic and functional areas, as had been explained by the Director-General. Subparagraph (c) had been retained.
- 222. The Employer spokesperson** said that she could not accept the proposal because the basis for the proposed Coalition must be rooted in the mandate of the ILO and the substance of the Centenary Declaration. That, along with the governance structure, must be clarified before the Governing Body could agree to launch the Coalition. The Employer’s group could support the Workers’ group’s proposal to refer to the summit under subparagraph (a). Referring back to the Employers’ group’s amendment, she wished to keep the chapeau in subparagraph (b), and could agree to replacing it with “requested the Director-General to take into account its guidance and develop, in close consultation with tripartite constituents”. She wished to reinstate clauses (i) and (ii) but could accept the deletion of the reference to the “respective allocation of resources”. Regarding clause (b)(ii), she conceded that the action plan would need to be developed with the other participating organizations, but proposed that “tentative” should be added before “action plan”, which the ILO must develop so that there was clarity. For the Employers’ group, it was crucial to make reference to the Coalition being based on the ILO’s mandate and in line with the Centenary Declaration. She could also support the reference in subparagraph (c) to the Director-General providing a report to the Governing Body at its 349th Session (October–November 2023).
- 223. A Government representative of Belgium** noted that the Employers’ group’s amendment had been based on the original Office document, whereas the subamendment presented by the Government representative of the United States also took into account the additional information that had been received subsequently. The latest proposal was more operational, as it requested the Office to take certain steps before the session of the Conference, with the aim of accelerating the process and increasing ownership.

(The Governing Body resumed its discussion of the item at a later sitting)

224. The Employer spokesperson proposed the following subamendment to that presented by the Government representative of the United States:

The Governing Body:

- (a) ~~welcomed endorsed~~ the Director-General's initiative proposal to forge a Global Coalition for Social Justice, including through a Social Justice Summit during the 111th Session of the International Labour Conference (June 2023);
- (b) welcomed the Director-General's commitment to take into account its guidance and proposal to hold tripartite consultations in preparing a, including on governance structure including and criteria for partners' engagement and a thematic plan, based on the Social Justice Declaration and the Centenary Declaration, between now and the June 2023 session of the Conference, and regular tripartite consultations on the further development of the Coalition;
- (c) requested the Director-General to report on further developments regarding the Coalition at its 349th Session (October–November 2023) ~~and the March and October–November Sessions thereafter, and to take into account its continuing guidance.~~

225. She said that it was unrealistic to expect that the necessary work and consultations could be carried out before June 2023, and therefore proposed that the Director-General should report back to the Governing Body on developments at its October–November 2023 session. Furthermore, the reference to future sessions was superfluous and should be removed.

226. After a short break for informal consultations, **the Government representative of the United States** proposed the following the subamendment to the Employers' group's latest subamendment:

The Governing Body:

- (a) welcomed the Director-General's initiative to forge a Global Coalition for Social Justice, including through a ~~Social Justice World of Work Summit: Social Justice~~ during the 111th Session of the International Labour Conference (June 2023), and the proposed tripartite consultations in preparation for the Summit;
- (b) welcomed the Director-General's commitment to take into account its guidance and proposal to hold tripartite consultations in preparing a governance structure including criteria and procedure for partners' engagement and a thematic plan, ~~based built on~~ the Decent Work Agenda, as laid down in the 2008 Social Justice Declaration and reaffirmed in the Centenary Declaration, and other relevant ILO documents;
- (c) requested the Director-General to report to the Governing Body on further developments regarding the Coalition at its 349th Session (October–November 2023), and to take into account its continuing guidance.

227. The Worker spokesperson, the Employer spokesperson and the Government representatives of the regional groups all supported the latest proposal.

Decision

228. The Governing Body:

- (a) **welcomed the Director-General's initiative to forge a Global Coalition for Social Justice, including through the World of Work Summit: Social Justice during the 111th Session of the International Labour Conference (June 2023), and his proposal to hold tripartite consultations in preparation for the Summit;**

- (b) welcomed the Director-General's commitment to take into account its guidance and his proposal to hold tripartite consultations in preparing a governance structure including criteria and a procedure for partners' engagement and a thematic plan, built on the Decent Work Agenda, as laid down in the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, and reaffirmed in the ILO Centenary Declaration for the Future of Work (2019), and other relevant ILO documents;
- (c) requested the Director-General to report to the Governing Body on further developments regarding the Coalition at its 349th Session (October–November 2023), and to take into account its continuing guidance.

(GB.347/INS/4, paragraph 31, as amended by the Governing Body)

5. Work plan on the strengthening of the supervisory system: Proposals on further steps to ensure legal certainty (GB.347/INS/5)

- 229. The Employer spokesperson** expressed disappointment that despite the comprehensive feedback received during informal consultations, the Office had failed to take the majority of views expressed into account when preparing the procedural framework. It was not the case that agreement had been reached on the way forward, as implied in the draft decision. In addition, the core issue underlying discussions was the interpretation by the Committee of Experts on the Application of Conventions and Recommendations of the right to strike in the context of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); however, that issue was not the main consideration of the proposals. Furthermore, the Office had not presented the groups concerned with all possible means to resolve interpretation issues internally, such as a tripartite technical meeting or a dedicated discussion at the International Labour Conference. The Employers' proposed amendment therefore introduced a new paragraph providing an internal solution to address the right to strike issue, which should ensure that all constituents could engage actively in the process, solutions were based on consensus and adopted outcomes were universally relevant and accepted.
- 230.** The Employers' objective was to ensure that the Committee of Experts did not create new obligations beyond those intended by the tripartite constituents at the Conference. The Committee of Experts should refer difficult questions or gaps in a Convention to the constituents for them to resolve; its failure to do so in the case of the right to strike had led to the current dispute.
- 231.** While article 37(1) of the ILO Constitution provided an avenue to resolve interpretation questions or disputes, referral to the International Court of Justice (ICJ) should be a last resort. It would be preferable to seek internal solutions that received wide support from the constituents. The advisory opinions of the ICJ were not legally binding; the Employers doubted whether it was legally feasible to include in the introductory note a reference to a commitment to implement the Court's opinion as final and binding, in particular for those who did not support the referral. The impact on non-State actors had not been considered. Furthermore, such a commitment could place increased pressure on ratifying countries to comply and might entail adverse consequences, notably a loss of confidence in the predictability and reliability of obligations under ratified Conventions and, as a result, the reluctance of constituents to set new standards.

- 232.** In order to create the necessary trust in the process, the referral request should only be examined if it had the support of the majority of all States parties to the Convention concerned. The International Labour Conference should be involved throughout, in order to ensure the participation of States parties directly affected by an ICJ advisory opinion. The Employers were concerned that the International Labour Standards Department might not be strictly neutral, in particular where an issue originated in an assessment by the Committee of Experts. In addition, they held that interpretations of a Convention under examination by the Court should be suspended during ICJ proceedings.
- 233.** Her group could accept neither the introductory note nor the procedural framework as proposed. Substantive change was needed to reflect the majority views, which required further consultations and consensus building among constituents.
- 234.** With regard to the proposals for the implementation of article 37(2) of the Constitution, the Employers had substantial comments concerning the structure and composition of an in-house tribunal, which they remained open to discuss with the Office.
- 235.** Her group proposed the following amendments to the draft decision:

The Governing Body decided to continue discussing at its 349th Session in November 2023:

- (a) approve any unresolved issues in the introductory note and procedural framework set forth in Appendix I of document GB.347/INS/5 for the referral of interpretation questions or disputes to the International Court of Justice under article 37(1) of the ILO Constitution;
 - (b) ~~continue to discuss~~ the implementation of article 37(2), and to this end, requested the Director-General to organize tripartite consultations with a view to preparing draft rules for the establishment of a tribunal for its consideration ~~at its 352nd Session (November 2024)~~;
 - (c) further proposals to ensure legal certainty and strengthen the supervisory system, including by placing an item for discussion on the agenda of the International Labour Conference.
- 236.** She expressed the hope that a positive way forward would be found but underscored that as the topic under consideration was complex and highly sensitive, time should be taken to find a consensual solution.
- 237. The Worker spokesperson** recalled that, as the Legal Adviser had previously explained, under article 37(1) of the Constitution, it was expected that interpretation issues would be referred to the ICJ. Article 37(2) simply provided for the possibility of referral to a tribunal, which could in any case be overruled by decision of the Court. It was therefore clear that, according to the ILO's Constitution and legal framework – which there was no intention of changing – there was no strict need for a procedural framework, nor were there any requirements in terms of minimum support for making a referral or qualifying the seriousness of an interpretation issue. Similarly, it was not necessary to exhaust all other means prior to making a referral. The only barrier in place was that in article 37(2) whereby Governing Body approval was required for referral to a tribunal. So even without a procedural framework, the Members of the ILO were able to raise a matter of interpretation and a request a referral to the ICJ; that would go on the agenda of the Governing Body for a decision according to its normal procedures.
- 238.** There was currently only one serious and persistent problem of interpretation within the Organization, namely on Convention No. 87, in relation to the right to strike, and the competence of the Committee of Experts to provide guidance on the matter. That was no minor issue for the Workers' group, as the right to strike was the corollary of the rights of freedom of association and collective bargaining; it redressed workers' unequal power relationships with employers and businesses. Although the right to strike was not an absolute

right, there were limits to the restrictions that could be placed on it, as had been established by long-standing authoritative guidance from the Committee of Experts. The failure of the ILO to confirm that the right to strike was recognized and protected under Convention No. 87 was bad, not only for workers but also for the Organization's reputation and credibility. Employers and their organizations were happy to call on the judiciary when seeking to challenge a strike, but appeared reluctant to make proper use of the existing constitutional means to resolve the issue on the right to strike. Although not strictly necessary, the proposed procedural framework could potentially provide a step-by-step approach to dealing with obligations under article 37(1) of the Constitution. The Workers' group was ready to discuss the details of the framework in good faith, but did not wish to enter into further general discussions that would merely create further delays.

- 239.** The proposed procedural framework should be simple, practical and aligned with the current procedures of the Governing Body as far as possible. It should also fully reflect the guidance provided during the 344th Session. The Workers' group broadly supported the proposed procedural framework and agreed with its parameters as per paragraphs 14 and 15 of the document. In terms of the level of support or "threshold" for triggering a full-fledged referral discussion in the Governing Body, any threshold should be indicative, as it governed the submission of a request, rather than the decision-making process itself. Under the existing legal framework, there were no limits on members or groups raising a matter of interpretation. However, in the interest of obtaining a practical framework, the group could support an indicative threshold of 20 Governing Body members for filing a referral request, on the understanding that it would not constitute a receivability rule in legal terms. The alternative threshold of at least 30 Member States should be adapted or deleted; although it made sense to allow non-Governing Body members to submit requests, clarification was needed regarding the Employers' and Workers' groups. In addition, although the introductory note mentioned the possibility of referring requests that did not achieve the required level of support to the Officers of the Governing Body, that matter should be addressed in the text of the procedural framework in order to ensure consistency with the Organization's legal framework, which did not contain any thresholds. Five of the six cases submitted to the predecessor to the ICJ had been initiated by single Member States, and they had been key questions requiring clarification.
- 240.** In terms of time frame, it was essential to ensure that Governing Body decisions were not delayed indefinitely; it was correct to state that recourse to article 37(1) should be considered as a last resort in case of a serious and persistent interpretation issue. However, the words "last resort" should not be understood as requiring endless procedures to be completed prior to referral. Recognition of the importance of social dialogue did not preclude the possibility of referring matters to a court; disputes needing an authoritative legal opinion might arise even where highly developed social dialogue and collective bargaining systems existed. Furthermore, the failure of social dialogue to resolve a matter should not be a formal precondition for referral. It had been agreed at the 344th Session that interpretation disputes regarding legal matters, such as the authoritative interpretation of a Convention, could not be solved by social dialogue, as that did not provide the necessary legal certainty. The Workers' group therefore supported the wording in paragraph 5 of the proposed framework; the inclusion of any further requirements to be fulfilled by the Governing Body prior to referral would go against article 37(1), which had no such requirements. The group also agreed that the discussion of the referral and the legal question should be combined, as stated in paragraph 6.

241. Concerning paragraph 21 of the document, she stressed that the Governing Body had full competence to take referral decisions based on the mandate given to it by the International Labour Conference in 1949. Opening up the Governing Body's decision-making on referrals under article 37 to all Member States would set the wrong precedent and call its position into question; her group did not support such a move. However, the proposal to allow Member States that were not Governing Body members to submit written comments, as per paragraph 8 of the proposed framework, was acceptable. If governments had strong views on involving the Conference in some way, her group would consider a provision allowing it to validate the Governing Body's decision, as long as that took place as a limited exercise on a case-by-case basis, as outlined in paragraph 22 of the document. The group therefore supported the text proposed in paragraph 10 of the procedural framework.
242. Turning to the provisions of article 37(2) of the Constitution, she noted that there had not previously been an appetite for the establishment of a tribunal. Indeed, the Employers' group had stated at the 344th Session of the Governing Body that such a tribunal would not be suited to resolving long-standing, complex and contentious issues such as the Committee of Experts' interpretation of the right to strike in Convention No. 87; she would be interested to know if it still held that view. Her group shared the analysis of the Office and Legal Adviser that article 37(2) was intended for settling narrow technical questions, rather than serious disputes with broader systemic implications, and that it did not guarantee legal certainty. Combined with the fact that a potential internal tribunal could interfere with the authority and independence of the current supervisory system, including the Committee of Experts, and the requirement to deal with disputes with serious, far-reaching implications through article 37(1), it did not make sense to invest in a process under article 37(2), as there was no assurance that it would provide the necessary legal certainty. The Workers' group therefore strongly advised against developing further proposals for establishing an internal tribunal based on article 37(2), as that would not help resolve the current issue regarding the right to strike, which could only be addressed through article 37(1). It therefore proposed the following amendment to subparagraph (b) of the draft decision:
- (b) ~~continue to discuss the implementation of article 37(2), and to this end, requested the Director-General to organize tripartite consultations with a view to preparing draft rules for the establishment of a tribunal for its consideration at its 352nd Session (November 2024).~~
243. Concerning the amendment proposed by the Employers' group, she objected to the proposal to postpone discussions still further, as extensive consultations had already been held. Despite stressing the need for consensus, that group had already gone against existing consensus in challenging the interpretation of Convention No. 87 in relation to the right to strike. The proposed subparagraph (c) to place an item for discussion on the agenda of the International Labour Conference was unclear, and suggested that a mechanism for achieving legal certainty did not already exist, when it was in fact adequately covered by article 37 of the Constitution, as expressed in the Governing Body's decision of March 2022 concerning the work plan on the strengthening of the supervisory system. Therefore, the Workers' group did not support the amendment proposed by the Employers' group.
244. **Speaking on behalf of the Africa group**, a Government representative of Malawi highlighted the importance of social dialogue in dispute resolution. Her group recognized the agreed criteria for referring questions to the ICJ under article 37(1). Any procedural framework should be uniformly applied to all requests. She noted the proposal to include all Member States in the discussion to trigger referrals, and agreed that the Governing Body, meeting as a Committee of the Whole, was a suitable forum for filtering, analysing and debating referral

requests, which would be approved by a resolution of the International Labour Conference. She reiterated the need for the Office to remain neutral and impartial throughout the referral process.

245. Concerning the proposals relating to article 37(2), she said that the ICJ should be a last resort. Thus, an in-house tribunal should be established as a mechanism to resolve disputes in the first instance, which could be permanent or ad hoc in nature. Parties that were dissatisfied with the outcome of that tribunal would then have recourse to a higher authority. She agreed with the proposed eligibility criteria for judges, emphasizing the need to safeguard their independence and impartiality, while ensuring the representation of different legal systems. The tripartite selection process should be transparent and inclusive. A balance should be struck between the tribunal's functions of supervision and interpretation. No restrictions should be imposed if a party felt aggrieved by an award of the tribunal. While it was possible that a tribunal award may be challenged, she noted that the Governing Body would still have to endorse the referral of any item to the ICJ.
246. Her group had several outstanding questions. She asked the Office to clarify whether the advisory opinions of the ICJ would be binding on all Member States. She questioned why the referral procedure under article 37(1) was to be adopted prior to agreement being reached on the establishment of an in-house tribunal. The Office should clarify: why an in-house tribunal could not have jurisdiction over all matters of interpretation; the criteria to be used to determine the issues of most importance; the role of the Governing Body and International Labour Conference in determining whether a case should be referred to the proposed in-house tribunal or the ICJ; and the procedure and time frame for referring a dispute to the latter.
247. **Speaking on behalf of GRULAC**, a Government representative of Colombia said that article 37 provided a framework for addressing discrepancies in the interpretation of Conventions. A simple, transparent and equitable procedure under article 37(1) would provide stability, without creating any additional provisions. She supported setting an indicative threshold for referring a dispute to the ICJ that could include Governing Body members or Member States, ensuring any Member State was able to initiate an article 37 procedure. A time frame should be established for Governing Body discussions on possible referrals. The International Labour Conference should approve the referral of a dispute to the ICJ, following detailed analysis by the Governing Body. Care should be taken to ensure that all interested governments could participate in those discussions in accordance with the procedural rules. She agreed that regular supervision should not be suspended following the referral of a case to the ICJ.
248. Concerning the proposed procedural framework, she agreed with the purpose of referring a dispute to the ICJ under article 37(1), the role of the Governing Body in the referral process, the time frame for Governing Body discussions in that regard, and the participation of Member States that were not Governing Body members in those discussions. The Office should ensure discretion, neutrality and impartiality throughout the process. GRULAC agreed that the opinion of the ICJ and an analysis of any required follow-up action should be submitted to the Governing Body, and that the time frame for those discussions should not exceed two consecutive sessions. Any procedure agreed by the Governing Body should be added to its procedural rules.
249. GRULAC said that the establishment of an in-house tribunal required further study. Any such tribunal could only be used to resolve disputes of a more limited or less complex scope, focusing solely on the interpretation of standards.
250. **Speaking on behalf of IMEC**, a Government representative of the United States emphasized the value of legal certainty in the supervisory system and in maintaining international labour

standards. Article 37 provided a clear provision for the resolution of interpretation disputes. The dispute relating to the right to strike was long-standing and impeded the functioning of the supervisory system, particularly in cases relating to the application of Convention No. 87. The Governing Body had an obligation to resolve that dispute. Therefore, IMEC supported the establishment of a procedural framework for action under article 37(1) and emphasized that appropriate disputes should be referred to the ICJ without prejudice to the ongoing discussions of provisions under article 37(2).

- 251. Speaking on behalf of the majority of countries of Asia and the Pacific**, a Government representative of China said that any dispute in the world of work should be resolved through tripartite social dialogue where possible, including matters relating to the interpretation of ILO Conventions. Article 37 was a last resort and should only be used with caution. The proposed procedural framework under article 37(1) and its introductory note did not address some of his group's major concerns. While decision-making authority had been delegated to the Governing Body, the International Labour Conference was a more suitable forum for discussing the referral of any dispute to the ICJ. Any follow-up action to be taken relating to an advisory opinion should also be determined by the Conference. Given the binding nature of an ICJ advisory opinion, a referral decision should be made by consensus, not majority vote. Thus, a time frame of two consecutive Governing Body sessions would be appropriate, with the discretion to extend discussions if necessary. A threshold should be established for the Governing Body to examine a referral request, and he asked the Office to clarify its proposals regarding the exact number of States required to trigger a discussion. A higher number would best reflect the severity of the issue.
- 252.** His group welcomed the preliminary proposals relating to the establishment of an in-house tribunal, including to establish procedural rules for that body, which warranted further tripartite consultations. Article 37(2) clearly provided for the referral of any dispute relating to the interpretation of a Convention to an in-house tribunal, the mandate of which should therefore not be limited. A tribunal should be ad hoc, to ensure that judges examining a dispute had appropriate expertise. The composition of a tribunal should ensure a balanced representation of legal systems, regions and gender.
- 253.** The Governing Body should approve procedures for the implementation of both paragraphs of article 37 before referring any dispute to the ICJ. Therefore, his group supported the amendments to the draft decision proposed by the Employers' group and could not support the draft decision in its original form.
- 254. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that Albania, North Macedonia, Republic of Moldova, Montenegro, Serbia, Georgia, Iceland and Norway aligned themselves with his statement. He aligned his statement with that delivered by IMEC. The protracted disagreement on the right to strike, in the context of Convention No. 87, should be resolved under the provisions of article 37(1). The ICJ was well placed to examine that dispute, and he called for the Governing Body to refer the dispute without delay.
- 255.** The proposed procedural framework to implement the provisions of article 37(1) should not change the procedural rules of the Governing Body. The threshold for submitting a referral request should be indicative, not prescriptive; should include regional support; and could be determined by a simple majority vote. His group agreed that the final decision on referral could be made by the International Labour Conference, rather than the Governing Body. The preparation of any dossier would be the sole responsibility of the Director-General, and the Office should remain neutral and impartial at all times. The proposed procedural framework

and the proposals relating to the implementation of article 37(2) should be considered as separate entities. Therefore, his group supported the amendment to the draft decision proposed by the Workers' group.

- 256. Speaking on behalf of a group of countries consisting of Australia, Canada, New Zealand, the United Kingdom and the United States**, a Government representative of Australia said that the proposed procedural framework under article 37(1) provided a clear and ready-to-use methodology, the adoption of which was not a precondition to making a request for an advisory opinion to the ICJ. The proposed framework would facilitate a sound, efficient and time-bound referral process, which was a key element of good governance. Her group agreed to an indicative threshold of support of 20 Governing Body members or 30 Member States; supported a maximum time frame of two Governing Body sessions for discussions on whether to refer a dispute to the ICJ and determine the legal question to be considered; and agreed that the decision on referral may be sent to the International Labour Conference for approval. While her group did not see value in further exploring article 37(2) at present, she expressed support for the draft decision and the amendment proposed by the Workers' group. The Governing Body should decide on the proposed procedural framework at the current session. Her group could not support the amendment proposed by the Employers' group.
- 257. A Government representative of Argentina** said that a mechanism for referring disputes to the ICJ would strengthen the supervisory system. However, no additional procedure was required to implement the provisions of article 37. The proposed procedural framework would guarantee legal certainty and strengthen governance within the ILO, thereby contributing to achieving decent work for all. He welcomed the proposals for the establishment of an in-house tribunal to implement article 37(2), but said that they needed further analysis. The Governing Body was only ready to decide on the implementation of article 37(1), and as such he supported the draft decision with the amendment proposed by the Workers' group.
- 258. A Government representative of China** recognized the long-standing issues relating to the interpretation of Conventions and the need for legal certainty to ensure the stability and credibility of the supervisory system. The implementation of article 37 should be the basis of any such work, and no legislative process should be established. The proposed procedural framework under article 37(1) would have a significant impact on the tripartite constituents. All Member States should be able to participate in discussions and decision-making relating to the referral of disputes to the ICJ, while ensuring efficiency and fairness. The proposed framework should be revised on the basis of the comments made, in order to address the concerns of all parties and ensure that it could be adopted by consensus. Regarding the establishment of the in-house tribunal, the tripartite constituents emphasized the importance of resolving disputes through dialogue. The Chinese Government reiterated that it was the only channel for resolving disputes and ensuring the functioning of the supervisory mechanism, by strengthening cooperation and avoiding confrontation. He urged the Office to explore other alternative institutional arrangements. China supported the draft decision as amended by the Employers' group.
- 259. A Government representative of Germany** said that the connection between freedom of association and the right to strike had repeatedly been called into question, limiting the effective monitoring of related ILO standards. That was unacceptable, and he called for the resolution of the matter as soon as possible. The proposed procedural framework was well thought out, balanced, viable, and rooted in the ILO Constitution, and took into account the concerns and comments of all constituents. He urged the Governing Body to approve that solution for the implementation of article 37(1).

- 260. A Government representative of Colombia** recognized the need for a procedure for the referral of disputes on the interpretation of standards to the ICJ under article 37(1). She welcomed efforts to prepare a procedural framework that was clear, objective and transparent. Given the potential impact of any recommendation issued by a supervisory body on national legislation, the proposal to establish an in-house tribunal under article 37(2) should be examined further. Any such tribunal should ensure the representation of different legal, economic and social systems. The Office should address any potential budgetary implications and ensure that any new mechanism did not have a negative impact on the existing mechanisms of the supervisory system. She supported the draft decision and the amendment proposed by the Workers' group; she did not support the amendment proposed by the Employers' group.
- 261. A Government representative of Mexico** emphasized the need for legal certainty in the interpretation of Conventions. Article 37(1) provided the basis for addressing disputes, and the provisions of that article did not require any additional interpretation. The Governing Body should adopt, at its current session, a simple, transparent and equitable procedure for the referral of disputes to the ICJ. The proposals relating to the implementation of article 37(2) required further exploration. Therefore, she supported the draft decision with the amendment proposed by the Workers' group.
- 262. A Government representative of Japan** emphasized the importance of moving forward on the issue. Tripartite discussion must be the basic principle for any difficult problem, but then the need to solve a problem must be recognized. The proposed procedural framework for referral under article 37(1) could be a basis for consensus in the Governing Body. He requested further clarification of the principle of tripartite consultation in an exhaustive manner and indicated his openness to discussion on any specific concern.
- 263. A Government representative of Chile** agreed that strengthening the ILO supervisory system and ensuring legal certainty in the face of discrepancies in interpretation of Conventions should occur by way of a simple, transparent and fair procedure. He supported the draft decision, with the amendment to subparagraph (b) proposed by the Workers' group.
- 264. A Government representative of Bangladesh** said that tripartism was the bedrock principle that guided the ILO's work; in deciding on an exception to it, the Governing Body was at a critical point. He did not support introducing an approach that had the potential of inviting cascading impact. Divergent views on the issue of legal certainty under article 37 had been expressed in the group discussions and should be taken into account going forward. He proposed that discussion continue towards achieving a consensus-based decision and that an in-house approach be taken towards interpretation matters, whereby legacy, inter-institutional jurisprudence and institutional culture set the right direction. The two subparagraphs of article 37 should be treated as a package for decision through further discussion.
- 265. A Government representative of India** said that the robust system of international labour standards that the ILO and its constituents had helped develop and maintain had been pivotal in promoting decent and productive working conditions for the global workforce. Questions relating to the interpretation of those standards must be resolved to ensure effective supervision and implementation. As the only tripartite UN agency, the ILO had effectively resolved interpretation issues in the past. The implementation of standards through social dialogue and tripartite consultations was at the heart of ILO action. Recourse to using the ICJ's mandate to settle interpretation questions under article 37(1) must therefore be contingent on exhausting all avenues for resolution through tripartite consultation. The referral of questions of interpretation to the ICJ or an in-house tribunal should be considered only when a

reasonably high threshold had been reached, including a high degree of support from a majority of States parties to the Convention concerned. A prescriptive rather than indicative approach would ensure that recourse to article 37 was taken only on serious and persistent issues. Any question of interpretation should be referred first to the in-house tribunal set up under article 37(2) before it was sent to the ICJ; the ILO should therefore first establish the in-house tribunal to deal with such matters. She expressed confidence that any disputes or deadlocks could be resolved through ILO tripartite consultations or structures.

- 266. A Government representative of the Russian Federation** said that one takeaway from the informal consultations held on the matter had been that a significant number, if not the majority, of States saw recourse to article 37(1) as a measure of last resort in the event of a serious and persistent interpretation dispute. The Russian Federation shared that view. The procedural framework for implementation must therefore strike a careful balance between the rather broad wording of article 37(1) and the principle of needing to have exhausted internal ILO dispute resolution mechanisms, first and foremost through social dialogue. That aim could be achieved, first, by setting a high threshold for the Governing Body to begin formal consideration of recourse to article 37: consensus, or at least a qualified majority of the Governing Body members, should be sought. Consideration should also be given to involving States parties to the Convention under dispute. Second, the final decision for referral should be taken by the International Labour Conference. That was important not only as a safeguard but also because the eventual advisory opinion by the ICJ would have implications for the interpretation and application of ILO legal instruments as a whole, beyond the specific terms of the dispute leading to the referral. The broadest possible number of Member States should therefore be involved in those considerations, with emphasis on States parties to the Convention that could be affected by the advisory opinion.
- 267.** The involvement of the International Labour Conference should not be limited to merely validating a decision by the Governing Body but must include the opportunity for the Conference to consider the issue on substance. He did not agree with the proposal to establish timelines for consideration of an issue: rushing the matter risked undermining attempts to resolve the dispute through social dialogue. The wording of article 37(1) was sufficiently broad to accommodate such safeguards without going against the article's object and purpose. Further, in-depth consideration was needed of article 37(2). He saw no value in proceeding to prepare rules for the tribunal, at least not according to the timeline proposed in the draft decision.
- 268. A representative of the Director-General** (Legal Adviser) thanked the Governing Body for its rich contributions, which did justice to the paramount institutional importance of the topic. Legal certainty was indeed a foundational principle of every legal system, which a contrario meant that legal uncertainty constituted a direct and serious threat to any legal system. He thanked all members who had engaged in the series of consultations and briefings held by the Office over the past four months with a view to better explaining the constitutional, legal and historical dimensions of the issue and thereby permitting the Governing Body to take an informed decision.
- 269.** Responding to the questions asked about the legal effect of ICJ advisory opinions, he clarified that under the ICJ Statute advisory opinions had no binding force in and of themselves. They could, however, be attributed binding effect – also termed decisive, conclusive or authoritative – through other means. Section 32 of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies was an example of a clause that specifically attributed binding effect to an otherwise non binding advisory opinion. Roberto Ago, former ICJ judge and former member of the Committee of Experts on the Application of Conventions and

Recommendations, in an article entitled *“Binding” Advisory Opinions of the International Court of Justice* had stated that the constituent instruments of certain organizations, including the ILO, provided for such binding advisory opinions by characterizing the opinion requested of the Court as a “decision”. Accordingly, for the ILO, the binding effect of advisory opinions flowed from the letter of article 37(1) which referred explicitly to a “decision”, but also from the spirit of the same article as a dispute settlement clause providing for the compulsory means of action to be taken as a last resort. Equally important, it was a unanimous and deep-seated understanding of all ILO constituents that advisory opinions delivered under article 37(1) were binding, final and authoritative pronouncements for the Organization, its organs and its membership. Footnote 11 of the document contained a hyperlink to a compilation of statements of representatives of all ILO constituents affirming the binding nature of advisory opinions delivered by the ICJ. All recent Office documents produced on the matter had been clear and consistent with respect to the legal effect of advisory opinions requested from the ICJ under article 37(1) of the ILO Constitution.

- 270.** Regarding the indicative level of support, or “threshold”, for a referral request to be examined, and in particular the view expressed by the Employers’ group that only if the majority of the Member States having ratified the Convention in question supported the referral, could it be addressed to the Governing Body, he noted that from a strictly legal point of view there seemed to be no valid reason to differentiate between ratifiers and non-ratifiers. If such a differentiation were made, it would mean that a State would have to ratify a Convention before it could raise any question about that Convention, yet most of the requests for informal opinions the Office received came from Member States that had not yet ratified the Convention in question. Moreover, defining the threshold exclusively by reference to ratifiers of a given Convention would necessarily exclude the possibility of a referral request by Employers or Workers, as only States could ratify international labour Conventions. In paragraph 18 of the document, the Office reflected the view expressed during the consultations regarding a majority but considered that placing the indicative threshold so high would be excessively restrictive.
- 271.** With reference to the proposed indicative time frame, namely a maximum of two sessions of the Governing Body, he stated that this compared to similar indicative timelines for other procedures and processes of the Governing Body, such as the procedure for placing an item on the agenda of the Conference, as reflected in paragraph 54 of the Introductory note to the Compendium of rules applicable to the Governing Body, which referred to two sessions. The proposed timeline would be only a guideline and, if it were to present any difficulty, it would be for the Governing Body to decide how to proceed.
- 272.** He clarified that the rationale for specifying, in paragraph 2 of the procedural framework, that a referral request should be filed by “at least 20 regular Governing Body members” had been to ensure that the referral would not be too far from achieving the majority required if a vote were to be called. As non-governmental groups had 14 Governing Body members each, that “threshold” of 20 would necessarily include a non-governmental group. The alternative of “at least 30 Member States (whether members of the Governing Body or not)” was intended to capture the legitimate expectation of non-members of the Governing Body to be able to refer to the Governing Body something that they considered to be an important interpretation question, in the unlikely event that there were not enough regular Government members in favour of filing the request. The wording of paragraph 2 of the procedural framework did not exclude a non-governmental group from associating itself with the group of 30 Member States. The formula was thus designed to accommodate the interests of all constituents. The Workers’ suggested addition to paragraph 2 of the procedural framework of what was already in the

introductory note, namely that the Officers would need to consider how to follow up if the level of support was less than required or expected, could be incorporated when preparing a proposed revised version of the text if there was agreement in the room.

- 273.** Responding to questions raised by the Africa group, he said that the legal implications of an eventual ICJ advisory opinion for Member States that had ratified a Convention would depend on the question(s) put to the Court and the guidance received from the Court. However, the opinion would be binding, first of all, for the Organization and its supervisory organs. It would then be through that supervisory system that the Court's authoritative pronouncement would pass down to States that had ratified, and which were thus bound to fully implement the Convention in question.
- 274.** He said that elaborating a methodology for going to the ICJ and the establishment of an in-house tribunal were unconnected issues, which meant that the procedural framework could be adopted immediately. If an in-house tribunal were to be established subsequently, the impact on the procedural framework would be very limited, requiring, for instance, amendment of the paragraphs in the procedural framework under the heading "Governing Body debate and decision" to include guidance as to how the Governing Body would determine whether to send an interpretation question or dispute to the ICJ or to the in-house tribunal. As the two tribunals were part of the same constitutional design for the resolution of interpretation disputes, the Governing Body should not define narrowly the competence of the in-house tribunal; the in-house tribunal could eventually examine any interpretation dispute or question, and it would be for the Governing Body to assess its importance and decide where it should be sent.
- 275.** The information about the legal and historical context in which article 37(2) had come about in the constitutional amendment of 1946 had been provided in response to a specific request made during the consultations. At the time of preparing the constitutional amendment, it had been clarified that the article 37(2) in-house tribunal would be responsible for expeditious determination of questions of lower importance or so meticulous that it would not merit going all the way to The Hague. It was also explained that an internal tribunal was needed for those questions that would fall somewhere in between those addressed to the Office for an informal opinion and those that warranted referral to the ICJ.
- 276.** Regarding the possible time frame for requesting and obtaining an advisory opinion, he referred the Governing Body to the graphic representation of the procedural framework in Appendix II, as well as to the sample letter of how a Governing Body resolution might read if a letter were to be sent to the ICJ, presented in Appendix I to document [GB.322/INS/5](#). Considering each stage in turn as reflected in the proposed procedural framework, he indicated that in addition to the two months required for the preparation of the Office report, two Governing Body sessions would be needed to take the referral decision and draft the question(s) to be put to the Court, followed by validation by the International Labour Conference in June. To that would be added the time the Court would take to deliver its advisory opinion, which would be at the entire discretion of and depend on the workload of the Court but might be expected to take between 1 year and 18 months. He recalled in this respect that there was provision in article 103 of the Rules of Court for the submission of an urgent request.
- 277.** The question raised by GRULAC whether the procedural framework could become part of the Compendium of rules applicable to the Governing Body would be for the Governing Body to decide. He reaffirmed that the proposed level of support or "threshold" was indicative and not prescriptive in nature. The possibility of the Committee of the Whole was already stated in the

document. The point made by the Government representative of China that the body under article 37(2) should be competent for all interpretation disputes irrespective of their seriousness was consistent with the indications contained in the document before the Governing Body while recalling that it would be, in any event, for the Governing Body to decide to which judicial body it should refer the matter. Finally, the view that the procedural framework should specify that only the International Labour Conference would be competent to discuss and decide a possible referral would necessitate an abstraction of the 1949 resolution delegating authority to the Governing Body; it would be legally inaccurate to produce a procedural framework that provided for discussion and decision exclusively by the Conference as long as the Conference had not revoked its 1949 resolution.

- 278. The Worker spokesperson** said there came a time when it was necessary to move forward. She drew attention to the remarks by the German Government. She hoped that all governments supported the fundamental nature of freedom of association and its relationship with the right to strike. Over the previous 11 years the Government group had never challenged that relationship and the important and authoritative role of the Committee of Experts to interpret it. The ILO had a conflict resolution mechanism in its own Constitution. She urged the Governing Body to decide that enough had been done; too much time had already been devoted to the matter and she saw no merit in continuing social dialogue on the matter when consensus had not been achievable. Consensus could not be achieved if positions were mutually exclusive: members either accepted there was a relationship between Convention No. 87 and the right to strike – as previously established not only by the Committee of Experts, but also by the tripartite Committee on Freedom of Association – and respected the authority of the ILO’s supervisory system and the Committee of Experts – or they did not. Some disagreements could not be resolved through dialogue but only by turning to an authority. The ILO had such an authority in its Constitution, and that was the ICJ. Although the Workers’ group would always support the tripartite nature of the ILO and the importance of constituents seeking solutions among themselves, a conflict resolution mechanism was part and parcel of every social dialogue system. The ILO should make good use of the conflict resolution it had in its system.
- 279.** She acknowledged the clear explanation given by the Legal Adviser about thresholds not being legally accepted because the Governing Body was not supposed to change the ILO’s Constitution or its own legal framework. It had always been logical that a group that disagreed with an existing, prevailing position might want to submit it to a court; the Workers’ group would therefore not wish to prevent the Employers’ group from asking the Governing Body to discuss and resolve such an issue, even on matters on which they disagreed. She considered it illogical and beyond the ILO’s legal system to expect a particular group to have the support of more than half the ratifying States before it could refer a question to the Governing Body. The Governing Body agendas were full of issues on which there was not yet agreement, which were then decided according to its normal procedures – seeking consensus, and if consensus could not be achieved, then deciding by majority vote. Within the UN system it was important to never be blocked by a requirement for unanimity because the world was diverse and considerable debate was needed, and sooner or later a majority decision would be needed. The Workers’ group could therefore not agree to change the ILO’s good practice in that regard.
- 280.** She was grateful that many governments had understood that adoption of the procedural framework must be taken as separate from the discussion on article 37(2), which the Governing Body should not spend more time developing at that stage. However, the intention of the Workers’ amendment had been to respect the fact that some did wish to continue the conversation. That would allow the Governing Body to continue it on the merits and risks of

article 37(2) and take the decision as to whether to move forward with its establishment in due course. In contrast, the ICJ already existed, and so could provide a final opinion – something a tribunal could not do. The Workers' group thus believed it was time to adopt the procedural framework and make good use of it going forward.

- 281. The Employer spokesperson** said that the Office had missed an opportunity to build consensus, since its proposals did not take into account the differing opinions expressed by Governments during the tripartite consultations. It should make every effort to propose a way forward that brought the groups together.
- 282.** While there was no legal basis for distinguishing between countries that had ratified a Convention and those that had not, it was logical that a decision to bring a case to the ICJ should be endorsed by a majority of States that had ratified the Convention in question. It made little sense for countries that had not ratified a Convention to bring a case to the ICJ to decide how a ratifying country should implement that Convention. Countries that were considering ratifying a Convention sought the opinion of the Office in order to gain an understanding of their obligations should they decide to do so. She emphasized that she had referred to “ratifying countries” rather than to “ratifying Governments”, as employers and workers would also be involved in the decision-making process.
- 283.** If ICJ decisions were legally binding, all countries that had ratified Convention No. 87 would be bound by all the recommendations on that Convention by the Committee of Experts on the Application of Conventions and Recommendations, which had meticulously defined the scope of the right to strike. However, the definition of that right varied enormously from country to country and the ILO should respect those differences; for example, political strikes were prohibited in some States, but were a constitutionally guaranteed right in others. The right to strike was enshrined in various sources of international law, but it was defined and enforced at the national level. The ILO must not undermine that approach. Her group did not question the right to strike, which was a legitimate exercise of freedom of association. However, it was not an absolute right. Furthermore, countries that had ratified Convention No. 87 should not be bound by an overly restrictive interpretation of that Convention.
- 284.** Existing channels within the ILO should be used to resolve the interpretation issue regarding the right to strike; the remedies established under article 37 of the Constitution were not the sole means of achieving legal certainty, which merely required a solution that was widely accepted. She disagreed with the Workers that the discussion had been exhausted, since the Governments had, since 2015, expressed willingness to start a dialogue on the substantive issues related to the right to strike. She proposed that the substantive issues should be discussed and, if necessary, the matter could be taken to the ICJ once all tripartite social dialogue solutions had been implemented.
- 285. The Worker spokesperson** said that, had a decision been taken to refer the matter to the ICJ in 2014, there was a good chance that the ICJ would have upheld the prevailing situation at the ILO, which was perhaps why the Employers were reluctant to go before that Court. The views of the Committee of Experts on the Application of Conventions and Recommendations were authoritative and not binding, and were taken into account by national judges when interpreting national legislation on the right to strike. The question to be put to the ICJ was whether it would uphold the prevailing view of the Governing Body regarding that right. Even if the ICJ agreed with the Employers, the ILO’s approach to the right to strike would have to be discussed, with the involvement of all constituents; it would not require changes to national law or practice overnight. She failed to see how a consensus could be reached on the issue through further discussions if no progress had been made over the previous decade.

- 286. The Employer spokesperson** said that her group had at no point stated that it would never be willing to go to the ICJ and she strongly objected to her group's views being misrepresented. She would welcome clarification as to how the Governing Body should proceed.
- 287. Speaking on behalf of the Africa group**, a Government representative of Malawi said, with respect to article 37(1), that the International Labour Conference should endorse the referral of a dispute to the ICJ. Her group would welcome information on how the resolution concerning the procedure for requests to the International Court of Justice for advisory opinions of 1949 (1949 resolution) could be amended to establish that the Conference should be the final authority, given that its membership had evolved considerably since 1949. Further discussions were needed on article 37(2) and on the draft decision.
- 288. A Government representative of Italy** said that a solution needed to be found in order to strengthen the credibility of the ILO as the international forum for social dialogue and standard-setting. It was the responsibility of the constituents to resolve questions or disputes relating to interpretation in accordance with article 37(1), which provided for their referral to the ICJ. As there was no link between article 37(1) and article 37(2), article 37(1) should be implemented without delay.
- 289. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that North Macedonia, Montenegro, Iceland and Norway aligned themselves with her statement. After more than a decade of discussions, the time had come to refer the dispute to the ICJ. The continuing disagreement on the right to strike was affecting the supervisory system and other parts of the ILO. A large majority of Governing Body members were willing to make progress to resolve the deadlock. Article 37(2) had no conditional link with article 37(1). Accordingly, article 37(1) should be implemented without delay. She therefore supported the draft decision, as amended by the Workers' group.
- 290. The Worker spokesperson** referred to paragraph 10 of the proposed procedural framework contained in Appendix I to the document, which stated that the Governing Body "may" refer its decision to the International Labour Conference for approval at its next session. The Workers' group could accept that approach. The Governing Body had been given the mandate to decide on such matters by the Conference in 1949; it could not now decide that the mandate should be removed.
- 291. The Employer spokesperson** reiterated that her group was not questioning the right to strike. She recalled that, in 2015, the Employers had issued a joint statement with the Workers affirming that right. Convention No. 87 could not, however, provide the basis for rules on the scope and limits of the right as determined by the Committee of Experts. The legislative history of the Convention illustrated clearly that the right to strike was governed by national laws and regulations. Any attempts to establish international rules in that regard must follow a regular standard-setting or equivalent process and be based on tripartite agreement. A procedural framework for referring disputes on the interpretation of Convention No. 87 to the ICJ was not necessary, as there was precedent in that regard that should be followed.
- 292.** As to article 37(1), the Employers could not support the procedural framework proposed by the Office because it did not incorporate the majority of views emerging from the informal consultations. The Employers did not consider the text ready for adoption. However, recalling that the Workers' group had questioned the need for a procedural framework, she said it was unclear on what basis a procedural framework had been presented and was being discussed, if one was not needed. She did not agree that the procedure in article 37(2) was optional and to be viewed separately from article 37(1); on the contrary, the two articles were connected and should be considered in parallel.

- 293.** Noting that, if a tribunal were to be established, the procedural framework for article 37(1) would need to be revised to include a dispute settlement clause, she said that the Employers were in favour of holding a full discussion of the available options.
- 294.** A discussion by the Conference would not preclude the options under articles 37(1) and 37(2). Instead, such a discussion would provide an opportunity to review the right to strike in an inclusive and representative forum and would enable the Governing Body to prepare better and understand the risks involved, should the Governing Body subsequently decide to proceed with a referral to the ICJ. Only a tripartite agreement would constitute a valid practice for establishing the agreement of the parties on the question of interpretation. If a number of parties sought consensus on this issue, then the Governing Body should attempt to achieve it.
- 295. A Government representative of India** said that justice must not only be done but must also be seen to be done. She reiterated that an in-house, issue-based tribunal within the ILO should be the first level of adjudication. India welcomed the proposal to organize tripartite consultations for the preparation of draft rules for such a tribunal and agreed with the Employers' group that, upon decision by the in-house tribunal, referral to ICJ should be routed through the Conference instead of only the Governing Body, making for a fairer and more inclusive process. She noted that the proposed procedural framework referred to a majority in the Governing Body instead of a consensus, which was contrary to the principle of natural justice. It should be altered accordingly.
- 296. A Government representative of China**, speaking on behalf of a significant majority of Member States of ASPAG, expressed support for the statement made by the Government representative of India. An issue of such great institutional importance deserved comprehensive deliberation. He also agreed with the Africa group that the final decision to refer a request to the ICJ should be made by the Conference and not the Governing Body. The context since 1949 had evolved significantly. He sought clarification on the current procedure for revisiting the 1949 resolution and reiterated his group's preference for the higher threshold for the submission of a referral under article 37(1). Further discussion was needed on article 37(2); the issue was not ripe for decision at the current session.
- 297. A Government representative of Australia** reiterated her Government's endorsement of the proposed procedural framework and said that she was strongly in favour of making a commitment to take a decision within two sessions of the Governing Body on whether to refer an issue to the ICJ and on what the legal question would be. The Governing Body should be able to take a decision in that regard immediately.
- 298. A Government representative of Japan** reiterated that exhaustive tripartite discussions leading to consensus were the best way of moving forward on the issue.
- 299. Speaking on behalf of ASPAG**, a Government representative of the Philippines noted that it had not been possible to reach consensus within ASPAG.
- 300. The Worker spokesperson** said that it was still not clear why the Employers were against applying to the ICJ for its authoritative legal opinion. It would clearly not be possible to reach consensus on the matter, no matter how much time was spent on discussions and consultations. The Legal Adviser had confirmed that the procedural framework was not a necessity. The Office had developed the framework to be used as a tool, at the express request of the Governing Body at its 344th Session (March 2022), after it had become apparent that social dialogue would never resolve the issue and the use of article 37 had been advanced. She did not recall that, at that session, a majority had requested a completely different framework. While some concerns had been taken into consideration, others had not because they were

not shared by the majority. Informal consultations could, however, not be described as decisive because there was no guarantee of proper representation of Government participants. Decisions at the Governing Body were the proper avenue and it was disingenuous of the Employers' group to claim that consensus could be reached after 11 years. The Workers' group was a strong proponent of social dialogue and tripartism, but they should not be used as obstacles to progress. The Workers' group was not against the validation of the procedure by the Conference; however, selecting that option might not be a wise course of action given the difficulties being faced in reaching consensus in the Governing Body. Article 37(2) had not been written to deal with complicated legal matters such as the one at issue and should not be used for that purpose. Relying on a tribunal instead of article 37(1) would consume time and energy and might not provide the desired legal certainty.

- 301. The Employer spokesperson** did not share the same recollection as the Worker spokesperson of the discussions at the 344th Session. As reflected in the minutes of that session, she had emphasized that the framework should be developed on the basis of tripartite social dialogue. The Employers' position in that regard had not changed. Regarding the scope, extent and content of the right to strike, she recalled that the opinions of the Committee of Experts were not legally binding. In interpreting Convention No. 87, the applicable instrument was the 1969 Vienna Convention on the Law of Treaties. There had never been a substantive debate among the tripartite constituents on the right to strike, which was necessary if consensus was to be achieved.
- 302. The Chairperson** announced that a vote should be held, given the divergent views.
- 303. The Employer spokesperson** said that she was not in favour of a vote as many Governments had stated that a decision could not be made. The Governing Body was considering the procedural framework for the first time, and the members should not be forced to make a decision given the complexity of the situation and the divergence of opinion. The decision should be deferred.
- 304. The Worker spokesperson** recalled that it was the Chairperson's prerogative to take decisions on procedural matters. There had been extensive discussions on the proposed procedural framework and the Workers' group had made its position very clear: a framework was not required in legal terms, but it would be helpful for organizing future work. Legally, there was no threshold for triggering a referral discussion at the Governing Body, since either a single Government or group could decide on referral. A decision should be made as to whether or not to adopt the procedural framework.
- 305. A Government representative of China** said that it would be regrettable if the matter went to a vote. If such a vote proved necessary, it should be held towards the end of the session to allow Government representatives time to consult with their capitals, given the complex and legal nature of the issue at hand.
- 306. Speaking on behalf of the Africa group**, a Government representative of Malawi said that the Africa group was not ready for a vote.
- 307. The Worker spokesperson** said she fully understood that Governments needed more time. It was regrettable that a vote would be held, but necessary because the issue had been under discussion for 11 years.
- 308. The Employer spokesperson** asked the Office to confirm that the procedural framework was being discussed by the Governing Body for the very first time.

- 309. A Government representative of France** said that the item had been on the Governing Body agenda since March 2022 and many preparatory meetings had been held; no country's delegation could claim that it was unaware of the issues. Since all the facts were available, she saw no need to defer the vote.
- 310. The representative of the Director-General** (Legal Adviser) recalled that, at the 344th Session (March 2022), the Office had been requested to prepare proposals on a procedural framework for the referral of questions or disputes regarding the interpretation of international labour Conventions to the ICJ for decision in accordance with article 37(1) of the ILO Constitution, and additional proposals for the implementation of article 37(2), for discussion at the current session.
- 311. The Employer spokesperson** recalled that the first tripartite consultation had in fact taken place only in January 2023. The majority of the participants had strongly criticized the proposal and yet it had been submitted for consideration at the current session without any changes. It was unacceptable that the Office had failed to take into account the points raised or requests made during that consultation. The 1949 resolution must be changed before a procedural framework could be adopted. Therefore, more time was needed and no decision could yet be made.
- 312. A Government representative of Algeria** requested an explanation of the concept of a "majority" since members seemed to use the word differently.
- 313. Speaking on behalf of a significant majority of Member States of ASPAG**, a Government representative of China said that, while he fully respected the Chairperson's prerogative to decide on how to proceed with each agenda item, the matter should not be put to a vote and further constructive and meaningful discussion was needed.
- 314. The Chairperson** said that, in view of the differing opinions, a vote was needed and a decision must be made as to the timing of the vote.
- 315. The representative of the Director-General** (Legal Adviser) said that only the International Labour Conference could revoke or amend the 1949 resolution under the "*parallélisme des formes*" (parallelism of forms) principle of law, according to which legal acts could only be amended following the same procedure by which they had been adopted. The proposal before the Governing Body required no formal change to the 1949 resolution since the Governing Body had already been authorized by the Conference to request advisory opinions from the ICJ. The decision was whether, for reasons of inclusiveness and owing to the potential seriousness and institutional importance of some disputes, the final decision on referral should be made by the Conference. As recalled in the document (footnote 14), at the time of seeking the Conference's approval in 1949, the Office had clarified that the Governing Body should ascertain the views of the Conference on matters, such as standard-setting, that fell primarily under the responsibility of the Conference. As regards the use of the expression "majority view" in the context of Governing Body discussions, he indicated that "majority" referred not to an exact numerical calculation on the basis of individual members, whether titular or deputy, or the overall membership of regional groups but rather to the speaker's own perception of the prevailing view on a particular topic and at a given point in time of the discussion.
- 316. The Employer spokesperson** said that it was highly unusual for the Chairperson to force a vote on an issue after a substantial number of Governments had asked for more time. She called for the decision to be deferred pending further tripartite consultations, with a view to reaching consensus and allowing time to consider all the implications that the procedural

framework would have for Member States. It would be extremely unfortunate for the Governing Body to make a decision against the wishes of many members.

317. **The Worker spokesperson** said that, since opinions were divided on all issues, including whether the matter was ready for discussion and decision, the only way forward was to vote. There was no clear majority for any single course of action. Representatives would have more than sufficient time to consult their capitals, as they had under previous agenda items, and the vote should be held before the final sitting of the current session.
318. **A Government representative of Cameroon** suggested that the Office should hold further consultations to determine whether a vote was necessary. Some members were not ready to hold a vote and decisions should not be made in haste.
319. **A Government representative of India** proposed amending paragraph 10 of the procedural framework to make it mandatory for the Governing Body to refer its decision on referral of an interpretation question or dispute to the Conference when that decision had been adopted by a simple majority vote, and optional when the decision had been adopted by consensus.
320. **A Government representative of Indonesia** said that her Government had not had enough time to consider the issue and was not ready to make a decision. Other ways of building consensus, such as that proposed by India, should be explored.
321. **Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that the EU and its Member States supported the Chairperson's proposal to hold a vote.
322. **A Government representative of Nigeria** suggested that the Office should submit proposals on a way forward. His Government was not ready to vote on such a complex and technical issue that required extensive discussion and negotiation.
323. **The Worker spokesperson** said that no further discussion was required and, legally speaking, the situation was very clear-cut.
324. **Speaking on behalf of GRULAC**, a Government representative of Colombia said that her group fully supported the Chairperson's proposal to hold a vote.
325. **The Chairperson** said that a vote would be taken on the draft decision and the amendments proposed by the Employers and the Workers once the Government representatives had been able to hold consultations with their respective capitals.
326. **Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that her delegation had engaged in consultations with different Governments, Employers and Workers. While her group considered the procedural framework proposed by the Office to be fit for purpose, it was clear that many questions remained unresolved with regard to its content and timeline. Some members had indicated that a vote on the item felt forced. The EU and its Member States valued the tripartism of the Governing Body and the fact that thus far it had managed to take the vast majority of its decisions by consensus. Taking a vote was a mechanism of last resort at its disposal, but not one that should be used on a regular basis, especially on matters of such a fundamental nature, as doing so could be counterproductive in the long run. Therefore, in order to take into account the concerns of all parties and allow the matter to be resolved in a consensual manner, the EU and its Member States proposed that the debate be closed and deferred to a future session.
327. **The representative of the Director-General (Legal Adviser)**, referring to paragraph 5.7.6 of the Standing Orders of the Governing Body, noted that in the case of motions as to procedure, no notice in writing needed to be made available to the person chairing the sitting or

distributed. Motions as to procedure included a motion to adjourn a debate on a particular question. It was his understanding that the motion was to adjourn the debate on the whole of the agenda item INS/5, that is to say in respect of both the procedural framework under article 37(1) and the additional proposals for the implementation of article 37(2). Accordingly, it was for the Chairperson to open the discussion so that a decision could be made with regard to the motion.

- 328. The Worker spokesperson** said that she too had consulted other members, and it was her understanding that there were more concerns about the procedural framework than about the issue of the right to strike. She would be interested in exploring the option proposed, but would need to have further consultations with her group.
- 329. The Employer spokesperson** said that her group had been clear from the outset that the issue was not yet ripe for a decision. It was the first time that the Governing Body had discussed the procedural framework, and in a house of dialogue the constituents needed to be given sufficient time to work towards a consensus. Putting the matter to a vote would put many Governments in a difficult situation, as the complex legal issues required coordination with their capitals. She supported the motion to defer consideration of the item as a whole, as that would provide an opportunity to find a solution based on consensus. It was a political decision, not a legal one, and the way forward should be coordinated by policymakers and the ILO's most senior management.
- 330. Speaking on behalf of the Africa group**, a Government representative of Malawi said that her group wanted to believe that the ILO was a house of social dialogue and therefore the Governing Body should try as hard as possible to reach consensus. Voting on critical matters undermined the nature of the ILO. Consultation to reach consensus was key. The procedural framework had only been recently introduced, with tripartite consultations being held for the first time in January 2023 with follow up in February 2023, and it was the first time that it had been discussed at the Governing Body. With more time for discussion, she hoped that consensus could be reached the next time it was discussed by the Governing Body. Her group supported the motion presented by the EU Member States.
- 331. A Government representative of Mexico** said that her delegation had fully supported the Chairperson's decision to hold a vote. It was important to implement article 37(1) as quickly as possible. Having listened to the discussions and consulted with other groups and delegations, she believed that the Governing Body was close to reaching an agreement on the procedural framework. In the interest of promoting further discussion and social dialogue, she was prepared to support the motion.
- 332. A Government representative of India** fully supported the motion. However, when the Governing Body resumed its discussion of the item, it would need to re-examine the procedural framework, which currently contained a number of points that did not strictly adhere to the principles of natural justice. The framework should be redrafted to be more fair, more transparent, more inclusive and more representative.
- 333. A Government representative of Pakistan** supported a consensus-based approach on matters of such significance; accordingly, the procedure for referring a matter to the ICJ should be based on the agreement of all parties. He acknowledged the concerns that had been raised by the Workers' group, and noted that further discussion was needed and urged all parties involved to find points of consensus, in order to protect everyone's rights and needs in a more meaningful and constructive manner.

- 334. Speaking on behalf of a significant majority of ASPAG Member States**, a Government representative of China welcomed the motion proposed by the EU Member States, which would restore the spirit of social dialogue and tripartite cooperation. He noted that there had been a significant number of votes during the current session and that a vote on an issue of such institutional significance would be detrimental to the spirit of social dialogue.
- 335. Another Government representative of China** said that her Government supported the motion, noting that achieving consensus among the constituents was one of the key characteristics and advantages of the ILO. It appreciated the flexibility and spirit of compromise that had been shown by all members, and agreed that it was important to hold further in-depth discussions on such an important subject.
- 336. A Government representative of Guatemala** said that, as consensus had not yet been reached, he supported the motion, which reaffirmed that social dialogue had not broken down. It was important to move forward on the basis of consensus.
- 337. A Government representative of Colombia** welcomed the motion presented by the EU Member States and stressed how important it was for decisions to be taken by consensus.
- 338. A Government representative of Indonesia** said that the constituents needed more time to develop a procedural framework that could be accepted by all. He therefore also supported the motion that had been presented.
- 339. A Government representative of the United States** also supported the motion. It was clear that substantial concerns remained with regard to the procedural framework, which her Government was not sure was even necessary.
- 340. The Worker spokesperson** acknowledged that the motion presented by the EU Member States had garnered a significant amount of support. Before agreeing to it, she would need to consult her group.
- 341. The Employer spokesperson** recalled that, at the outset of the discussion, her group had submitted an amended version of the draft decision calling for the deferral of the discussion to a future session of the Governing Body. As the discussion could not be held at the 348th Session (June 2023), which was too short to allow for such a difficult, substantive discussion, it should be deferred to the 349th Session (October–November 2023). The discussion must be preceded by serious substantive consultations, on which basis the Office should produce a revised version of the proposed procedural framework.
- 342. The Worker spokesperson** recalled that the procedural framework was not legally binding and while such a framework was not necessary, it was intended to be a helpful tool. Developing such a tool to deal with any possible future conflict of interpretation of a persistent, serious nature required further discussion, it seemed. She was prepared to accept the motion to adjourn the debate and to defer it to a future session, as proposed by the EU Member States.

Decision

- 343. In accordance with paragraph 5.7.6 of the Standing Orders, the Governing Body decided to defer the consideration of item GB.347/INS/5 to a future session.**
(GB.347/INS/5, paragraph 62, as amended by the Governing Body)
- 344. The Worker spokesperson**, noting the applause, expressed the hope that Governing Body would soon be in a position to celebrate having resolved an outstanding conflict, which in her group's view could only be done by referring the case to the ICJ. She recognized that it might be useful to have a non-binding procedural framework to serve as a tool for debates on

conflicts of interpretation, and that all parties should have a clear understanding of how to use it.

- 345.** It was already clear that any Member of the Organization could raise an issue of interpretation and submit a request to the Director-General to ask him to put the issue before the Governing Body for referral to the ICJ. One specific issue of interpretation had been waiting long enough and her group could not wait much longer for it to be resolved. Indeed, it was considering submitting a request to the Director-General in the coming months to put the issue before the Governing Body at its 349th Session and hoped to receive the support of governments in this respect. There needed to be a debate on that specific issue as soon as possible.
- 346.** She echoed the concerns that had already been expressed by others that the Governing Body seemed no longer to be able to decide on anything serious without a vote, even when there was a clear majority. All parties needed to reconsider whether the ILO continued to be an efficient, effective, fair and properly functioning house. Lastly, she reiterated that her group was committed to seeking consensus and to making progress in resolving issues.

6. Final report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance (GB.347/INS/6)

- 347.** The Governing Body had before it an amendment to the draft decision, proposed by the Africa group and circulated by the Office, which read:

21. The Governing Body:

- (a) took note of the final report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance;
- (b) welcomed the significant progress made in the ratification of the 1986 constitutional amendment since the establishment of the working group;
- (c) urged the eight Members of chief industrial importance which have not yet ratified the 1986 constitutional amendment to consider favourably such ratification in the shortest possible time;
- (d) requested the Director-General to take all necessary initiatives aimed at bringing the 1986 constitutional amendment into effect, ~~and~~ keep the Governing Body regularly informed and to provide a road map for this process which will be reviewed every two years;
- (e) decided that the matter should become a standing item on the agenda of subsequent March and November Governing Body sessions until the amendment enters into force.

- 348. The Co-Chairperson of the tripartite working group** said that the full contribution of constituents could be assured only through their full, equal and democratic participation in the Organization's tripartite governance. Although the COVID-19 pandemic and travel restrictions had further complicated the already challenging task of the working group, the collaborative spirit, support and cooperation of the social partners and Member States had made the virtual meetings constructive. The process of actualizing universal ratification of the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986 (the 1986 Amendment) had been somewhat slow. The world of work had changed considerably over the past three decades and the desire to institute democratic governance in the Organization had become more urgent than ever before.

349. The other Co-Chairperson of the tripartite working group said that the group's activities had generated renewed interest in the 1986 Amendment and brought the overarching relevance of the Organization to the fore among Member States. Although only three further ratifications from the Members of chief industrial importance were needed for the 1986 Amendment to enter into force, none had made an immediate commitment to ratify during the separate bilateral meetings held by the working group. However, the group was optimistic that further engagement and dialogue could provide a stable, democratic space for the fair representation of all regions and establish the principle of equality among all Member States. A meeting had been planned at the European level to discuss the regional protocol, and other regions could consider doing the same. The working group reaffirmed the decision adopted at the 332nd Session of the Governing Body (March 2018) that the matter should become a standing item on the agenda of the Governing Body until the 1986 Amendment entered into force, for which purpose it placed itself at the Office's disposal.

350. Speaking on behalf of the Africa group, a Government representative of Uganda urged all constituents to ratify the 1986 Amendment to prioritize the democratization of the ILO's tripartite governance and enable the Organization to realize its founding principle of promoting a more equal and sustainable world of work. His group supported the proposal that Government group and regional group meetings could be used to engage in discussions with the Members of chief industrial importance. Noting that the working group's term had come to an end and in order not to lose sight of the goal of democratizing the ILO's governance structure, the Africa group proposed a subamendment to its proposed amendment, which read:

21. The Governing Body:

- (a) took note of the final report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance;
- (b) welcomed the significant progress made in the ratification of the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986, constitutional amendment since the establishment of the working group;
- (c) urged the eight Members of chief industrial importance which have not yet ratified the 1986 constitutional amendment to consider favourably such ratification in the shortest possible time;
- (d) requested the Director-General to take all necessary initiatives aimed at bringing the 1986 constitutional amendment into effect and keep the Governing Body regularly informed updated in subsequent November and March sessions until the amendment enters into force.

351. The Employer spokesperson welcomed the progress achieved by the working group over the previous year and proposed that the Director-General engage with the governments of the Members of chief industrial importance to obtain further clarification on the obstacles to the ratification of the 1986 Amendment. Undue pressure on governments to ratify that instrument would be counterproductive. The way forward consisted of dialogue that considered the diversity of interests and aimed to reach a common understanding. The 1986 Amendment had been implemented in practice to a considerable extent, which contradicted the notion that without the support of the Members of chief industrial importance, the ratifications of other Member States could not have any practical effect. The Employers supported the proposed amendment to the draft decision.

- 352. The Worker spokesperson** said that it was frustrating that a small number of countries still stood in the way of the effective ratification of the 1986 Amendment. The ILO should be in the vanguard of making international organizations more democratic, given the comparative advantage conferred by its tripartite structure. The democratization of the ILO's governance structure had been pending for over a century and must not be delayed indefinitely. She urged the Director-General to provide new ideas and find new ways of persuading reluctant countries to ratify the 1986 Amendment. Her group would ask workers' organizations to step up their efforts to convince the governments concerned to ratify. The fact that almost 70 per cent of Member States had ratified the 1986 Amendment illustrated their desire to participate equally, actively and democratically in the tripartite governance of the Organization. The best contribution that Member States could make to achieving social justice was to ratify the 1986 Amendment; doing so would also move the Organization towards achieving target 16.8 of the SDGs. The Workers agreed with subparagraph (d) of the subamendment and asked the Director-General and Chairperson of the Governing Body to submit reports on the matter to the International Labour Conference.
- 353. Speaking on behalf of ASPAG**, a Government representative of Bangladesh said that although the entry into force of the 1986 Amendment would not realize the ultimate democratization of the Organization, it would constitute a historic milestone. The under-representation in the ILO of ASPAG, which represented 60 per cent of the world's labour force, made democratization a priority for the region and a necessity for a progressive and inclusive Organization that would shape the future of the world of work. It was regrettable that of the ten Members of chief industrial importance, only India and Italy had ratified the 1986 Amendment. Its ratification by other Members of chief industrial importance would further consolidate mutual trust and confidence within and beyond the regional groups. His group appreciated the efforts made by the Director-General and his predecessors to promote ratification of the 1986 Amendment and echoed the call for fresh ideas to promote the matter as a priority. His group encouraged the Office to prepare a plan on the way forward, which could include the bilateral engagement of governments who had yet to ratify, or special sessions involving regional offices. ASPAG supported the draft decision and was flexible regarding the proposed subamendment.
- 354. Speaking on behalf of IMEC**, a Government representative of Spain commended the work of the tripartite working group and welcomed the fact that 125 Member States, including two of chief industrial importance, had ratified in the 1986 Amendment. IMEC was committed to ensuring full, equal and democratic participation in the ILO's tripartite governance, and would continue to play an active role in discussions as it had historically done, by coordinating group statements and positions on a range of Governing Body agenda items; moreover, it would continue to support ongoing efforts to ensure inclusive, transparent and effective consultations and decision-making processes to definitively democratize ILO governance. The group would welcome continued regular reporting from the Director-General on progress made regarding the 1986 Amendment and supported the original draft decision. Concerning the amendment proposed by the Africa group, he asked whether subparagraph 21(e) would be retained, as it appeared to repeat elements of subparagraph 21(d).
- 355. Speaking on behalf of the Arab group**, a Government representative of Sudan aligned himself with the position taken by ASPAG and expressed support for the amendment proposed by the Africa group. He welcomed the increased number of ratifications of the 1986 Amendment, which was essential to achieve fair representation across all ILO bodies, and urged States that had not yet ratified it to do so. It was particularly urgent to obtain ratification from the eight Members of chief industrial importance to enable all Member States to

participate equally in the work of the Organization. The Office should therefore continue to address the remaining obstacles to ratification.

- 356. Speaking on behalf of ASEAN**, a Government representative of Indonesia welcomed the work of the tripartite working group, but expressed regret that the 1986 Amendment had not yet entered into force due to the lack of ratification by three Members of chief industrial importance. He appealed to those States to follow the example of India and Italy in that respect. However, the democratization of ILO's tripartite governance did not hinge solely on the 1986 Amendment; even if it entered into force, much work was needed to further promote democratization within the Organization. For example, certain States enjoyed the benefits of multiple representation in the Screening Group and the Government group, a privilege not accorded to others, including ASEAN Member States. Democratization also meant improving geographical diversity among ILO staff; an inclusive workforce was vital in responding to the challenges of the world of work. Although the Office had made some efforts in that regard, further reform was needed, including through a review of recruitment requirements in terms of languages and international experience, which were particularly restrictive. Greater inclusivity would broaden input into the ILO's policies and programmes to ensure that they reflected the perspectives of the developing world, as part of the overall aim of achieving social justice. ASEAN supported the draft decision.
- 357. A Government representative of Namibia**, speaking on behalf of Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, the Central African Republic, Chad, Comoros, the Democratic Republic of the Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, the Seychelles, Sierra Leone, Somalia, South Sudan, the United Republic of Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe, Austria, Belgium, Cyprus, Denmark, Finland, Iceland, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Türkiye, Spain, Sweden, Switzerland, Croatia, Estonia, Hungary, Romania, Slovenia, Lithuania, Poland and the Philippines, commended the work of the tripartite working group. Although it was positive that the 1986 Amendment had been ratified by 125 Member States, including two of chief industrial importance, it was regrettable that the lack of just three ratifications held back its entry into force. Ratification of the 1986 Amendment should be prioritized, as that would allow a more balanced composition of the Governing Body, enabling fairer decisions and greater equality among Member States. His group strongly supported the Director-Generals' commitment to obtaining the necessary ratification, as outlined in his vision statement, and called upon the eight Members of chief industrial importance that had not yet ratified the 1986 Amendment to do so with a view to creating a more democratic Organization.
- 358. Speaking on behalf of the Africa group**, a Government representative of Uganda clarified that his group wished to remove subparagraph 21(e) from its proposed amendment to the draft decision.
- 359. A Government representative of Barbados** said that the issue of governance was particularly important to small island developing States such as his own. A culture of full and equal participation, access and transparency would enable such States to have a seat at the table and make the concerns of marginalized communities heard. Equal participation was also needed to guarantee the legitimacy of the normative capacity-building and advocacy roles of the ILO, and would encourage more small island and least developed States to participate in the Governing Body. The ILO should practice the social justice objectives that it preached to Member States and other organizations. The progress made by the tripartite working group was held back by the lack of ratifications of the 1986 Amendment by Members of chief

industrial importance, which risked harming the perception of democracy and access within the ILO. Governance in 2023 should reflect the geopolitical realities of 2023. He therefore encouraged all Member States, particularly larger States, to recognize their responsibility to contribute to the goal of full, equal and democratic participation in the ILO's tripartite governance.

- 360. A Government representative of Indonesia** said that addressing the unbalanced representation of both Member States and regions in the Governing Body was a matter of urgency. Social justice could only be achieved when all voices were treated equally. His Government welcomed the progress made regarding ratification of the 1986 Amendment, and encouraged Member States that had not yet done so to ratify that instrument. The Office should continue to facilitate discussions on democratization within the Government group; that was an important step to ensure the full, equal and democratic participation of all Member States in the ILO's tripartite governance. He supported the draft decision.
- 361. A Government representative of Cuba** reaffirmed the importance of ensuring that the 1986 Amendment entered into force and acknowledged the progress made to date. An innovative approach was needed to obtain the required level of ratification; she urged the Members of chief industrial importance that had not yet done so to ratify the instrument to show their commitment to improving democratic participation within the Organization. The Office should continue its efforts to increase ratification of the 1986 Amendment, while broader issues of democratization should also be examined to increase full, equal and democratic participation, with the ultimate aim of improving the functioning of the Organization.
- 362. A Government representative of Pakistan** called on Member States that had not yet done so – in particular Members of chief industrial importance – to ratify the 1986 Amendment, which would allow the views and interests of developing countries to be better represented in the ILO's decision-making processes. In that regard, his Government supported the draft decision as amended by the Africa group.
- 363. Speaking on behalf of IMEC**, a Government representative of Spain said that, in the light of the clarification provided by the representative of Uganda, his group would support the draft decision as amended by the Africa group.

Decision

364. The Governing Body:

- (a) **took note of the final report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance;**
- (b) **welcomed the significant progress made in the ratification of the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986, since the establishment of the working group;**
- (c) **urged the eight Members of chief industrial importance which have not yet ratified the 1986 constitutional amendment to consider favourably such ratification in the shortest possible time;**
- (d) **requested the Director-General to take all necessary initiatives aimed at bringing the 1986 constitutional amendment into effect and keep the Governing Body updated in subsequent November and March sessions until the amendment enters into force.**

(GB.347/INS/6, paragraph 21, as amended by the Governing Body)

7. Proposals and road map for the review of the Global Strategy on Occupational Safety and Health adopted at the 91st Session (2003) of the International Labour Conference and the promotion of a safe and healthy working environment as a new fundamental principle and right at work (GB.347/INS/7)

- 365. The Worker spokesperson** said that the Workers' group agreed that many of the concerns identified in the 2003 Global Strategy on Occupational Safety and Health ("the Global Strategy") remained relevant, particularly those relating to occupational diseases and accidents, harm to physical and mental health and occupational risk factors, which were the cause of a high percentage of fatal injuries. In view of that and the fact that the actual number of injuries and deaths was likely higher than the number reported, the development and implementation of an updated strategy on occupational safety and health ("the strategy") should be a priority. The strategy must be grounded in the four transversal guiding principles and must, as far as possible, create synergies with other fundamental rights and uphold respect for freedom of association and collective bargaining. Ensuring the availability of adequate public systems for labour inspection would be key to the effective implementation of the strategy.
- 366.** The Workers' group approved of the three proposed strategic pillars but wished to highlight some additional points that might be included. In the implementation of pillar 1, the Office should not limit its use of standards to the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), but should make use of all existing regulations and instruments, including the Occupational Safety and Health Recommendation, 1981 (No. 164), and should adopt new OSH standards, codes of practice and guidelines in line with recommendations of the Standards Review Mechanism. Instruments relating to specific categories of workers, including those exposed to hazardous substances, were important. OSH in the public sector should be enhanced for all workers, to which end coordinated work in the Sectoral Policies Department and Member States' respect for their role as employer were both key. Regarding pillar 2 on strengthened commitment and broader political commitment and investment, the ILO seemed to have lost some of its prior visibility and leadership in that area. That ground must be recovered. The Office should present to the Governing Body a list of organizations with which it currently worked and intended to work through all stages of the strategy's road map. As to pillar 3, there should be greater reference to sectoral issues and close cooperation with constituents, who should be able to communicate the needs relevant to the specific risks involved in different types of economic activities. In addition, and also in connection with pillar 2, the ILO must recover its historical role as a leading authority on OSH management, particularly amid emerging initiatives such as ISO management standards, for which ILO instruments on OSH could serve as a reference.
- 367.** Regarding the plan of action, the Workers' group firmly supported the Office's proposal to redouble its efforts to promote the ratification and implementation of international labour standards on OSH, including by assisting constituents in overcoming barriers to ratification and implementation. In addition, the Office should support relevant national policies and legal reform and should provide specific guidance relating to supply chains and multinational enterprises. Such efforts should be part of a gender-responsive approach integrated with other fundamental principles and rights that considered the importance of the List of Occupational Diseases Recommendation, 2002 (No. 194), and the protection of workers' representatives. Her group supported the implementation of the ILO's *Guidelines on occupational safety and health management systems* and the sectoral approach proposed.

Psychosocial risk factors, violence and harassment at work, exposure to the effects of climate change at work, teleworking and its impact on OSH should all be included in such management systems. The promotion of collective bargaining and other mechanisms for organized worker participation in OSH were key and must not be neglected.

368. The Workers' group agreed on the importance of awareness-raising, not only as a key element in the recovery of the ILO's role at the centre of the multilateral system, but also as an effective means of protection in decision-making processes. In that connection, it would be interesting to know in more detail about the areas in which the ILO intended to intervene and the ILO's intended engagement with academia so that there would be people available to defend and protect workers if constituents failed to comply with their obligations.
369. The plan of action should include an additional point on mobilizing and allocating resources, including to redress imbalances between Member States regarding access to and management of information on OSH. To support that, the Workers' group believed that the Director-General should establish a dedicated OSH branch in the Office, with adequate resources and staff, as a matter of priority.
370. Some additional points were worth mentioning, if not including in the strategic pillars: the effects of violence and harassment on OSH were clear; the impacts of climate change on OSH should become a central area of work for the ILO; and working conditions had a clear effect on mental and physical health, particularly where those conditions were insecure, or workers were subjected to excessive surveillance or managed by algorithms. Dignity in work should be a central tenet of all OSH policies.
371. Lastly, the Workers' group suggested that a meeting of experts should be convened to update the list of occupational diseases in Recommendation No. 194 and draft jointly with other agencies a road map on chemicals to contribute to work on the formulation of a forthcoming standard on chemicals. The Workers' group supported the draft decision.
372. **The Employer spokesperson** said that his group agreed that the strategy should be based on the 2003 Global Strategy and take into account developments since its adoption. In particular, the Office should seize the momentum created by the recognition of OSH to a fundamental principle and right at work and by the COVID-19 pandemic. The strategy should promote a positive attitude towards innovation and take full advantage of the opportunities provided by digital tools and other new technologies to improve OSH, which brought benefits in terms of increased well-being, engagement and personal fulfilment for workers.
373. The proposed elements of the strategy provided a good basis for the ILO's future action. As the strategic pillars and the areas of work under the plan of action were all mutually reinforcing, they should be attributed equal importance. He endorsed the use of the term "governance" in the title of pillar 1, as it was through the adoption of governance frameworks that the best results would be achieved.
374. The main focus of the strategy should be to create a culture of prevention and to provide support and advice to employers and workers to ensure that company policies on OSH were sustainable and could be adapted to respond to new risks and challenges. It would be helpful to stress the importance of shared responsibility for the implementation of such policies. In that respect, the inclusion of social dialogue in national OSH systems and the involvement of the constituents in the work of the Office were both essential. The Employers' group welcomed the proposal to deploy specific efforts to respond to the realities of micro and small enterprises. Efforts to that end should deliver practical tools that could be easily adapted to the specific needs of each individual enterprise. He recalled the importance of the ILO

implementing its own guidelines on OSH management systems internally. The highest standards of prevention and protection should be applied to all participants in its work, including measures against violence and harassment.

- 375.** In developing a robust and sustainable strategy and plan of action, three points were of particular importance. First, the ILO should be accountable to its tripartite bodies in all of its work, including technical projects. As such, the strategy should ensure that new OSH projects were in line with tripartite policy decisions. Second, all ILO activities must respond to the needs and priorities of the constituents, and not of donors. That must include its OSH strategy. Technical assistance and support for constituents was a key component of the Global Strategy and should remain at the heart of the new strategy. Third, more systematic collaboration within the Office was necessary to avoid a piecemeal approach to safety and health across different ILO departments at headquarters and in field offices. A truly integrated approach to OSH would require the closer integration of all ILO policies and programmes, especially in relation to technical cooperation. The Labour Administration, Labour Inspection and Occupational Safety and Health Branch should play a leading role in that regard. The Employers' group supported the draft decision.
- 376. Speaking on behalf of the Africa group,** a Government representative of Senegal said that his group recognized the significant progress made by the Office since the adoption of the 2003 Global Strategy and supported the review of that Strategy. The group endorsed the proposed strategic framework for the new strategy, in particular pillar 2, which paved the way for policy harmonization, the involvement of policymakers and the mobilization of significant resources for the implementation of the strategy. The Africa group appreciated the coherence of the four guiding principles, which aimed to place the ILO's mandate at the heart of its action on OSH and to increase the Organization's influence on policymaking within the multilateral system. The Africa group encouraged the Office to continue its consultations with the constituents and its dialogue within specialized regional and international networks. In addition, the Office should pay particular attention to training and communication to ensure that the new strategy would be adopted by all stakeholders in Member States. The Africa group supported the draft decision.
- 377. Speaking on behalf of GRULAC,** a Government representative of Colombia said that the new strategy would play a central role in raising awareness of the importance of OSH and contribute to the establishment of the Global Coalition for Social Justice and the achievement of the SDGs. Accordingly, GRULAC supported the development of a plan of action with indicators to measure progress towards its accomplishment. The three strategic pillars and the four guiding principles were suitable tools to that end. The strategy's approach must be human-centred, inclusive and gender responsive, and must apply the principle of prevention throughout the life cycle, including during periods of transition. Social dialogue and the participation of the social partners in OSH governance and in the establishment and maintenance of mechanisms for the continuous improvement of national OSH mechanisms were both important. Furthermore, for OSH to become a reality, it must be integrated as a topic in general education and in technical and vocational education and training and must also be included in the design of jobs, recruitment processes and training strategies. In relation to pillar 1, GRULAC supported the proposals to promote the universal ratification and implementation of key Conventions on OSH, the creation of a national preventative culture, progressive universal coverage, the preparedness and resilience of national OSH systems and labour inspection services. Under pillar 2, the ILO should play a more influential role in the multilateral system and sustainable financing mechanisms should be developed to ensure the implementation of OSH policies. Regarding pillar 3, GRULAC highlighted the importance of

considering the specific individual and sectoral needs of enterprises, including micro and small enterprises. As to the plan of action, it noted the acknowledgement of the potential for synergies between OSH and other fundamental principles and rights at work. GRULAC supported the proposed road map and the draft decision.

- 378. Speaking on behalf of ASPAG**, a Government representative of Indonesia said that the proposed guiding principles and strategic pillars formed a sound basis on which to prepare a strategy and plan of action on OSH. Nevertheless, it was important to avoid repeating work that had already been done to develop and maintain national preventive health and safety cultures and systems. The proposed strategy must be linked to the relevant SDGs, particularly Goal 3 and Goal 8, and the priorities of the Global Coalition for Social Justice. Drawing on lessons learned during the COVID-19 pandemic, the strategy should include a section on pandemic preparedness.
- 379.** Her group welcomed the recognition in the strategy of the mutually reinforcing nature of OSH and the other fundamental principles and rights at work and agreed that the strategy should cover the period 2024–30. The strategy and its plan of action must include measurable indicators and objectives, which could be used for a progress review in 2027. Given that some countries in her region had an occupational mortality rate that was higher than the global rate, her group hoped that the strategy would focus on technical support and other practical steps to build the capacity of Member States, taking into account national circumstances. ASPAG also welcomed the recognition in the strategy of the OSH implications of the informal economy and different forms of work and the different challenges facing the world of work
- 380.** Noting the need for increased resources to support the implementation of the strategy, she stressed that those resources must be used to maximize programme delivery for constituents, rather than to cover additional administrative costs. Her group looked forward to the informal consultations that had been scheduled and would welcome further information in that regard.
- 381. Speaking on behalf of IMEC**, a Government representative of the United States said that the 2003 Global Strategy had laid the groundwork for the recognition of a safe and healthy working environment as a fundamental principle and right at work. The current challenge was to develop a new strategy to give effect to that fundamental principle. In order to conduct an informed review of the 2003 Global Strategy, more detailed information was needed on its implementation, especially since the 2013 independent evaluation. The new strategy should integrate the outcomes of the discussions on OSH at the 343rd Session of the Governing Body and take into account the *Plan of action (2010–2016) to achieve widespread ratification and effective implementation of the occupational safety and health instruments (Convention No. 155, its 2002 Protocol and Convention No. 187)*. A clear indication was needed of how the new strategy might be revised in the light of both new and persistent challenges, including forced labour.
- 382.** Referring to the proposed strategic framework, she said that IMEC looked forward to further discussions on the three pillars, which rightly emphasized the importance of developing and investing in national and workplace-level OSH systems. An additional focus on the rights and protections enshrined in the fundamental Conventions on OSH would be welcome, with a view to improving understanding of a safe and healthy working environment as a fundamental principle and right. Further consultations on making the wording of the strategy less technical would also be welcome. The gender responsive approach adopted by the Office was encouraging, but it needed to be more inclusive of all workers. Furthermore, the Office should strengthen measures to tackle mental health challenges. The new action plan should aim to build on previous efforts. She would like clarification of the Office's vision and process for consultations on the road map. It would be helpful to receive a more developed draft in

advance of the next consultations, with a view to adopting the strategy in November 2023, and to include information briefings on relevant topics. IMEC supported the draft decision.

- 383. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, the Republic of Moldova, Montenegro, Serbia, Georgia, Iceland and Norway aligned themselves with her statement. Her group aligned itself with the statement made on behalf of IMEC. The EU strongly supported the proposed objectives of the new strategy in relation to realizing the fundamental right to a safe and healthy working environment worldwide and contributing to a global decrease in the number of occupational fatalities, injuries and diseases. She therefore hoped that many more countries would ratify Conventions Nos 155 and 187 in the near future.
- 384.** Given the importance of social dialogue, the Office was encouraged to undertake informal consultations with the constituents between April and October 2023, in which her group would actively participate. She welcomed the proposals to include in the new strategy a gender perspective and the risks posed by new technologies, biological hazards, climate change and mental health difficulties. Risk prevention should indeed be a guiding principle of the new strategy. With regard to the pillar 3, she stressed that small and medium-sized enterprises (SMEs) did not benefit in the same way as other enterprises from OSH management systems. The Office was therefore requested to refocus that pillar on the systemic organization of OSH at the workplace level.
- 385.** Safe and healthy working environments led to higher productivity and were essential to achieving decent work, effective social protection and the SDGs. The EU and its Member States supported the draft decision and the road map proposed by the Office and looked forward to the upcoming consultations on the draft Global OSH Strategy 2024–30 and action plan to be considered at the 349th Session of the Governing Body.
- 386. Speaking on behalf of ASEAN**, a Government representative of Indonesia said that the burden of occupational mortality was not equally distributed across the world and the South-East Asia and Western Pacific regions had had higher death rates than the global rate in 2021. The ASEAN countries had been making significant efforts to improve OSH, ensure better labour protection and improve resilience. The proposed strategy and road map and the inclusion of OSH as a fundamental principle and right at work were essential steps towards achieving the SDGs, specifically targets 8.8 and 3.9. ASEAN welcomed the proposed strategic framework and called on the Governing Body to discuss how the ratification and implementation of Conventions Nos 155 and 187 might be promoted, taking into account the diversity of Member States. Her group supported the draft decision.
- 387. Speaking on behalf of the countries of the Cooperation Council for the Arab States of the Gulf (GCC)**, a Government representative of Saudi Arabia expressed support for the statement made on behalf of ASPAG. Given the importance of achieving a safe and healthy working environment for all, the ILO needed to be innovative and to focus on addressing disparities in OSH risks. Solutions were needed that took into account the specific context of each country and technical assistance should be provided where necessary. The GCC supported the proposed strategic framework and was of the view that stakeholder involvement at the national level would contribute to the achievement of the strategy's objectives. There was also a need to reinforce synergies between OSH and other initiatives in order to address future challenges in the world of work.
- 388. A Government representative of India** welcomed the Office's proposals for the review of the 2003 Global Strategy. His country had made significant efforts to guarantee safety and health at work. ILO technical assistance would be important to help low- and middle-income countries

to tackle OSH challenges. There was an urgent need for more global data on OSH. Platform workers must be included in the new strategy and the occupational health risks they faced needed to be examined.

- 389. A Government representative of Saudi Arabia** said that his Government aligned itself with the statement made on behalf of ASPAG and had launched a wide range of initiatives to improve OSH as part of its Vision 2030 reform agenda. Saudi Arabia supported the draft decision and stood ready to participate in informal consultations.
- 390. A Government representative of Argentina** said that his Government was committed to improving safety and health at work and had implemented several policy and legislative measures to that end. He supported the draft decision.
- 391. A Government representative of Indonesia** said that her country had taken steps to promote OSH at both the national and the international levels. While her Government supported the proposed strategy, including its road map and plan of action, it hoped that the strategy could be broadened to include new forms of work, technological developments, vulnerable and hazardous sectors and SMEs. She expressed support for the draft decision.
- 392. A Government representative of Mexico** expressed appreciation for the broad analysis carried out by the ILO and noted with satisfaction that the spirit and objectives of the 2003 Global Strategy had formed the foundation of the new strategy. While the proposed objectives were appropriate, the new strategy needed to be clearer with respect to its contribution to reducing the number of injuries, illnesses and deaths at the workplace globally from the outset. The importance of a culture of prevention should be added to the three pillars of the strategy. She hoped that the proposed strategy would be sufficiently detailed, include input from the planned consultations and contain information on time frames, costs and how those costs would be included in the ILO programme and budget. Her Government supported the draft decision.
- 393. A Government representative of Pakistan** said that his Government was committed to adopting ILO guidelines on OSH and strengthening its legal frameworks and policies for the safety and well-being of workers. The country's labour inspection system was undergoing modernization and his Government had prioritized the ratification of Conventions Nos 155 and 187.
- 394. A Government representative of the United Kingdom** said that, with the inclusion of OSH as a fundamental principle and right at work, the time was ripe to review the 2003 Global Strategy to ensure that it remained fit for purpose. With regard to the plan of action, there needed to be greater emphasis on using evidence to underpin and determine the implementation of actions envisaged within the framework. It was important to consider the individual when considering workplace measures. She suggested the inclusion of "a risk-based approach to the prevention of harm" in the guiding principles, in line with one of the key objectives of OSH. Although she recognized the ambition of the proposed strategy, it would be more effective to concentrate primarily on the workplace as the focus of activity, rather than on the whole life cycle. She requested more information on the plans for sustainable financing mechanisms. Technical support for Member States was vital if the strategy was to have a tangible impact, for which reason she asked how the Office had ensured that the Organization had the necessary skills and expertise to assist Member States and whether that assistance would include peer-to-peer support. Her Government supported the draft decision.
- 395. A Government representative of Namibia** said that his Government was committed to ensuring that the laws governing the safety and health of workers were robust and up-to-date

and significant progress had been made in that regard. It stood ready to participate in the informal consultations to be held before the 349th Session and hoped that the country's needs would be taken into account.

- 396. A representative of the Director-General** (Director, Governance and Tripartism Department) said that the Office agreed with the importance of emphasizing synergies between the promotion and realization of the right to a safe and healthy working environment and all the fundamental rights and principles at work, and the mutually reinforcing nature of those rights and principles. In response to ASPAG, she confirmed that a human-centred approach was one of the proposed guiding principles of the strategy, in line with the guidance from constituents on the ILO Centenary Declaration for the Future of Work. With regard to sustainable financing mechanisms, the Office would be working to increase the knowledge base on different financing models used by Member States and developing tools to assist constituents at the national level. In response to IMEC, she said that the Office would continue to make efforts to improve implementation of the 2003 Global Strategy taking into account the recommendations identified in the 2013 independent evaluation and more recent information. As for skills and expertise and possible peer-to-peer exchange, the Office was already collaborating with many specialized international and national institutions. The Office agreed with the need to identify how the strategy would contribute to achieving more SDGs, to work with relevant institutions on OSH and the environment and to improve coordination between headquarters and field offices and at the headquarters level.
- 397.** With regard to the road map, as of May 2023 the Office would commence consultations with constituents to formulate strategies and a plan of action that were responsive to their needs. It would start the process of consultations with constituents in May and by end May or early June would meet with specialized OSH institutions and networks to ensure that the strategy and plan of action considered the most up-to-date scientific and technical information on OSH. Consultations with the regions would be held from June to September 2023 and constituents consulted on the final draft strategy and plan of action by mid-September 2023, in preparation for the 349th Session of the Governing Body.
- 398. The Worker spokesperson** said that, contrary to the Employers, her group held that differentiated and not shared responsibility was under discussion, as indicated in Article 19 of the Convention No. 155.
- 399. The Employer spokesperson** clarified that he had used the term “shared responsibility” to refer to the implementation of OSH policies. There was no denying that it was the responsibility of employers to organize safe and healthy workplaces.

Decision

400. The Governing Body:

- (a) approved the proposals and road map for the review of the Global Strategy on Occupational Safety and Health and for the promotion of a safe and healthy working environment as a fundamental principle and right at work;**
- (b) requested the Director-General to prepare for the 349th Session (October–November 2023) of the Governing Body the Global Strategy on Occupational Safety and Health 2024–30 and the plan of action for its implementation, taking into account the guidance provided during the 347th Session (March 2023), as well as during the informal consultations to be held between April and October 2023.**

(GB.347/INS/7, paragraph 29)

8. ILO strategy on decent work in supply chains (GB.347/INS/8)

- 401. The Worker spokesperson** welcomed the Office's careful framing of the ILO strategy on decent work in supply chains around the building blocks agreed upon by the tripartite working group on options to ensure decent work in supply chains. The Workers also supported the principles that would guide the development and implementation of the strategy. However, the strategy had rendered the building block on enabling rights in a way that suggested that all fundamental principles and rights at work were enabling rights. The strategy should reflect that only the rights to freedom of association and collective bargaining were enabling rights, and more closely follow the relevant paragraph in the building blocks.
- 402.** Her group welcomed the inclusion of both normative action and non-normative guidance in the strategy's 20 outputs. While the Workers supported output 1, they considered that it should also address the challenges posed to the implementation of international labour standards and standard-setting exercises by the increasingly cross-border nature of business. In relation to output 2, she concurred that the SRM TWG should consider challenges related to global supply chains in its work. Her group supported the strategy outlined in outputs 3, 4 and 5 and expected to see a comprehensive analysis of the impact of global, regional and national regulatory and non-regulatory initiatives to address decent work deficits in supply chains. She referred to a growing global consensus that global mandatory measures were required to address issues of compliance with human rights and labour standards in supply chains. It fell to the ILO to provide solutions to the challenges of an increasingly globalized economy. Her group therefore looked forward to seeing the options for normative initiatives, including standard-setting, that could complement existing standards. She asked the Office to confirm whether the resource estimates for standard-setting would cover additional staff and resources for that purpose.
- 403.** The work envisaged to make better use of the MNE Declaration was welcome and she expected it to include capacity-building for constituents regarding the application of standards, the strengthening of national labour market institutions, labour administration and inspection systems in all sectors. It was perplexing to see an explicit reference to workplace cooperation in the strategy, as that had not been mentioned in the building blocks. Her group did not agree with the blanket endorsement of workplace cooperation as constituting "sound industrial relations". Indeed, collective bargaining and social dialogue had often been undermined by workplace cooperation. The strategy should follow the approach outlined in the ILO Centenary Declaration for the Future of Work, which clearly differentiated between social dialogue and workplace cooperation. She would like the Office to clarify how the Better Work programme might be incorporated into the strategy and outline any specific plans in that regard.
- 404.** It was a long-standing frustration of the Workers' group that freedom of association and collective bargaining were amalgamated with the other fundamental principles and rights at work when it came to budget allocation and were consequently under-resourced. That situation needed to be rectified. Further, she was concerned that elements of the action areas on the MNE Declaration and enabling rights were left to be "demand-driven". Clarification from the Office was needed on how constituents would be able to access ILO assistance with respect to company-union dialogue and how the Office intended to resource its response to those requests. Much remained to be done to promote normative and non-normative measures for the establishment of effective grievance mechanisms in global supply chains in order to achieve output 9 of the strategy.
- 405.** In relation to the development of a coordinated research agenda, as set out in output 11, her group proposed that the Office collect data and information regarding the impact of pricing,

purchasing and auditing practices on wages and working conditions, including with respect to informalization. As part of the development of the strategy, the Office should promote cooperation between Member States on labour inspection and access to justice in cross-border cases. The Office would need to make significant efforts in that regard in order to deliver output 14. Noting that the research agenda had been allocated the most budget, she urged the Office to use the resources to strengthen the ILO and its constituents: additional in-house capacity should be prioritized over subcontracting work.

- 406.** Her group fully supported the emphasis on gender throughout the strategy, particularly the gender-transformative approach mentioned in output 15.
- 407.** Welcoming the work on policy coherence with other international organizations, including through the Global Coalition for Social Justice, she noted that a fair distribution of wealth along global supply chains was essential for real and lasting change. Further materials on international labour standards for social auditors, including on the fundamental principles and rights at work, were needed as a basis for human rights due diligence processes, as set out in output 18. Certification and social auditing should follow certain minimum standards for credibility and transparency. The Workers supported the draft decision and looked forward to the swift implementation of the strategy.
- 408. The Employer spokesperson** said that her group welcomed the fact that the ILO would henceforth have an evidence-based strategy and a dedicated action programme that covered both domestic and global supply chains. Every enterprise everywhere was by definition part of a supply chain, the vast majority of which were purely domestic. Global supply chains were synonymous with international trade, which had been recognized by the UN General Assembly and the Ministerial Conference of the WTO as a means to drive inclusive growth and poverty eradication. It was therefore inconsistent to be in favour of international trade and against global supply chains. Furthermore, global supply chains flowed between all countries, and the ILO's previous focus on exports from developing to developed countries had missed most workers, including those in domestic and informal economies, who often faced severe decent work deficits. Weak governance and developmental issues such as poverty, informality and corruption were the main drivers of decent work deficits, hence the ILO must focus on the root causes, which were often linked to the national context rather than a particular sector. International labour Conventions addressed most decent work deficits in supply chains, but the Conventions were not always fully implemented and applied in law and practice. The overriding objective should therefore be to build the capacity of all countries to fully implement ratified Conventions, taking into account the needs of workers and sustainable enterprises.
- 409.** The Employers' group had previously stressed the need for the strategy to remain faithful to the agreed building blocks. Hence, references to "social clauses" should be avoided, as the term had protectionist connotations, and "labour provisions in trade agreements" should be used instead. She expressed appreciation that the guiding principles of the strategy recognized States' constitutional obligations to protect workers' rights and to effectively apply ratified ILO Conventions in law and practice; the critical role of supply chains as an engine of inclusive growth, poverty eradication, productivity, job creation and decent work; and the importance of addressing the root causes of decent work deficits, including by supporting good governance and the transition to formality through an evidence-based approach and coherent action at all levels. The strategy presented an opportunity to go beyond the unjustified, ineffective focus on workers connected to Western consumers, as the fundamental principles and rights at work applied to all workers. However, it was unfortunate that the strategy did not include a clear definition of supply chains; the Office should continue to use

the definition presented in the gap analysis of ILO normative and non-normative measures to ensure decent work in supply chains.

- 410.** As to the specific outputs, the wording of output 2 was not fully in line with the building blocks, which had stated that the ILO should, where appropriate, take into account decent work in supply chains within the Organization's efforts to keep a clear, robust and up-to-date body of international labour standards; the title also altered the text somewhat. Decent work in supply chains required a more flexible, context-specific approach than the proposed information note for the SRM TWG and the International Labour Conference, and it was not appropriate for the Office to instruct either body on how it should take account of supply chains.
- 411.** With regard to outputs 4 and 5, the strategy needed to focus on all possible measures, including supplementary guidelines and tools, in line with the building blocks. The objective of output 4 should be to identify examples of initiatives that had worked and, where applicable, incorporate them into the work of the action programme. Focusing on normative measures would be a missed opportunity to address the root causes of decent work deficits. Raising the awareness and building the capacity of tripartite constituents and enterprises with country-level technical support ought to be a dedicated output and should be given greater attention. Under output 6, national dialogues should encompass all businesses, not just multinational enterprises, to promote the principles of the MNE Declaration and responsible business conduct.
- 412.** Under output 12, the Employers' group welcomed the establishment of a robust evidence base on the causes and drivers of decent work deficits in supply chains; strengthened data collection should reinforce the role of the ILO Helpdesk for Business on International Labour Standards. For the implementation of output 18, priority should be given to supporting ILO constituents at the national level rather than devoting resources to external actors such as social auditors.
- 413.** A coherent approach to resource mobilization was needed, with the full involvement of the social partners and in line with the needs and priorities identified in DWCPs. To that end, the priority action programme on decent work outcomes in supply chains should be the main interface with donors and must have the power to convene all relevant actors. She also welcomed the plans to develop a communication strategy and standard operating procedures.
- 414.** Her group believed that the phasing of outputs was important, with priority to actions that would quickly produce benefits, such as reinforcing the Helpdesk. Output 8 regarding the MNE Declaration could be postponed to 2024 and be replaced by output 14 on strengthening labour inspection, which must be a key priority, as it would help all constituents and support the overall strategy.
- 415.** The tripartite composition of the ILO put it in a privileged position to spearhead action on decent work in supply chains. The priority action programme would be key for the Organization in further developing its engagement with the multilateral system with a view to joint collaboration, and in facilitating emergency support for employment, business continuity and social protection. On the understanding that her group's comments would be taken into consideration in the future strategy and action programme, she supported the draft decision.
- 416. Speaking on behalf of the Government group,** a Government representative of Germany supported the comprehensive strategy for the ILO to play a key role in promoting decent work in supply chains and expressed her group's commitment to supporting its implementation. The strategy promoted a smart mix of national and international mandatory and voluntary measures and her group welcomed the activities proposed under output 4. It also appreciated the guiding principle of gender equality, non-discrimination and inclusion. With regard to

possible new normative and non-normative measures on supply chains, it was important to consider different ways of complementing the existing body of standards, as those were not systematically designed to address responsible business conduct; she agreed that the Office should present options to the Governing Body in 2025.

417. Her group supported enhanced efforts to encourage the implementation of the MNE Declaration, as governments and enterprises must ensure access to effective remedies for workers whose rights had been infringed. The strategy must therefore be in line with the UN Guiding Principles on Business and Human Rights. Her group also welcomed the strategy's particular attention to ensuring respect for all fundamental principles and rights at work in supply chains, noting the proposed "particular attention" to the enabling rights of freedom of association and the effective recognition of the right to collective bargaining.
418. The evidence-based approach built on a coordinated research agenda, a focus on root causes and drivers, and the enhanced coordination provided by the priority action programme and guided by standard operating procedures were welcome. The review of the functioning of the priority action programmes at the end of 2025, referred to in the Programme and Budget proposals for 2024–25, should be taken into account in the implementation of the strategy in 2026 and 2027.
419. She expressed appreciation for the proposal to provide comprehensive guidance to ensure that development cooperation work was coordinated across the Office and aligned with the strategy. She agreed that the Office should promote policy coherence on decent work in supply chains across the UN system and beyond; that should also apply in the strengthened engagement with international financial institutions. The strategy's research agenda should cover how transparency in supply chains could promote decent work. Consultations under the MNE Declaration should involve all stakeholders and take account of the central role of freedom of association and collective bargaining, as well as industrial relations and social dialogue. An evaluation of the importance of fair pricing would be useful to support the promotion of fair wages and economic growth and the reduction of inequalities between countries. The strategy should consciously focus on the economic and social upgrading of developing countries in global production networks.
420. The Government group invited the Office to ensure that the 20 outputs were as specific, measurable, achievable and time-bound as possible to facilitate reporting to and monitoring by the Governing Body. The group supported the draft decision.
421. **Speaking on behalf of the Africa group**, a Government representative of Cameroon welcomed outputs 1 to 5 on the targeted promotion of international labour standards, and requested details on the campaigns. On output 2, the group supported the proposal for the SRM TWG to consider decent work in supply chains within its reviews. Under output 4, he encouraged the Office to map the various regulatory and non-regulatory mechanisms used by constituents to address decent work deficits in supply chains. With regard to output 6, his group supported holding dialogues to allow tripartite constituents and multinational enterprises to discuss the opportunities and challenges related to the activities of those enterprises at the national level. In relation to output 9, he requested additional information on the planned mechanisms to provide workers in supply chains with access to effective grievance mechanisms and remedies. Concerning output 14, he supported the notion of evidence-based strategies and methodologies for labour administration, particularly labour inspection. Under output 17, the group welcomed the Office's plans to build the capacity of constituents in developing and implementing trade and investment policies that generated decent jobs and inclusive growth. The group requested information on why the Office had

chosen to embed work on supply chains within a priority action programme and on the means of raising awareness among constituents about issues related to supply chains. The Africa group supported the draft decision.

- 422. Speaking on behalf of ASPAG**, a Government representative of Bangladesh sought confirmation that the guiding principles and all of the outputs of the strategy covered the relationship between buyers and suppliers throughout global supply chains, particularly under outputs 7, 11 and 13, as their involvement would be key to achieving decent work. She welcomed the proposal for the Office to present options for initiatives to complement the body of international labour standards. That document should reflect on the challenges of each industry, with a view to filling existing gaps, and should also include a shared commitment and responsibility to improve the labour situation in cross-border supply chains. Home and host-country dialogues and mainstreaming of the MNE Declaration in development cooperation should seek to include buyers and brands. Concerning research, she asked whether the analyses mentioned in paragraph 22 would cover fair pricing of commodities and sharing of benefits and gains to eliminate inequalities between employers and employees. As to output 17, the capacity-building activities should be provided at the request of Member States. Her group supported the further research into labour-related provisions in trade agreements or similar frameworks to provide evidence-based advice to constituents, taking into account countries' different stages of development. The group supported the proposed timeline of the various outputs and cost estimates.
- 423. Speaking on behalf of GRULAC**, a Government representative of Colombia said that global supply chains could only be sustainable if based on decent work principles. To achieve that, it was important to unify efforts to progressively advance social protection; to provide workers with safe and healthy working environments; and to guarantee freedom of association, the right to collective bargaining and fair wages. She asked why the document stated that there were no financial implications whereas the strategy included resource mobilization. The MNE Declaration was fundamental to increasing the adoption of due diligence policies and preventing any fragmentation of standards for enterprises operating globally, and international coordination would help prevent unnecessary discrepancies among countries. The mapping and analysis of regulatory and non-regulatory instruments under output 4 was crucial; she asked how the Office would select initiatives for inclusion in the review, noting that reviewing initiatives from all countries could ultimately save costs and facilitate the monitoring of implementation by public authorities. The promotion of national dialogues under output 6 would allow for robust processes to monitor and verify alignment with international standards and increase the credibility of and trust in later initiatives. Output 7 was critical for Latin America and the Caribbean, as supply chains could encompass multiple jurisdictions and trade cultures, and the most vulnerable societies were often those most impacted. Therefore, enterprises' home countries must make a positive contribution to economic, environmental and social progress in the countries in which they operate. On output 11, she expressed concern about how the studies for the coordinated research agenda would be conducted and how the countries would be selected. The group particularly welcomed output 14, as labour inspection was essential for the enforcement of national legislation on workers' rights. She commended the objective of increasing policy coherence within the multilateral system and international financial institutions on decent work in supply chains, which could advance efforts to achieve social justice. GRULAC supported the draft decision and the implementation of the strategy.
- 424. Speaking on behalf of IMEC**, a Government representative of Canada supported the focus of the strategy on respect for and the promotion and realization of fundamental principles and

rights to ensure decent work in supply chains, which would also make supply chains more sustainable and resilient. It was important that the Office should maintain, or ideally accelerate, the indicative timeline. Her group reiterated that the ILO body of standards was not designed systematically to address business relationships or responsible business conduct or their impact on Member States' obligations to realize fundamental principles and rights at work, thus, her group looked forward to receiving options for initiatives that complemented international labour standards to address the responsibilities of businesses and the obligations of governments given the transnational nature of many supply chains. The group strongly supported the inclusion of gender equality, non-discrimination and inclusion as a guiding principle.

- 425.** She supported the sequencing of outputs 1 to 5, to build a common understanding on potential new normative and non-normative action. The Office should continue to underscore freedom of association and the right to collective bargaining as essential enabling rights for effective and meaningful social dialogue at all levels, which contributed to reducing decent work deficits. Under output 9, IMEC welcomed the strengthened application and implementation of the MNE Declaration, in particular the enhanced support for governments, employers' and workers' organizations as well as multinational and national enterprises to ensure access to effective remedies. Enterprises should consult meaningfully with workers' organizations as part of the due diligence process.
- 426.** The group supported the coordinated research agenda under output 11, and encouraged the Office to explore how measures to support transparency and traceability in supply chains could promote decent work and to investigate worker-centric due diligence and additional tools that could help businesses to comply with guidelines and standards. Under output 12, strengthened data collection approaches were important, as it was currently difficult to gather data on SMEs and work in the informal economy; it would be useful to have data disaggregated by age and disability as well as sex for the purposes of policymaking and increasing transparency and consistency in reporting. Concerning output 13 on the dissemination of knowledge, evidence and good practices, IMEC would welcome additional information on linkages between the new ILO Forced Labour Observatory and the UN Global Compact. The group strongly supported that the priority action programme would coordinate alignment of all means of ILO action to provide coherent advice to support effective implementation of labour provisions in trade agreements, and encouraged the Office to ensure that development cooperation work in promoting decent work in supply chains was coordinated across the Office and aligned with the strategy. The ILO should continue to promote policy coherence and cooperation on decent work in supply chains across the UN system and beyond, in alignment with the Global Coalition for Social Justice. IMEC supported the draft decision.
- 427. Speaking on behalf of the EU and its Member States,** a Government representative of Sweden said that Albania, North Macedonia, the Republic of Moldova, Montenegro, Serbia, Türkiye, Georgia, Iceland and Norway and aligned themselves with her statement. The EU and its Member States were committed to the promotion of decent work in global supply chains, as evidenced by its proposed legislation on corporate sustainability due diligence, among other instruments. Normative and non-normative measures were critical to ensure a level playing field. The EU and its Member States supported helping constituents and enterprises better understand and apply the principles of the MNE Declaration at the core of the strategy. Each of the strategy outputs needed to be as specific, measurable, achievable and time-bound as possible to facilitate reporting to and monitoring by the Governing Body. The EU and its Member States welcomed the clear proposals to improve the application of current international labour standards in supply chains. Development cooperation was a crucial means

of bridging decent work deficits and so Office-wide guidance to ensure consistent design and implementation of interventions was welcome. Improving knowledge, data collection and evidence-based research remained essential in ensuring the ILO's leadership role on decent work in supply chains. The EU and its Member States supported the draft decision.

- 428. Speaking on behalf of the GCC countries**, a Government representative of Saudi Arabia said that, in the light of the significant, multifaceted challenges surrounding decent work in supply chains, it was necessary to change the ways in which they operated. The group supported the objectives and guiding principles of the strategy, particularly gender equality, non-discrimination and inclusion, and the need to address gaps in knowledge and implementation. He commended the establishment of a link between policymaking and investment, the attention to job creation and the focus on SMEs that had been affected by disrupted supply chains. He supported the evidence-based approach to develop guidelines which would help States to ensure that workers' skills were aligned with market needs and contribute to securing decent work for workers in supply chains.
- 429. A Government representative of India** noted the importance of promoting labour rights and welfare in supply chains, as transactions within them represented more than three quarters of world trade. Under output 16, she welcomed the proposed engagement with the multilateral system to achieve policy coherence in reducing decent work deficits; however, as the Global Coalition for Social Justice was in a nascent stage, it should not be referred to in the strategy. Regarding output 17, developing countries must not be required to enter into trade and investment agreements containing conditions that might hinder their economic growth and aggravate decent work deficits; any potential for such conditions to be misused as non-tariff trade barriers against countries must be avoided. Policy advice and capacity-building must focus on strengthening voluntary compliance and support labour administrations to facilitate upward mobility and formalization through decent work. The Office should produce templates and frameworks to facilitate the proposed home-host country dialogues, company-union dialogues and national dialogues, which would play a key role in effective and evidence-based discussions. Lastly, a just transition was a critical element of decent work and should be accompanied by sufficient support for skilling, reskilling and upskilling of workers affected, ensuring the survival of micro, small and medium-sized enterprises and promoting green entrepreneurship.
- 430. A Government representative of Brazil** supported the adoption of a mix of national and international mandatory and voluntary measures to reinforce and promote the principles of decent work. To tackle decent work deficits, international instruments such as the MNE Declaration, and global framework agreements and national due diligence legislation, needed to be more effective. The ILO as the home of tripartite social dialogue was key to making that possible. While the strategy had outputs planned for completion by 2027, action must start immediately. He supported the draft decision.
- 431. A Government representative of China** said that the strategy must focus on promoting the sustainable development and stability of global supply chains. He objected to some countries having unjustifiably imposed unilateral sanctions on other countries under the guise of protecting labour rights. During the implementation of the strategy, the level of development and other circumstances of each country should be respected. Stakeholders should be encouraged and supported at all levels to eliminate decent work deficits through consultation. Research should reflect current circumstances comprehensively and objectively, through data collected from authoritative sources. Progress made in promoting decent work in supply chains should be tracked in a timely manner and countries should be encouraged to share positive experiences. The Office should analyse the labour provisions of existing trade and

investment agreements and identify the effects and trends. Furthermore, the Office must strengthen coordination when implementing the strategy, control regular budget expenditure and increase efforts to raise extrabudgetary funds. It should also improve efficiency in the use of funds and provide details in the biennial programme implementation report. He supported the draft decision.

- 432. A Government representative of Argentina** welcomed the strategy and the efforts to promote its sustainability. His Government aimed to establish a focal point to promote and apply the principles of the MNE Declaration and produce a national action plan on business and human rights that would focus on decent work, among other aspects. Furthermore, in line with its ratification in 2016 of the Protocol of 2014 to the Forced Labour Convention, 1930, his Government would adopt policies to ensure corporate due diligence. He supported the draft decision.
- 433. A representative of the Director-General** (Assistant Director-General for the Governance, Rights and Dialogue Cluster) assured the Governing Body that the Office would take into account its comments and guidance. Responding to comments from the Workers' group, she said that the wording concerning social dialogue used in the strategy would be aligned with the agreed language in the building blocks adopted by the tripartite working group. Furthermore, the strategy referred to workplace cooperation as complementing, rather than replacing, social dialogue or collective bargaining. To access support for activating the company–union dialogue procedure envisaged under the MNE Declaration, the company and the trade union needed to submit a joint request to the Office; a [question and answer document](#) provided further information. However, company–union dialogue was not intended to replace national dialogue mechanisms, which would also be supported under the strategy.
- 434.** On the Better Work programme, one of the functions of the priority action programme would be to ensure that it and other ILO development cooperation programmes dealing with supply chains were aligned with the strategy. More broadly, the added value of the priority action programme would be in coordinating the implementation of the strategy across the many units that dealt with such issues at headquarters and in the field, including by harnessing economies of scale, building synergies and mobilizing funding.
- 435.** Concerning the Employers' group's comments, the information note for the SRM TWG would draw on all elements that had featured in previous tripartite discussions on supply chains, notably that which produced the building blocks. It would not give any instructions to the SRM TWG or any Conference committee, but simply provide them with information. While capacity-building on social dialogue for national institutions and enterprises did not have a dedicated output, it was a key objective and had been included in outputs throughout the strategy.
- 436.** In terms of supporting governments and enterprises in ensuring workers had access to an effective remedy in the event of infringements, the Office would enhance existing support to judiciaries and labour inspectorates, and promote effective use of the company–union dialogue procedure, which constituents could use to identify and secure a remedy.
- 437.** The campaign to promote ratification and effective implementation of relevant international labour standards was expected to become operational in early 2024, and would build on similar campaigns launched by the Office with the support of the Governing Body concerning fundamental Conventions. On output 5, she acknowledged the request for the document setting out possible initiatives that complemented the international labour standards to be delivered by March 2025, but stressed that a thorough review of the regulatory and non-regulatory initiatives at the global, regional and national levels would take time. The aim was

to cover all regulatory and non-regulatory initiatives in all countries so as to provide a solid basis for establishing future steps and identifying whether additional measures were necessary. Finally, concerning the financial implications of the strategy, she explained that the key needs in terms of resources were related to the management of specific outputs; those were covered in the Programme and Budget proposals for 2024–25. However, additional funds might be required to respond to additional requests from constituents, hence the need to mobilize resources.

- 438. The Employer spokesperson** noted that many of the statements made by Government representatives reflected the views held by the Employers' group since the early discussions. Supply chains were synonymous with trade and should not be unduly restricted by political measures or social clauses in trade agreements, which would hamper countries' development; that was particularly important given that supply chains had become shorter in the past decade. The priority action programme, with its practical building blocks, was the right means of addressing the root causes of decent work deficits in supply chains; the ILO was well placed to support those efforts, and the Employers' group was committed to contributing to that work.
- 439. The Worker spokesperson** welcomed the unanimous support for the strategy. She noted that, as a result of previous discussions where the Employers' group had expressed concerns about using the term "global", it had been decided to refer only to "supply chains"; however, many Government representatives had referred to "global supply chains", as it was the cross-border nature of trade that presented specific challenges for the ILO. Concerning restrictions within trade and investment agreements, she noted that output 17 of the strategy concerned strengthening Member States' capacity to consider and implement labour provisions.

Decision

- 440. The Governing Body requested the Office to take into account its guidance when implementing the comprehensive ILO strategy on decent work in supply chains, and to submit a report on the implementation of the strategy to its 353rd Session (March 2025) for its consideration.**

(GB.347/INS/8, paragraph 4)

9. Outcome of the 17th Asia and the Pacific Regional Meeting (Singapore, 6–9 December 2022) (GB.347/INS/9)

- 441.** The Governing Body had before it an amendment to the draft decision, which had originally been proposed by the Employers' group and had then been subamended by ASPAG and endorsed by the Workers' group with some additional changes during consultations. The text agreed on by the three groups had been circulated by the Office, and read:

The Governing Body requested the Director-General to:

- (a) draw the attention of the ILO constituents, in particular those of the Asia and the Pacific and the Arab States regions, to the Singapore Statement by making the text available to:
 - (i) the governments of all Member States, requesting them to communicate the text to national employers' and workers' organizations; and
 - (ii) the international organizations and non-governmental international organizations concerned;
- (b) take the Singapore Statement into consideration when implementing current programmes and ensure its effective implementation in the context of future programme and budget proposals;

- (c) develop an implementation plan on supporting constituents to give effect to the Singapore Statement; and
- (d) incorporate, in the programme implementation report for the biennium 2022–23 the key lessons learned in implementing the Singapore Statement for discussion during the 350th Session (March 2024) of the Governing Body, and submit information on the implementation of the Singapore Statement for submitted to the Governing Body discussion every two years, as part of the existing process and mechanisms information on the implementation of the Singapore Statement.

- 442. The Employer spokesperson** welcomed the balanced and consensus-based outcome of the 17th Asia and the Pacific Regional Meeting, as set out in the Singapore Statement. The ILO's agreed framework for its activities in the Asia and the Pacific and Arab regions contained therein should be incorporated into the next programme and budget cycle.
- 443.** The commitment contained in the Singapore Statement to promote sustainable enterprises, productivity, smoother transitions, skills development, social protection, capacity-building for workers' and employers' organizations, labour market governance, and peace and resilience was particularly welcome since it reflected the needs and realities of employers. He highlighted that regional dialogue and meetings remained an important and relevant mechanism for what was a diverse region. The 17th Asia and the Pacific Regional Meeting had been a testament to the power of dialogue, cooperation and engagement and the Singapore Statement provided guidance on how to harness opportunities for full, productive and freely-chosen employment and decent work. Referring to the proposed amendment to the draft decision, he explained that the addition of a new subparagraph (c) was intended to ensure the development of an implementation plan to give effect to the Singapore Statement. It was essential to ensure the involvement of the tripartite constituents in that regard.
- 444. Speaking on behalf of ASPAG,** a Government representative of Singapore said that the Office should identify the underlying reasons why some countries of the Asia and the Pacific region, including Pacific Island States, had been unable to participate fully in the Meeting, either in person or remotely, and to take that into account when considering future meeting arrangements. He expressed concern that only 35.8 per cent of delegates and advisers accredited to the Meeting had been female, and asked the Office to find ways of increasing the participation of women in all ILO meetings with a view to achieving gender parity. He appreciated the inclusion of thematic and special sessions, which had helped shape the Singapore Statement, and highlighted the importance of ensuring that the social partners and governments worked together to prepare for the future of work through policy design, analysis and implementation. His group looked forward to the ILO's continued support in fostering new and innovative opportunities for sharing experiences and best practices and promoting learning within and across the regions, and for further strengthening capacity-building programmes for employers' and workers' organizations. He requested the Office to consult ASPAG on its plans for, and the progress that it had made in, the implementation of the Singapore Statement.
- 445. The Worker spokesperson** said that the Singapore Statement was a vehicle for change in the Asia and the Pacific and the Arab States regions and the Office should work with the tripartite constituents to implement its recommendations. Outlining the priorities set out in the Singapore Statement, she highlighted the continued relevance of the Bali Declaration and mentioned in particular that her group strongly supported the call for the Office to develop a concrete and practical strategy for the ratification of international labour standards. The Office should target specific countries and set time frames for ratification, and efforts to encourage global ratification should be reflected in the ILO's programme and budget and the relevant

DWCPs. In addition, she urged governments to work closely with the social partners with a view to ratifying all ILO fundamental Conventions, and to ensure labour protection for all. The Office should ensure that the recommendations of the Singapore Statement were included in the UN Sustainable Development Cooperation Framework at the country level and that resident coordinators were aware of the recommendations. At the 17th Asia and the Pacific Regional Meeting, the Workers' group had asked the Office to train local UN staff on the ILO's tripartite system and supervisory mechanism, and unions in the region were ready to contribute to such training.

- 446.** It was important for a report on the implementation of the recommendations, including achievements and challenges, to be presented to the Governing Body for discussion in two years' time. The Workers' group strongly supported the call for regional meetings to be continued in some form since they provided a space for the tripartite constituents to have meaningful discussions on the issues and ways forward in the world of work. There was a clear need to improve coordination between the Office and the secretariat of the Workers' group to make future meetings more streamlined and enhance participation.
- 447. Speaking on behalf of the Africa group,** a Government representative of Morocco said that his group welcomed the commitment of the constituents in the Asia and the Pacific region to achieving the equal representation of all regions, as enshrined in the ILO Centenary Declaration for the Future of Work and the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance. He noted with interest the renewed commitment of the social partners to holding regional meetings. His group supported the recommendations made in the Singapore Statement to increasingly allocate financial and human resources to the regions to effectively respond to the priorities of constituents and to develop an implementation plan to support the constituents in giving effect to the Singapore Statement, with a biennial follow-up mechanism. The Africa group supported the proposed amendment.
- 448. Speaking on behalf of ASEAN,** a Government representative of Indonesia said that ASEAN supported the adoption of the Singapore Statement, which provided a clear action plan for the tripartite constituents and the ILO. He encouraged the Office to take the Statement into account when drafting the future programme and budget, Strategic Plan and the DWCPs, in order to align the ILO's policies and programmes with the needs of the constituents in his region. ASEAN was prepared to support the ILO in implementing the recommendations contained in the Statement. The 17th Asia and the Pacific Regional Meeting had highlighted the importance of regional meetings and they should be continued. ASEAN supported the draft decision.
- 449. Speaking on behalf of the EU and its Member States,** a Government representative of Sweden, noting that the proposed amendment would task the Governing Body with discussing and following up on regional meetings every two years, expressed concern about overburdening the Governing Body with regional matters, when it was supposed to have a global scope. While she understood the desire to give effect to the outcomes of regional meetings, such a decision should be considered in the context of the broader discussion on the future of regional meetings planned for the 349th Session of the Governing Body.
- 450. A Government representative of India** emphasized her Government's commitment to the Singapore Statement and its guiding principles. She urged the Governing Body to leverage its experience and expertise to promote a fair representation of all regions and democratize the ILO's tripartite governance structure. Her Government supported the draft decision as amended.

- 451. A Government representative of Pakistan** said that his Government fully supported the Singapore Statement and was committed to the priorities outlined therein. Policies and programmes that focused on economic recovery, skills development, employment and the protection of vulnerable workers, including migrant workers, were critical. Collective action in the Asia and the Pacific region and around the world was necessary to shape the ILO's work, and he called on the Office to make the necessary resources available. His Government supported the proposed amendment.
- 452. A representative of the Director-General** (Director, ILO Regional Office for Asia and the Pacific) thanked all those who had participated in the 17th Asia and the Pacific Regional Meeting, the Government of Singapore for hosting it, and the Singapore constituents for their support and warm hospitality. She said that the Office had taken note of the comments raised. The Singapore Statement set out the commitments made by the constituents and provided valuable guidance for the Office. All the points contained in the Statement were covered by the outcomes and outputs of the Programme and Budget for 2022–23 and the Programme and Budget proposals for 2024–25. The Office was fully committed to providing support to the constituents to give effect to the Singapore Statement through the implementation of the programme and budget and through DWCPs. Information on progress and results with respect to the implementation of the Statement would be incorporated in the programme implementation report submitted to the Governing Body every two years.
- 453. Another representative of the Director-General** (Director, ILO Regional Office for the Arab States) said that both the ILO Regional Office for Asia and the Pacific and the ILO Regional Office for the Arab States had shared the Singapore Statement with the regional coordinators, UN Country Teams, the social partners and governments in the region to promote tripartism throughout the UN system and strengthen cooperation between the tripartite constituents and the relevant multilateral organizations. The regional coordinators and UN Country Teams had been requested to help give effect to the Statement by incorporating it into the UN Sustainable Development Cooperation Framework at the country level, and her office would work with the UN teams on the design and implementation of the DWCPs. The ratification of the ILO fundamental Conventions was a priority under both the Statement and the Bali Declaration, and work was being carried out to encourage and support Member States in the region to ensure that international labour standards were also reflected in the UN Sustainable Development Cooperation Framework.
- 454. The Chairperson** clarified that the draft decision was unrelated to the agenda item on maintaining, discontinuing or adapting future regional meetings.
- 455. The Director-General** said that the wording of paragraph (d) of the proposed amendment implied that a report on the implementation of the Singapore Statement would be discussed every two years for an indefinite period. He suggested that some editorial changes could be made to the draft decision and the addition of the words "until the next Asia and the Pacific Regional Meeting" for clarity.
- 456. Speaking on behalf of ASPAG**, a Government representative of the Philippines confirmed that the intention was for the report to be discussed every two years until the next regional meeting, in whatever form that would take. She had no objection to the Director-General's suggestion.

Decision

457. The Governing Body requested the Director-General to:

- (a) draw the attention of the ILO constituents, in particular those of the Asia and the Pacific and the Arab States regions, to the Singapore Statement by making the text available to:
 - (i) the governments of all Member States, requesting them to communicate the text to national employers' and workers' organizations; and
 - (ii) the international organizations and non-governmental international organizations concerned;
- (b) take the Singapore Statement into consideration when implementing current programmes and ensure its effective implementation in the context of future programme and budget proposals;
- (c) develop an implementation plan on supporting constituents to give effect to the Singapore Statement;
- (d) include in the programme implementation report for the biennium 2022–23 to be discussed at the 350th Session (March 2024) of the Governing Body, the key lessons learned in implementing the Singapore Statement and submit information on the implementation of the Singapore Statement for Governing Body discussion every two years until the next Asia and the Pacific Regional Meeting, as part of existing processes and mechanisms.

(GB.347/INS/9, paragraph 13, as amended by the Governing Body)

10. Analysis of measures introduced in Governing Body meeting arrangements during the COVID-19 pandemic and their relevance for future sessions of the Governing Body and other meetings (GB.347/INS/10)

458. The Governing Body had before it two amendments to the draft decision, which had been circulated by the Office. IMEC proposed to replace "travel to Geneva" by "attend in person" in subparagraph (a) and to add a new subparagraph (d) to read: "endorsed the return of the Screening Group to its original mandate of setting the agenda of the Governing Body". The Workers' group proposed to delete, in subparagraph (c), the words "including the fast-track approach trialled at that session to expedite items deemed non-controversial" and to replace the reference to the 346th Session with a reference to the 347th Session.

459. The Worker spokesperson noted that the reason that special arrangements had been introduced to expand the role of the Screening Group and allow voting by correspondence had been in response to the exceptional circumstances of the COVID-19 pandemic. Given that the circumstances had changed, she agreed that the regular Standing Orders should be applied and the role of the Screening Group should be limited to setting the agenda of the Governing Body. She wondered whether it should be renamed to better reflect its role. Voting by correspondence had been challenging for her group because of a lack of time and difficulties in arranging meetings for proper consultations. As noted in the Office document, face-to-face interaction was vital in the negotiation process and in reaching consensus-based decisions.

460. As to the fast-tracking of potentially uncontroversial items, it was not for the Screening Group to decide which items would be uncontroversial or who could speak in relation to a given topic. Her group could only agree to it if informal online consultations had confirmed that items identified by the Office and validated by the Screening Group were indeed still uncontroversial, and provided that all members of the Governing Body retained the option to speak in relation to all items on the agenda. Her group had proposed to amend subparagraph (c) of the draft decision to delete the reference to “the fast-track approach trialled at that session”, as there was no fast-track procedure under the Standing Orders and such items were often handled quickly anyway. The group could, however, agree to identifying in the agenda items deemed uncontroversial by including an indication that it could be dealt with in an expeditious manner.
461. In relation to the size of the agenda, her group had repeatedly requested that the sessions should last two full weeks. She requested that the sessions be extended by at least half a day on the second Friday; as most members’ return travel was on that day anyway, it would entail only minor additional costs. She was open to the proposal to extend the frequency of follow-up reports on some items; that could be decided on a case-by-case basis. She supported the proposal to identify documents that only required guidance from the Governing Body; however, amendments should still be expected. The tentative order of business with indicative time allocations for each item was useful, but it should provide for sufficient time for discussion to reach consensus.
462. The Workers’ group preferred to return to the previous arrangements for informal consultations. Her group had had difficulties in identifying an appropriate procedure to engage with its members, whether online or in additional in-person meetings, but was open to discussing other formats. The group agreed that speaking rights at technical and expert meetings should continue to be governed by the respective Standing Orders.
463. She noted that, at the current session, many items had entailed lengthy discussions seeking consensus, followed by a vote. Extended sittings should be avoided unless strictly necessary, as they were often counterproductive and reduced the available time for informal consultations within and between groups.
464. **The Employer spokesperson** said that his group supported the Screening Group returning to its original mandate of setting the agenda for the Governing Body, and would be open to a change in name. It was concerning that groups in addition to those corresponding to the four geographical regions specified in the Introductory note to the Compendium of rules applicable to the Governing Body had been taking part in the Screening Group, resulting in some regions being over-represented. He called on the Office to ensure that participation was limited to those who were entitled to participate under paragraph 28 of the Introductory note, and article 7(3) of the 1986 Instrument for the Amendment of the ILO Constitution.
465. His group was in favour of a return to fully in-person meetings in general, but recognized the need for online participation on an exceptional basis, to foster inclusivity and diversity, such as for those unable to travel. However, the right to vote should be limited to those attending in person. The format of group meetings should be decided by each group.
466. His group supported the continued use of the fast-track procedure for uncontroversial items. While the reluctance of some Governing Body members was understandable, the procedure had proven to be a pragmatic compromise in dealing with items quickly when possible, and could be adapted, when necessary.
467. If informal consultations were to be held, they must be meaningful and the Office must take constituents’ input into account. The draft decisions submitted to the Governing Body by the

Office should reflect solutions and compromises identified during informal consultations, even with alternative options.

- 468. The Employers' group** strongly supported the time-management measures introduced during the pandemic; greater efforts needed to be made by all members of the Governing Body to adhere to time limits. His group supported reintroducing the requirement to submit amendments to draft decisions 24 hours in advance. Lastly, background documents must be made available at least 15 days before the session to allow constituents to have the necessary time to prepare for the discussion effectively and meaningfully.
- 469. Speaking on behalf of GRULAC**, a Government representative of Colombia said that remote access to meetings had given national governments in capital cities the opportunity to participate more directly and meaningfully in the day-to-day work of the ILO and to provide enhanced substantive support to Geneva-based delegations. The possibility to participate remotely should be maintained in the Governing Body as well as technical meetings and meetings of experts in accordance with the relevant standing orders. She supported the continued application of the arrangements put in place at the 346th Session of the Governing Body (October–November 2022), including conducting all votes in person. The Office should ensure that all constituents could participate under equality of conditions, including those attending online.
- 470.** The fast-track approach for uncontroversial agenda items should be maintained, provided that participants would have the right to speak when they considered it necessary. Given the heavy agenda, it was unclear why the fast-track approach had not been applied at the present session. Extended sittings had taken place every day, which was unsustainable, not conducive to reaching consensus, left insufficient time for important discussion and had a detrimental effect on the physical and mental well-being of all involved. Her group was amenable to all of the adjustments proposed to the agenda, and underscored the urgent need to find ways of conducting efficient discussions and respecting time limits. That would be difficult without a fast-track procedure for certain items and with the session ending on the second Thursday. Consideration should be given to extending sessions to include the Friday of the second week, especially when the programme and budget proposals were being discussed.
- 471.** She considered it important to hold informal consultations prior to Governing Body sessions, which encouraged the active participation of constituents and allowed them to find common ground ahead of the plenary discussion; she requested the Director-General to allocate the necessary resources to the extent possible. GRULAC supported the draft decision with the amendment proposed by IMEC, but not the amendment proposed by the Workers' group.
- 472. Speaking on behalf of the Africa group**, a Government representative of Libya supported the proposal that future sessions of the Governing Body should be in person, while also allowing for remote participation on request. The arrangements that had been adopted for other official meetings should continue to be applied, such that they could continue to operate in accordance with their respective standing orders. The time-management measures that had been put in place at the 346th Session of the Governing Body (October–November 2022) should be maintained, as should the fast-track approach for uncontroversial agenda items. The Africa group supported the draft decision.
- 473. Speaking on behalf of IMEC**, a Government representative of Canada said that her group supported the continued application of the arrangements that had been in place at the previous session. Providing participants with the opportunity to connect remotely was a key feature of the future of work and would help to reduce the Organization's carbon footprint and promote greater inclusivity.

474. She supported the role of the Screening Group returning to setting the agenda only. She also supported the fast-track approach for uncontroversial agenda items, provided that it would not diminish the oversight function of the Governing Body and that members could request the floor if they had valid issues to raise. Furthermore, reports concerning audit and oversight functions should not be subject to a fast-track approach. She supported the proposal to extend the reporting period for items that might benefit from more implementation time; that would, in turn, allow for more meaningful follow-up by the Governing Body.
475. She supported the continued use of the time-management measures that had been introduced during the pandemic, including limits on speaking times. It was important to avoid evening sittings, which had an adverse effect on the work–life balance of staff and participants. She emphasized the importance of starting sittings on time and keeping ad hoc breaks to a minimum, and agreed that the Chairperson should exercise the prerogative, provided for in the Standing Orders, to request members to make shorter statements when necessary.
476. Her group recognized that there had been a marked increase in the number of pre-session consultations, which were greatly appreciated, as they facilitated exchanges of views and allowed constituents to take more informed decisions during the sessions, particularly when the Office prepared concrete proposals in advance. She asked the Office to advise when it would be difficult or impossible to hold such consultations from a financial or human resources perspective. She requested information on whether there had been a difference in costs between the pre-pandemic sessions of the Governing Body meetings and the current arrangements with remote observers.
477. The amendment that IMEC had proposed to subparagraph (a) of the draft decision was aimed at allowing Governing Body members to connect to sessions remotely upon request for whatever reason, not just an inability to travel to Geneva. The aim of the proposed new subparagraph (d) was for the Governing Body to endorse a return to the pre-pandemic mandate of the Screening Group, whereby it only set the agenda.
478. **The Worker spokesperson** supported both aspects of the amendment proposed by IMEC. Concerning her own group's proposed amendment, she asked the Legal Adviser to clarify the relationship of the fast-track procedure to the Standing Orders. She asked whether it was necessary to introduce an official fast-track approach, when the nature of some items meant that they could be dealt with quickly in any event. Furthermore, the complex nature of certain agenda items provided a legitimate reason for the Worker and Employer spokespersons to exceed the time limit for their opening statements, as they represented an entire tripartite group, whereas Government representatives could speak in a national capacity as well as on behalf of regional groups.
479. **The Employer spokesperson** expressed concern about the proposal to classify all items that did not require in-depth discussion or an urgent decision by the Governing Body as documents for information, as some of those documents could require discussion and a decision, just not an urgent decision. He also expressed concern about the proposal not to include draft decisions in documents that only required guidance from the Governing Body, as the guidance that the Governing Body provided was in fact a form of decision-making.
480. He noted that a number of Governments were in favour of the fast-track approach, but it was disappointing that the Workers' group did not support it. Even if an item was subject to a fast-track procedure, there would always be the option to change to the usual in-depth discussion. His group therefore did not support the Workers' group's proposed amendment.

- 481.** As to the amendment submitted by IMEC, he proposed to reinstate after “attend in person”, the words “or travel to Geneva”, to cover all eventualities. Concerning subparagraph (d), he proposed to replace, after “endorsed the return of the Screening Group to its original mandate”, the words “of setting the agenda of the Governing Body” with “and composition”. That would reflect the Employers’ group’s concern that no Government groups other than the four geographical groups should participate in the Screening Group.
- 482. The Worker spokesperson** noted that the item under discussion, which had been identified as one that could be dealt with expeditiously, had in fact generated a lengthier discussion. She encouraged the Governing Body to remain on topic rather than expanding the debate to include the composition of the Screening Group. She therefore opposed the Employers’ proposed subamendment to add “and composition”. She did not see the need to add “or travel to Geneva”, but could be flexible if there was consensus on that subamendment.
- 483. Speaking on behalf of IMEC**, a Government representative of Canada did not support the Employers’ group’s proposed subamendment, as the composition of the Screening Group had not changed since its creation in 2011 and fell within the principle of the autonomy of the groups. She could support a return to the original draft decision.
- 484. Speaking on behalf of GRULAC**, a Government representative of Colombia said that her group did not support the subamendment on the composition of the Screening Group, as that had not changed, and it was not relevant to the current discussion.
- 485. Speaking on behalf of the Africa group**, a Government representative of Libya said that her group supported the subamendments proposed by the Employers’ group.
- 486. Speaking on behalf of ASPAG**, a Government representative of the Philippines said that a significant majority of her group supported the subamendments proposed by the Employers’ group. It was relevant to discuss the composition of the Screening Group, as it made decisions on the agenda of the Governing Body. ASPAG had consistently drawn attention to the fact that multiple representation within the Screening Group went against the principle of full, fair and equal representation in the ILO’s governance. The non-regional groups currently represented could instead express their views through their respective regional groups. She asked the Legal Adviser to provide details regarding the text governing the composition of the Screening Group.
- 487. The Employer spokesperson** asked whether the Workers’ group could be flexible in not pursuing its own proposed amendment to delete the reference to the “fast-track approach”. As to the original mandate and composition of the Screening Group, he understood that it was based on paragraph 3.1.1 of the Standing Orders of the Governing Body, which stated that the Screening Group would include “the regional coordinators representing the governments”. The text and spirit of the Compendium of rules applicable to the Governing Body was clear that there were four recognized geographical regions of the ILO: Africa, the Americas, Asia and the Pacific, and Europe. Participation in the Screening Group should therefore not include any cross-regional groups, but be limited to those four geographical groups, to ensure fairness. As the representative of ASPAG had said, there was an issue of multiple representation in the Screening Group, for example if both ASPAG and ASEAN spoke on a given point.
- 488. The Worker spokesperson** suggested that, if the term “original” before “mandate” was controversial, it could be changed to “previous”. Furthermore, the representative of IMEC had withdrawn the group’s proposed amendment in favour of returning to the original draft decision. If the Governing Body wished to discuss the composition of the Screening Group, it should be included in the agenda of a future session.

- 489. A representative of the Director-General** (Legal Adviser) in response to a request for clarification by ASPAG, said that in ILO practice the number of geographical regions did not coincide with that of regional coordinators; there were four regions (Africa, Americas, Europe, and Asia and the Pacific) but six recognized regional coordinators. Article 1(1) of the Rules for regional meetings referred to four geographical regions, as did the “List of Members to be invited as full members by region” appended to those Rules. The four regions were also listed in article 7(3)(a) of the 1986 Constitutional Amendment with the further reference in article 7(3)(b)(i) to the States of Western and of Eastern Europe. As for regional coordinators, paragraph 20 of the Introductory note to the Compendium of rules applicable to the Governing Body merely referred to “the regional and subregional coordinators” without defining them. The issue of whether cross-regional groupings should be represented within the Screening Group had been discussed most recently during the sixth meeting of the Tripartite Working Group on the full, equal and democratic participation in the ILO’s tripartite governance,² when the former Deputy Director-General, who had been Chairperson of the Governing Body at the time of the reform package of 2011, had provided details of the original composition of the Screening Group. As a matter of established and, so far uncontested, practice, the cross-regional IMEC had participated in the Screening Group from the outset, but that had not been codified anywhere. The background note to the sixth meeting of the Tripartite Working Group had proposed that it might wish to develop recommendations on any aspects of the composition or functioning of the Screening Group not covered by the existing legal framework, but no recommendations for Office follow-up had been made.
- 490.** In response to a request for clarification by the Worker spokesperson, the Legal Adviser indicated that the term “fast-track” had initially been applied to the specific approach taken under the special arrangements during the COVID-19 pandemic period, whereby the Screening Group – working outside its original mandate – made an initial decision on whether a given item was sufficiently uncontroversial to allow a decision (including a vote, if needed) by correspondence. The aim had been for around two thirds of agenda items to be decided in that way (either before, during or after the designated Governing Body session), for practical reasons. In order to replicate as much as possible the in-person meetings of the Governing Body, there had also been the possibility of supporting a draft decision without objection, of blocking consensus, or of not supporting the draft decision but without blocking consensus. If one or more members blocked consensus, the decision then proceeded to a second stage of voting by correspondence. There had also been the possibility of submitting written comments for publication. That fast-track approach in the form of a ballot by correspondence had worked well during the pandemic. Since the return to in-person meetings, the term “fast-track approach” had been used to refer to a shared understanding not to speak during the consideration of previously identified uncontroversial items. Such an approach fell well within the existing Standing Orders as it did not entail any decision by correspondence or the publication of written comments.
- 491. Another representative of the Director-General** (Director, Official Meetings, Documents and Relations Department) welcomed the general support for the Office’s proposals, notably the emphasis placed on retaining or adapting some practices that had been developed during the COVID-19 pandemic. There appeared to be consensus that the Governing Body agenda was too full and that better time management was required, but not necessarily on the proposals in paragraph 17(b) and (c) of the Office document. There also seemed to be agreement on the need to expedite the handling of certain items. Further discussion was needed on the best way

² See [TWGD/Sixth meeting/Background note](#), paras 9–12, and [TWGD/Summary of proceedings](#), para. 32

to achieve those aims. In terms of costs, hybrid meetings were indeed far more expensive than in-person meetings, as the Office had to provide the connections and have many more technicians in the room. Extended sittings also had cost implications, including for interpretation; for that reason, other international organizations were stricter about the end time of sittings.

- 492. The Employer spokesperson** observed that the proposal to remove the fast-track approach had not enjoyed support. As to the matter of the composition of the Screening Group, it would not be appropriate for the Screening Group itself to make a decision on its own composition, especially because that matter was controversial; rather, the Governing Body should decide on it.
- 493. The Worker spokesperson** proposed that, based on the explanation given by the Legal Adviser of the different uses of the term “fast-track approach”, she could subamend her group’s amendment to subparagraph (c) to refer to “measures to expedite items deemed non-controversial”, rather than “the fast-track approach”. “Measures” was a more general term and might pave the way for more creative solutions to be found in future. The composition of the Screening Group, however, had been discussed under item INS/6 of the present session on the final report of the Tripartite Working Group on the full, equal and democratic participation in the ILO’s tripartite governance. The matter had also been discussed extensively by the Tripartite Working Group itself, which had been unable to reach agreement. Hence, the debate should not be reopened on the basis of the subamendment proposed by the Employers’ group. The message of the proposed new subparagraph (d) was that the Screening Group should return to its pre-pandemic mandate.
- 494. Speaking on behalf of GRULAC**, a Government representative of Colombia expressed support for subparagraph 35(d) as originally proposed by IMEC. Her group did not support the subamendment proposed by the Employers’ group. The current discussion was about measures taken during the pandemic; as the composition of the Screening Group had not changed during the pandemic, and had moreover not changed since its formation, the matter should not form part of the discussion.
- 495. The Employer spokesperson** reiterated that he did not support the amendment to subparagraph 35(c) proposed by the Workers’ group. Concerning his group’s proposed subamendment to subparagraph 35(d), he believed that it had met with support from the Africa group and a significant proportion of ASPAG. There should be fairer regional representation in the Screening Group.
- 496. Speaking on behalf of IMEC**, a Government representative of Canada said that the composition of the Screening Group was not relevant to the current agenda item. The Government group was responsible for its own groupings and discussions would continue on the matter in that forum. IMEC therefore proposed withdrawing its amendments, including the proposed additional subparagraph 35(d), and would support either the original draft decision or the amendment proposed by the Workers’ group to include “measures to expedite items deemed non-controversial” in subparagraph 35(c).
- 497. The Employer spokesperson** thanked IMEC for the clarification concerning proposed subparagraph (d). He said that the concept of the “fast-track approach” had been clearly explained in the document and there was no need to use alternative language. Moreover, he was sure that any approach would continue to evolve. He reiterated his support for the draft decision in its original form and said that displaying amendments on the screen should not encourage bias towards their adoption. It was clear that there was no support for the new subparagraph (d) proposed by IMEC.

- 498. The Worker spokesperson** asked whether members would accept the term “measures to expedite”, in place of “fast-track approach”. It was important to distinguish between the fast track approach that had been employed during the COVID-19 pandemic and the measures in place since the 346th Session of the Governing Body. Regretting the lack of compromise, she asked the Office to clarify the details of the “fast-track approach” used at the 346th Session of the Governing Body.
- 499. Speaking on behalf of IMEC**, a Government representative of Canada said that her group would join an emerging consensus, and could agree to the amendment proposed by the Workers’ group.
- 500. A Government representative of Bangladesh** said that any decision adopted should address the composition of the Screening Group.
- 501. The Worker spokesperson** reiterated her request for an explanation of the precise meaning of implementing “the time-management measures applied at the 346th Session of the Governing Body, including the fast-track approach trialled at that session”, which would apply if subparagraph (c) was adopted unamended.
- 502. A representative of the Director-General** (Director, Official Meetings, Documents and Relations Department) said that the “fast-track” approach trialled at the 346th Session concerned a limited number of items that had been identified by the Screening Group as non-controversial. They had been discussed as a block of items, and constituents had been able to make comments on each of them prior to the adoption of the corresponding decision.
- 503. The Worker spokesperson** said that, in light of the explanation provided, her group was prepared to adopt the draft decision in its original form.
- 504. The Employer spokesperson, GRULAC and the Africa group** supported the adoption of the original draft decision.
- 505. The Employer spokesperson** requested that the minutes reflect the nature of the discussion, with particular regard to the opinions expressed relating to the proposed new subparagraph (d) and the discussion regarding the composition of the Screening Group.

Decision

- 506. The Governing Body:**
- (a) **decided that future sessions of the Governing Body will be held fully in person, with the added possibility for participants who are unable to travel to Geneva to connect remotely upon request to follow the debates and, if necessary, exercise the right to speak;**
 - (b) **recommended that the same modes of participation be applied to other ILO official meetings, where applicable, and in accordance with the Standing Orders for those meetings; and**
 - (c) **requested the Office to continue to implement the time-management measures applied at the 346th Session of the Governing Body, including the fast-track approach trialled at that session to expedite items deemed non-controversial.**

(GB.347/INS/10, paragraph 35)

11. ILO regional meetings: Consideration of possibilities to maintain, discontinue or adapt future meetings (GB.347/INS/11)

- 507.** The Governing Body had before it an amended version of the draft decision, which had been proposed by GRULAC and circulated by the Office, which read:

The Governing Body requested the Office to prepare for its consideration at its 349th Session (October–November 2023) a proposal for the format of regional ~~forums~~ meetings, taking into account the ~~views expressed~~ preferences in the options presented and the guidance provided during the discussion, based on the different experiences of each of the regions.

- 508.** The Governing Body also had before it another amended version of the draft decision, which had been proposed by the Africa group and circulated by the Office, which read:

The Governing Body requested the Office to continue to hold regional meetings in their current form and to prepare, for its consideration at its 349th Session (October–November 2023), scenarios allowing comparable outcomes to be achieved at lower costs ~~a proposal for the format of regional forums, taking into account the views expressed and the guidance provided during the discussion.~~

- 509. Speaking on behalf of GRULAC,** a Government representative of Colombia said that her group was satisfied with the regional meetings, and the value of their intangible benefits exceeded the costs. The conclusions and declarations from American regional meetings had proven useful in identifying the region’s shared priorities and challenges. The outcome of the meetings had served to bolster her group’s position within the decision-making bodies of the ILO and promoted its priorities in various important processes, such as the development of the programme and budget, the Strategic Plan, DWCPs and programme implementation reports. Follow-up to regional meetings was a priority for her group. Closer cooperation with regional and country offices was required to ensure continuity and relevance of the outcomes, and follow-up should be evaluated to avoid duplication of efforts between the ILO and national authorities. Her group had proposed potential sources of savings in addition to those listed in the document.
- 510.** GRULAC would prefer to maintain the status quo as outlined in option 1. Under that option, the format of the regional meetings should respond to the particular needs of each region, ensure efficient time management and the full participation of all constituents, and provide spaces for knowledge-sharing and networking to maintain the intangible benefits. All possible savings should be implemented, and policy outcomes and outputs should be aligned with the conclusions adopted to ensure timely follow-up from regional offices and headquarters.
- 511. Speaking on behalf of the Africa group,** a Government representative of Morocco said that the regional meetings in Africa had served as a springboard for the development of national programmes and policies and regional and international instruments, and had strengthened cooperation with the Office, both at headquarters and in the field. They had also served to advance the Decent Work Agenda, as reflected in the Abidjan Declaration and its implementation plan. Innovative tools should be adapted and developed to remedy the shortcomings in follow-up to the regional meetings. He would appreciate additional information on the redeployment of the potential cost savings made by discontinuing regional meetings and on the capacity to create additional offices. Since staffing accounted for a significant proportion of the meeting costs, his group proposed that a study should be carried out in that regard, that considered innovative means of mobilizing further resources.

- 512.** The Africa group favoured maintaining regional meetings and had circulated a proposed amendment to that effect. He wondered why the draft decision referred only to option 4 (move from ILO regional meetings to ILO regional forums). He requested further explanation of the nature and outcome of that option. The option chosen should continue to adhere to the Rules for regional meetings, including the parts on Credentials Committees and the participation of tripartite delegations.
- 513. The Employer spokesperson** said that many constituents, especially those in remote regions, valued the opportunity presented by regional meetings to exchange experiences and provide feedback to the Office on their situation, needs and priorities. The discussions and outcomes of the regional meetings were key inputs for the work carried out by regional offices and fed into the work of the ILO at headquarters. She noted that the wording of the draft decision appeared to anticipate the selection of option 4. However, she was concerned that the main purpose of that option seemed to be to promote the Global Coalition for Social Justice, which had not yet been defined, and that regional forums did not adopt formal conclusions; instead, summaries drafted by the Office, rather than by the tripartite constituents, would be put forward for endorsement. Regional meetings must be grounded in reality and be constituent-led. Her group could not accept any new format that would remove the possibility for the tripartite constituents to discuss and agree on an outcome document. Great examples of short and straightforward outcome documents had been produced at regional meetings in recent years. More should be done to analyse the outcome documents from regional meetings to identify common and differing priorities and challenges, implement agreed action, and provide input for the programme and budget, the Strategic Plan, DWCPs and the programme implementation report. In particular, the Office should consider different ways of presenting regional priorities and regional analyses in institutional documents.
- 514.** Her group favoured the third option (attach ILO regional meetings to sessions of the International Labour Conference or regional gatherings), which would increase efficiency and impact while lowering costs. In particular, an ad hoc approach by region should be explored, in line with option 3.4. Consideration could be given to the adoption of a more interactive format with fewer prepared speeches; the possibility for the work of the Credentials Committee to be carried out by an equally effective intersessional mechanism; the length and type of input to be prepared; and the frequency and duration of meetings.
- 515.** Noting that the Director-General's Programme and Budget proposals for 2024–25 made no reference to budgetary allocations for regional meetings, the Office would need to reintroduce or earmark an allocation, depending on the decision taken. She asked whether funds had been earmarked for the regional meetings that were already scheduled to take place. Recalling that many Governments opposed the 0.2 per cent budget increase, she was concerned how the Office would manage the various competing priorities, and would like the budget of regional meetings to be reintroduced in the Programme and Budget for 2024–25. She had noted the proposed amendments by GRULAC and the Africa group, and wished to hear the comments of the Governments and the Workers' group before pronouncing on the draft decision.
- 516. The Worker spokesperson** said that attendance at regional meetings remained high and the main consideration was not the actual cost of the meetings, but whether they represented value for money. His group preferred option 4, but with certain caveats. Although lengthy conclusions should be avoided, sufficient information about ILO activities at the regional level, including a list of projects and division of resources under various outcomes, should be made available. A short supporting report would allow participants to discuss the presence of the ILO in the field. Special sessions covering issues such as the MNE Declaration should be maintained. His group opposed the complete removal of a general debate; regional gatherings

were important to raise issues related to respect for workers' rights and, if they did not allow for an exchange of views, they would become irrelevant. The Workers' group was opposed to the idea of an ad hoc approach by region, as set out under option 3.4, since that would raise questions as to who would make such decisions and on what basis. Furthermore, as attaching ILO regional meetings to existing regional gatherings organized by other entities might lead to uncertainty regarding rules on participation, the ILO should maintain full control of the activities, and ensure the engagement of other institutions.

- 517.** The main goal of the regional meetings should be to promote ILO principles and values, its normative framework, and the Global Coalition for Social Justice. Networking should be carried out to design and implement new proposals at the regional level and to take stock of what had been achieved and what had yet to be achieved. The agenda of the forums, which could be decided by the regions at the initiative of the regional offices, should promote continuity between sessions of the International Labour Conference and the implementation of their outcomes. Meetings should be held over periods of four days, one of which should be dedicated to thematic reports on topics such as the implementation of the MNE Declaration and follow-up on the ILO supervisory system. The format should consist of one opening sitting, interactive debates in plenary and subregional events organized by the ILO in a tripartite setting. Outcome and follow-up should comprise a summary of key issues, which might include a list of priorities, acknowledgement of reports and a commitment to continue working, agreed by a tripartite drafting group. Informal mid-term reviews at the regional level or annual reports from regional directors might be helpful and improve the meetings' dynamic. With regard to participation, the Credentials Committee should be retained, since Governments might otherwise be tempted to send partial delegations either to reduce costs or avoid scrutiny over issues related to violations of fundamental rights. He had noted the amendments proposed by GRULAC and the Africa group, and wished to hear the views of the Office regarding the draft decision.
- 518. Speaking on behalf of ASPAG,** a Government representative of the Philippines was pleased to note that the evaluative assessment had taken into consideration the mid-term review of the Bali Declaration, recognizing the progress that had been made, and noted that the priorities of the Declaration had been mainstreamed into programming and resource mobilization exercises. However, the finding that it was difficult to attribute those gains to the Declaration was a concern. It was also regrettable to note the programmatic shortcomings of the regional meetings that had been outlined in the report. ASPAG members considered the conclusions adopted by regional meetings to be national policies that should be taken into account when defining the agenda of the Organization. During the discussion on the Programme and Budget proposals for 2024–25, ASPAG had requested the Office to pay closer attention to the priorities identified in the Singapore Statement adopted at the Asia and the Pacific Regional Meeting in December 2022. That request underscored the connection that it expected to see between regional declarations and the Organization's policies, programmes and plans, and supported its long-standing aspiration for the democratization of the ILO's governance.
- 519.** Regional meetings bolstered the ILO's ambition to reinforce social dialogue and tripartism, which were at the heart of its existence. They also offered opportunities for networking and knowledge exchange between Member States and the social partners. The discussions at such meetings led to the adoption of common regional strategies, positions, partnerships and projects, and guaranteed regional ownership of the Decent Work Agenda. That was why they must be maintained.
- 520.** Some members of ASPAG were not in a fiscal position to maintain Permanent Missions in Geneva or to send representatives to meetings there. For those countries, regional meetings

were an opportunity to join the conversations about priorities and challenges. They were also an opportunity for bilateral and multilateral discussions with other Member States and development partners. It was true that not all ASPAG members had attended the Asia and the Pacific Regional Meeting in 2022, and the Office should identify the underlying reasons for that and take the feedback into account when considering future arrangements. The Office should also consider innovative ways of achieving greater gender balance among participants.

- 521.** ASPAG shared the concerns raised by the Office regarding cost efficiency and would be in favour of streamlining the regional meetings, revisiting their format and redefining their contents and expected outputs, among other things. It also supported the recommendation to reduce the number of ILO staff in attendance. It would welcome further dialogue on how the meetings could be reformed in the name of economy, efficiency and effectiveness. With regard to the options presented in the report, ASPAG supported option 3.4 and option 4, subject to further consultation on structure. ASPAG supported the draft decision.
- 522. Speaking on behalf of the EU and its Member States,** a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, Republic of Moldova, Montenegro, Serbia, Iceland and Norway aligned themselves with her statement. She reaffirmed the group's preference for a holistic approach to the future of regional meetings. Such meetings supported the global governance of the ILO and offered an opportunity for tripartite discussions on the programming and implementation of the ILO's activities in the region. An ad hoc approach to such meetings would not provide the coherence required; whatever option was chosen, it should apply equally to all regions.
- 523.** Recognizing that the fourth option presented in the report had garnered broad support and had been flagged as the way forward by the external consultants, her group agreed that the proposed four-year trial period seemed to be a productive approach. The group agreed with the added value of regional forums, as outlined in the report. However, it did not agree with the proposal to connect the regional forums with the Global Coalition for Social Justice, which had not yet been established, as the scope of potential future forums should not be limited. It agreed with the proposals in respect of frequency and duration, and appreciated that efforts had been made to reduce costs while preserving the impact and value of regional meetings. In that regard, having no general statements in the plenary would allow for greater focus on tripartite panel discussions and technical workshops. Her group also welcomed the intention to enhance follow-up and increase the effectiveness of regional meetings. It was of the utmost importance to maintain the tripartite nature of such meetings. The group supported the draft decision.
- 524. A Government representative of Niger** said that regional meetings supported the ILO's governance and presented an opportunity for the tripartite delegations to examine the Organization's programmes and their implementation in the regions. Like many others, her Government appreciated the opportunity for knowledge- and experience-sharing offered by the regional meetings, as well as the potential for informal consultations on issues relating to decent work. Her Government welcomed the initiative to review the format of such meetings, but only in order to make them more effective and efficient. It looked forward to being able to continue its pursuit of various important regional initiatives and to continue regional dialogue in an effort to find solutions to the serious challenges of access to decent work and the promotion of social justice.
- 525. A Government representative of Argentina** said that the conclusions adopted at the 19th American Regional Meeting in Panama in 2018 had been very useful in identifying shared regional priorities and challenges. Although holding regional meetings was optional, under

article 38 of the ILO Constitution, his Government believed that they were imperative, as they promoted regional tripartite social dialogue, contributed to the development of strategic alliances and were an important part of the ILO's governance at the regional level. Regional meetings also provided opportunities to share knowledge and skills among Member States and to promote national and regional programmes and policies. In Argentina, the conclusions of the regional meetings were an important component in drafting DWCPs, for example. Regional meetings must be continued, alongside other international initiatives such as the Multilateral Partnership for Organizing, Worker Empowerment, and Rights (M-POWER), which his Government strongly supported. He supported the draft decision, as amended by GRULAC.

- 526. A Government representative of Pakistan** endorsed option 4, since new regional forums would provide more effective and meaningful platforms for networking and exchange among Member States. They would be a dedicated space for members to share policy solutions and best practices. By identifying major regional and subregional trends, they would facilitate the development of collective strategies to address common challenges and strengthen their efforts to promote decent work and achieve social justice. They would also provide a valuable opportunity for governments to engage with other stakeholders, and to showcase innovative approaches and initiatives that could be replicated across the region. His Government was committed to actively participating in the regional forums.
- 527. A Government representative of China** said that regional meetings played an important role in the ILO's governance and achieved many practical and productive outcomes. For instance, following in-depth discussions on various topics, the conclusions of the 17th Asia and the Pacific Regional Meeting in Singapore had set out priorities for action for a human-centred recovery in the region.
- 528.** Different regions had different levels of economic development, different labour markets and distinct characteristics in terms of demographic structure, industry and climate. Although some challenges were shared, many were different. The Office should provide platforms where the tripartite constituents could discuss more targeted priorities for action and promote social justice in the regions. Discontinuing the meetings was not an acceptable option and efforts should be made to make improvements based on a comprehensive assessment of the benefits and shortcomings of the current system. China supported the original draft decision.
- 529. A representative of the Director-General** (Director, Official Meetings, Documents and Relations Department) said that, while the discussion had reflected a diversity of views, it was generally agreed that there was scope for improvement. He noted the calls to make regional meetings more cost effective and to enhance their impact, specifically by enhancing the link between regional meetings and regional and national planning and programming processes. He recalled that, according to the ILO Rules for regional meetings, regional meetings served "to advance, at the regional level, the strategies decided by the International Labour Conference and the Governing Body, thus enhancing the ILO capacity, pursuant to the Social Justice Declaration, to achieve the strategic objectives by translating them to regional and national realities". In addition, flexibility and tripartite ownership were "two key aspects of the functioning of regional meetings". That ambition had been the goal of the initiative to examine how to optimize the regional meetings and make them more meaningful, and had been reflected in the consultants' report. The Office would take the insights of that report, together with the guidance provided by the Governing Body, and conduct further analyses and consultations in order to fine-tune proposals for the optimization of regional meetings.
- 530.** Responding to questions that had been raised relating to budgetary matters, he clarified that, although the Programme and Budget proposals for 2024–25 did not include an earmarked

allocation for regional meetings, once the Governing Body had decided on the future format, duration and frequency of those meetings, the costs would be absorbed under the budget for policymaking organs or from savings from other parts of the budget.

- 531. The Employer spokesperson** recognized that the vast majority of Government representatives who had spoken had echoed the points that she and the Worker spokesperson had made. She reiterated that it was important to have serious, substantive meetings; to have them in a tripartite setting; to have conclusions that would feed into both regional policy and the global policymaking; and for each region to have the flexibility to determine what exact format their meetings should take. A one-size-fits-all approach, as proposed by the EU, was not appropriate; instead, a flexible approach that took into account the needs and wishes of each region should be adopted.
- 532.** The amendments proposed by GRULAC and the Africa group were largely consistent with one another, so perhaps there could be a way to formulate a consolidated amendment, maintaining the term “meetings” rather than “forum”, and making reference to the needs of the constituents and of the regions, while also seeking greater cost-efficiency and examining different formats. The Employers’ group was open to considering both amendments.
- 533. The Worker spokesperson** said that the importance of the regional meetings had been echoed loud and clear from various members, both in terms of their impact and their value. It had also been emphasized once again that it was important to maintain those meetings in some form. What was important was their content, as well as making them more cost-effective.
- 534. Speaking on behalf of GRULAC**, a Government representative of Colombia said that having listened to the discussion, the amendments proposed by her group and the Africa group appeared to be complementary. Therefore, she proposed a subamendment adding the phrase “taking into account the different experiences of each of the regions, presented during the discussion” to the end of the draft decision as amended by the Africa group. That wording would cover option 3.4, as outlined in the report, which had received support from a number of groups and was similar to the last part of her group’s original proposed amendment.
- 535. The Director-General** said that the words “presented during the discussion” were redundant, as regional differences should be taken into account whether or not they had been presented during the discussion.
- 536. Speaking on behalf of GRULAC**, a Government representative of Colombia clarified that it was the specific views of each region on the options set out in the document that should be taken into account.
- 537. The Worker spokesperson** said that the importance of continuing regional meetings should be highlighted and his group stood ready to harmonize the three proposed amendments into one that enjoyed consensus.
- 538. Speaking on behalf of the Africa group**, a Government representative of Morocco said that as the text displaying all the suggested amendments and subamendments had become confusing and, for the sake of clarity, discussions should continue on the basis of the proposal by GRULAC to combine its initial amendment with the amendment proposed by the Africa group.
- 539. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden proposed that in view of the apparent consensus that the outcomes of meetings should be comparable but achieved at a lower cost, the draft decision should read: “The Governing Body requested the Office to prepare for its consideration at its 349th Session

(October–November 2023) an updated proposal for the continuation of the regional meetings with comparable outcomes achieved at lower cost, taking into account the views expressed and guidance provided during the discussion.”

540. **The Employer spokesperson** said that the Governing Body should focus on the two tabled amendments submitted by GRULAC and the Africa group and on the proposal to merge the two. Her group could support the latter as it conveyed the need to continue regional meetings, allowed for the flexibility to continue discussions and contained a request to the Office to make proposals based on the views expressed and guidance provided during the current discussion.
541. **The Worker spokesperson** agreed that the proposal to merge the two initial amendments was the best option but was reluctant to include the words “to lower costs”, which could lead to a situation where some constituents no longer attended meetings in the name of lowering costs. “Cost-effective” would be a better formulation. As to the term “comparable outcomes”, the Workers’ group would be grateful to discuss its meaning in greater detail.
542. **A Government representative of Mexico** said that the proposal by GRULAC to merge the two initial proposed amendments seemed to be a good basis on which to work. In view of that consideration and the concern expressed by the Workers’ group, she suggested a subamendment to replace the words “at lower cost” with the words “in a cost-effective manner”, and to end the draft decision with the words “of the regions”.
543. **Speaking on behalf of ASPAG**, a Government representative of Japan said that ASPAG could support the proposal combining the two initial proposed amendments but suggested a further subamendment to remove the words “in their current form”.
544. **The Employer spokesperson** supported the amendment as subamended by the Government representative of Mexico and ASPAG.
545. **Speaking on behalf of GRULAC** the Government representative of Colombia said that GRULAC could support the amendment as subamended by the Government representative of Mexico and ASPAG. The difference in views and visions expressed by constituents during the discussion should be reflected in the draft decision.
546. **Speaking on behalf of the EU and its Member States**, the Government representative of Sweden supported the amendment as subamended by the Government representative of Mexico and ASPAG but said that the earlier proposed subamendment to include the words “, taking into account the views discussed and the guidance provided during the discussion” should be included as the final clause of the draft decision.
547. **The Worker spokesperson** requested an explanation of the precise meaning of “comparable outcomes”.
548. **The Government representative of Morocco** clarified that the Africa group had included the notion of “comparable outcomes” to guard against a drop in standards that could arise from lowering costs.
549. **The Government representative of Spain** said that the expression “comparable outcomes” appeared in paragraph 31 of document GB.347/INS/11 and, in the context of the document, clearly referred to maintaining the impact and added value of the meetings while reducing costs. The Governing Body should proceed on that understanding, as the draft decision would appear in the document and would therefore be understood in context.
550. **Speaking on behalf of GRULAC**, the Government representative of Colombia said that GRULAC could support the subamendment proposed by the Government representative of

Sweden on behalf of the EU and its Member States. However, she wished to make clear that GRULAC would have preferred the wording it had suggested in its original proposal.

551. The Worker spokesperson said that his group could support the draft decision, as amended.

Decision

552. The Governing Body requested the Office to continue to hold regional meetings and to prepare for consideration at its 349th Session (October–November 2023) scenarios allowing comparable outcomes to be achieved in a cost-effective manner, taking into account the different views expressed and guidance provided during the discussion.

(GB.347/INS/11, paragraph 5, as amended by the Governing Body)

12. Follow-up to the resolutions concerning Myanmar adopted by the International Labour Conference at its 102nd (2013) and 109th (2021) Sessions (GB.347/INS/12)

553. A representative of the Director-General (Regional Director for Asia and the Pacific), reporting on developments since the publication of the Office's document on 22 February 2023, said that violence, including extrajudicial killings, indiscriminate airstrikes, arbitrary detentions, torture, sexual violence, the burning of houses, the burning of people alive, the denial of fair trial rights and other human rights violations committed by the military authorities and its affiliates against the civilian population continued unabated and, in some areas, the situation was becoming worse. The previous week, media outlets had reported that at least 28 people sheltering in a monastery in a border town in Shan State, together with 3 monks, had been executed by the military. Thousands of people continued to be displaced by clashes and insecurity, with the total number of persons displaced since the military takeover standing at around 1.3 million. The military authorities continued to instrumentalize the legal framework to target anyone opposing its rule by unilaterally promulgating laws to suppress dissent. Since the Office document had been prepared, the number of townships in which martial law was imposed had risen from 43 to 47. Trade unionists, labour activists and anyone peacefully opposing the military takeover remained in danger of arbitrary imprisonment. Many activists were in hiding. Furthermore, faced with rising living costs, suppressed wages and greater job insecurity, workers in Myanmar were under significant pressure to make ends meet.

554. On 13 March 2023, the Special Envoy of the UN Secretary-General on Myanmar had met with the UN Security Council to provide an update on the situation in Myanmar, which had seen no improvement since the adoption of Security Council resolution 2669 (2022). On 16 March, the Special Envoy had delivered a briefing to the General Assembly, highlighting the continuous violence and oppression and the growing hardship faced by the people of Myanmar and also urging States to support the 2023 Joint Response Plan for the Rohingya humanitarian crisis.

555. The Permanent Mission of the Republic of the Union of Myanmar to the UN Office and other international organizations in Geneva had sent a letter dated 17 March 2023 to the Office, commenting on the content of the document; however, that letter had not been received until 20 March 2023, just two days prior to the current discussion. Nevertheless, she said that the Office stood by the multiple sources of information that had contributed to the document.

556. Further new developments included the lifting of restrictions on the ILO's main bank account on 16 February 2023 and the extension until 1 September 2023 of the ILO Liaison Officer's

multiple-entry visa for Myanmar, which had expired on 2 February 2023. She noted, however, that the ILO account in another bank remained restricted.

- 557. The Employer spokesperson** expressed his group's strong concern about the deteriorating humanitarian situation in Myanmar. Crisis was becoming entrenched: lives and livelihoods continued to be lost and grave violations of fundamental rights and freedoms continued to be committed. The Employers' group was particularly concerned about developments relating to forced labour and freedom of association violations. The group acknowledged the persisting obstacles faced by the ILO Liaison Office in Myanmar (ILO–Yangon) in carrying out its mandate and thanked the staff of that Office for its endeavours to that end in such an uncertain environment. The resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021) and the decisions adopted by the Governing Body at its previous sessions remained relevant. Noting that the work of the Commission of Inquiry was under way, he welcomed the cooperation and engagement of all those involved and looked forward to receiving the Commission's report well before the 349th Session.
- 558.** In the future, the Governing Body must be guided by a human-centred approach and by its commitment to fundamental rights and principles at work, including its commitment to ensure that freedom of association was respected and upheld once more in workplaces and industries in Myanmar. In addition, ASEAN, of which Myanmar was a Member State, had an increasingly critical role to play in continuing to lead diplomatic efforts with Myanmar with a view to ensuring observance of the norms and standards of the global community. The group supported ASEAN's Five-Point Consensus.
- 559.** The Employer's group joined the call for the military authorities to cease hostilities and violence and for all parties to pursue a peaceful resolution to the crisis. He supported the draft decision.
- 560. The Worker spokesperson** expressed thanks to the ILO staff in Myanmar for continuing their work under extremely difficult circumstances. Two years following the takeover by the military authorities, she called for renewed global efforts to restore democracy and reiterated her group's strongest condemnation of the military authorities' continuous indiscriminate attacks and extreme violence against civilians, including trade unionists, children, peaceful protestors and students demanding rights and democracy.
- 561.** Public reports and trade union testimonies clearly indicated that the military authorities were adopting a collective punishment strategy that targeted civilians seen as the "support base" for the civil disobedience movement or alleged to be collaborating with armed resistance groups. Trade union representatives and medical and humanitarian aid workers had reported increased violence and human rights violations against civilians. The extension of the state of emergency in 47 townships would allow the military authorities to continue make arrests without warrant and sentence people to life imprisonment or even death for exercising their freedoms. Trade union and labour leaders had been put on trial and sentenced in closed courts in 2022 where witnesses were selected by the prosecution and due process was not observed.
- 562.** The new Organization Registration Law of November 2022 placed restrictions on the rights, work activities and finances of domestic and international non-governmental organizations in Myanmar and would subject them to significantly closer scrutiny, including through information surveillance. The custodial penalties for violations of the Law were disproportionate and clearly violated the principle of freedom of association. The military authorities continued to criminalize the exercise of freedom of expression and were extending digital surveillance to the civilian population. In the absence of a legal framework on privacy and data protection, the military authorities had introduced new and intrusive requirements

for access to digital banking services and requested banks to freeze the mobile wallet accounts of targeted individuals. The Special Rapporteur on the situation of human rights in Myanmar had expressed concern about the steps taken by the military authorities to hold an election, which could not, under current circumstances, be genuinely competitive or inclusive.

- 563.** The ITUC had documented 413 arrests of trade unionists and worker activists for participating in civil disobedience movement protests and the deaths of 101 trade union and worker activists who had been killed by the military authorities or had died since the military takeover. Since the 346th Session of the Governing Body, the General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation had been sentenced to two years' imprisonment with hard labour and a fine under the Unlawful Association Act; the head of the Confederation of Trade Unions Myanmar (CTUM) Communication Department and the leader of the Industrial Workers' Federation of Myanmar had been sentenced to three years' imprisonment with hard labour and had been tortured and sexually abused while in police custody; a CTUM central committee member had been sentenced to two years' imprisonment, fined and pressured to resign from his post as a central committee member; the director of a member organization of the Myanmar Labour Alliance had been sentenced to seven years' imprisonment under the Anti-Terrorism Act and a staff member of that same organization was facing an arrest warrant for multiple charges under the Peaceful Assembly and Peaceful Demonstration Law. Other unionists had been driven into hiding after learning of the issuance of arrest warrants against them. Normal trade union work could not take place in townships under a state of emergency, which banned gatherings of more than five persons. At a meeting held in Yangon on 24 February 2023, Ministry of Labour officials pressured the attending trade unions to dissociate from the National Unity Consultative Council, which they accused of being a terrorist organization. Trade unions had faced pressure from the military authorities to organize new leadership elections or face the invalidation or deregistration of their organization. In addition, the military authorities had unilaterally replaced elected trade union representatives in the conciliation and arbitration bodies by inexperienced workers, thereby undermining the credibility of those bodies. Moreover, workers filing complaints to conciliation bodies or employers were often threatened, dismissed or reported to the military authorities. In the garment sector, employers ignored collective agreements and flouted labour laws. Dispute settlement agreements were not implemented. Workplace coordination committees were being formed, with strong interference from employers, to replace trade unions.
- 564.** The practice of forced labour in the private sector had persisted under democratic rule in Myanmar but had significantly worsened in the aftermath of the military takeover. There was a clear trend towards the structural use of forced labour by the military authorities and the abuse by employers of the climate of trade union repression to impose exploitative wages and working conditions.
- 565.** On behalf of the international trade union movement, the Workers' group called on governments to recognize the National Unity Government and on businesses with links or operations in Myanmar to cut all ties to avoid perpetuating the military regime. The Workers' group supported the draft decision.
- 566. Speaking on behalf of the EU and its Member States,** a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, the Republic of Moldova, Türkiye, Iceland, Norway and Switzerland aligned themselves with her statement. The EU and its Member States were deeply concerned about the continuing escalation of violence and the evolution towards a protracted conflict with regional implications and again condemned in the strongest terms the ongoing and widespread human and labour rights violations and abuses perpetrated by the military authorities throughout Myanmar. The detention and persecution

of trade unionists and workers, as well as the threats and acts of serious violence and torture against them, were of particular concern. He commended the courage of trade unions and labour rights organizations that continued to function under duress. He again urged Myanmar to ensure that workers' and employers' organizations were able to exercise their rights in a climate of freedom and security free from violence, arbitrary arrest and detention. The reported military interventions in industrial disputes that prevented workers from asserting their rights and from stating their demands freely during protests and strikes were worrisome. He also expressed deep concern about the continued cases of forced labour and the abduction of children for the purposes of indoctrination or for use as guides, human shields or porters. He continued to urge Myanmar to uphold fully and without delay its obligations under all ratified Conventions, including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Forced Labour Convention, 1930 (No. 29), and the Worst Forms of Child Labour Convention, 1999 (No. 182).

- 567.** The fact that the authorities of Myanmar were making it difficult for the ILO–Yangon staff to carry out their work was deeply regrettable. He praised the ILO's efforts to deliver technical assistance on development cooperation projects to support Myanmar nevertheless, including an EU-financed project supporting capacity-building for trade unions and employers. He urged the Myanmar authorities to ensure that the Office was able to interact freely with workers' and employers' organizations in the country, continued to support the efforts of ASEAN and the UN to find a peaceful solution to the crisis, and reiterated the full support of the EU for the ongoing investigations of the Commission of Inquiry. He supported the draft decision.
- 568. Speaking on behalf of Australia, Canada, New Zealand and the United Kingdom,** a Government representative of Canada said that it was profoundly regrettable that, according to the Office, no demonstrable progress had been made since its report to the Governing Body at its 345th Session (June 2022). The fact that the situation had deteriorated even further, exacerbating an already severe humanitarian and human rights crisis, was of deep concern. She called on the Myanmar military regime to immediately cease violations of international human rights laws, to halt all violence against civilians and to release all those arbitrarily detained. She strongly urged the regime to swiftly and meaningfully implement the ASEAN Five-Point Consensus. She reiterated support for the Special Envoy of the UN Secretary-General on Myanmar, the Special Rapporteur on the situation of human rights in Myanmar and Security Council resolution 2669 (2022). She also urged the regime to uphold its obligations under ILO Conventions Nos 87 and 29, to immediately and fully implement the recommendations of the Committee of Experts on the Application of Conventions and Recommendations and the CAS, and to fully cooperate with the Commission of Inquiry as it conducted its work.
- 569.** She expressed sincere appreciation for the work of the ILO–Yangon staff members and commended their commitment and determination to deliver technical assistance to the social partners in Myanmar. She urged the regime to allow them to continue their important work without interference, intimidation or limitation, including by removing visa and banking restrictions. The regime must engage in meaningful and inclusive dialogue in order to return to the path of democracy. She supported the draft decision.
- 570. A Government representative of Japan** expressed deep concern about the extension of the state of emergency by the Myanmar military and its failure to take positive steps towards achieving political progress. He strongly urged the military to stop the violence, release all detainees and restore Myanmar's democratic political system. He commended the ILO's efforts to continue providing technical assistance despite difficulties and asked Myanmar to cease its interference, remove all restrictions on the operations of ILO–Yangon and fully cooperate with

the Commission of Inquiry. The Governing Body should closely monitor whether Myanmar was doing the latter. He supported the draft decision.

- 571. A Government representative of the United States** said that she remained deeply concerned about the worsening political, economic and humanitarian crisis in Myanmar. Her Government was outraged by reports that the military regime continued to force civilians, including children, to work in combat and non-combat roles in conflict areas. The regime had maintained its designation of at least 16 labour unions as illegal while pursuing politically motivated criminal charges and violence against trade union leaders and labour rights advocates. She strongly opposed its decision to extend the state of emergency rather than descale its violence and pursue national reconciliation and inclusive dialogue. The regime's most recent legislative crackdown on civil society frustrated the operations of non-governmental organizations and prevented the most popular political parties from contesting national elections.
- 572.** Her Government remained committed to supporting the people of Myanmar and, in view of the pressure on trade unions, called for continued support for workers in supply chains in Myanmar and a strong focus on responsible business conduct. She encouraged the military regime to treat ILO–Yangon in the same way as other Myanmar-based UN organizations, including by approving visas for international staff and not impeding financial operations. She welcomed the Director-General's public call for the immediate and unconditional release of the General Secretary of the Myanmar Industry, Crafts and Services Trade Union Federation and all trade unionists and other persons arbitrarily detained since the military takeover. She also welcomed the fact that the Commission of Inquiry had begun its work and called on the military regime to cooperate with the Commission, including by granting full and unhindered access to Myanmar. She supported the draft decision.
- 573. A representative of the Director-General** (Regional Director for Asia and the Pacific) welcomed the words of appreciation for the colleagues working in ILO–Yangon who, despite numerous challenges, were committed to continuing their support for workers' and employers' organizations in Myanmar.
- 574. Another representative of the Director-General** (ILO Liaison Officer for Myanmar) said that he could vouch for the safety and security of all staff members in ILO–Yangon. Unlike at other UN agencies present in Myanmar, there had been no incidents or accidents at the ILO affecting staff safety and security and the ILO had received no criticism on social media for engaging inappropriately with the military authorities in Myanmar. He and his colleagues in ILO–Yangon were grateful to the members of the Governing Body for their words of appreciation and support, in particular in the decision adopted at the 342nd Session (June 2021).³ They would continue to provide technical assistance to the social partners and support the people of Myanmar.

³ See GB.342/PV, para. 56(g).

Decision

575. In the light of the developments in Myanmar outlined in document GB.347/INS/12 and recalling the resolution for a return to democracy and respect for fundamental rights in Myanmar adopted by the International Labour Conference at its 109th Session (2021), the Governing Body:

- (a) **recalled the terms of the decision of the June 2022 Governing Body session, which remain valid and relevant in their entirety;**
- (b) **decided to remain seized of the matter and requested the Director-General to keep it regularly informed of all further developments.**

(GB.347/INS/12, paragraph 26)

13. Follow up report on further developments concerning the Social Dialogue Forum and the implementation by the Government of the Bolivarian Republic of Venezuela of the agreed plan of action to give effect to the recommendations of the Commission of Inquiry in respect of Conventions Nos 26, 87 and 144 (GB.347/INS/13(Rev.1))

576. The Government representative of the Bolivarian Republic of Venezuela (Minister of People's Power for the Social Process of Labour) was authorized to speak in accordance with paragraph 1.8.3 of the Standing Orders on a matter concerning his Government. He welcomed the attention paid to his country by the Director-General since assuming office and reiterated his Government's commitment to complying with its international obligations, the decisions of the Governing Body and his Government's national policy to strengthen social dialogue with actors in the world of work. The recent third session of the Social Dialogue Forum, held from 30 January to 1 February 2023, had included employers' and workers' organizations and had received valuable technical assistance from the ILO's multidisciplinary team.

577. During the Social Dialogue Forum, progress had continued in improving the country's compliance with the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). There had been constructive dialogue on important labour issues, recognizing that the country was besieged by illegal unilateral coercive measures that had directly disrupted the peace, employment stability and economy of the country and therefore hindered the Government's ability to guarantee the fundamental rights of all its people. Nevertheless, the Social Dialogue Forum had facilitated bipartite and tripartite dialogue meetings dealing with the important issues of freedom of association, minimum wage-fixing machinery and tripartite consultation, as well as issues relating to the particular situations of the employers' and workers' organizations, as requested, to clarify views and take note of issues related to other national public authorities, in order to help facilitate solutions.

578. Various activities involving the Government and the social partners had taken place under the plan of action developed during the second and third sessions of the Social Dialogue Forum. Those included a meeting between the Ministry of People's Power for the Social Process of Labour and the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) on land cases with a view to establishing a mechanism to streamline and monitor cases relating to Convention No. 87 and to continue channelling them to the National Land Institute for resolution. To date, three such cases had been settled. The

technical body that would decide on the minimum wage-fixing method had been formally established, and a second meeting on the subject had been held at which it had been agreed to work on a proposed method and examine the internal and external factors affecting minimum wage. A meeting was also planned with the Venezuelan Anti-Blockade Observatory to discuss the impact of the unilateral coercive measures on the setting of the minimum wage, as well as other meetings relating to social, economic and labour indicators, with the participation of government experts, employers' and workers' organizations and the ILO.

- 579.** Three technical bipartite meetings had been held with the Confederation of Workers of Venezuela, the Independent Trade Union Alliance Confederation of Workers of Venezuela and FEDECAMARAS on specific allegations of detentions, judicial proceedings or other precautionary measures alleged to relate to the exercise of lawful trade union activities by members of those organizations. It had been agreed to streamline those cases through an instrument that would facilitate follow-up by the Public Prosecutor's Office and the competent national courts. The Bolivarian Republic of Venezuela respected unconditionally the right to freedom of association; no one in the country had been deprived of liberty for trade union activity. Some trade union leaders had, however, faced criminal prosecution for other reasons. The Government was determining the legal status of several cases, including those of Mr Gabriel José Blanco Flores and Mr Emilio Antonio Negrín Borges, in which the Public Prosecutor's Office had characterized the offences and investigations had been launched, and of Mr Rodney Álvarez, who had received payment of all his labour entitlements following an offer from his place of work.
- 580.** The Government's report form regarding the General Survey on the Labour Administration Convention, 1978 (No. 150), and the Labour Administration Recommendation, 1978 (No. 158), had been sent to the social partners on 24 February 2023 and discussed at a tripartite meeting on 27 February 2023. With regard to the possibility of reincorporating the workers' organizations that had excluded themselves from the Social Dialogue Forum, the Government was open to including all trade union organizations that wished to be involved, provided that they submitted a formal written request and were sincerely committed to the dialogue process and improving the world of work.
- 581.** His Ministry had held a meeting with the National Electoral Council (CNE) and representatives of the trade union organizations at which all participants had committed to continuing to make progress on the CNE's participation in trade union elections. Both he and the CNE authorities had reiterated the Venezuelan State's unconditional commitment to respecting and guaranteeing freedom of association, and the CNE had agreed to draw up a timetable of work, including meetings for interested trade union organizations to address specific issues relating to their elections.
- 582.** The Government of the Bolivarian Republic of Venezuela was committed to continuing to enhance its compliance with Conventions Nos 26, 87 and 144 in law and in practice. It remained open to receiving technical assistance from the ILO, particularly with regard to the representativeness of employers' and workers' organizations, which it had requested several times. In closing, he reiterated that despite his Government's firm belief in full respect for international agreements and its desire to continue to make progress in all areas relating to the world of work, it continued to be subject to more than 928 illegal sanctions and restrictive measures intended to disrupt the country's growth and choke its economy in an effort to undermine the sovereignty of its people. Those illegal unilateral coercive measures contravened the Charter of the UN and had no legal basis, and continued to have a harmful impact on Venezuelan society. The Government was prepared to accept the draft decision in a

constructive spirit since it would facilitate further progress, and he hoped that it would be adopted by consensus.

- 583. The Employer spokesperson** noted that it had been more than three years since the Governing Body had adopted the recommendations of the Commission of Inquiry. At its last session in November 2022, the Governing Body had recognized the progress that had been made, in spite of the very concerning lack of compliance with the majority of the recommendations. The Governing Body had also requested the Director-General to continue working with the Government and the social partners to achieve the full implementation of Conventions Nos 26, 87 and 144. Nonetheless, in spite of the efforts that had been made since then, the recommendations had yet to be fully implemented. He applauded the Director-General for continuing to communicate freely with the Government and the social partners. The Employers' group took note of the information provided in the follow-up report, including with regard to the many outstanding issues, including some very sensitive issues relating to Convention No. 87, such as favouritism and persecution.
- 584.** The Government appeared to have taken a few small positive steps. Progress, however, was very slow and had brought only very meagre achievements, in spite of all the efforts of the Governing Body and the Office. Unfortunately, the Employers' expectations, which aligned with the analysis of the Committee of Experts on the Application of Conventions and Recommendations and the reality in the country, had not been met. The Government continued to employ unacceptable practices and was moving in the wrong direction in a number of areas, such as with the Workers' Production Councils, which the Commission of Inquiry had found "could significantly undermine the exercise of freedom of association". Those Councils had wide-ranging powers that undermined the free exercise of freedom of association, even in public enterprises. In spite of that, and the extreme concern expressed during the Governing Body's previous discussion on the matter, the Government had encouraged more Councils to be formed. Rules had been adopted that required the formation of Councils in public and private enterprises, with sanctions for employers and trade unions that hindered their work. That constituted an intolerable level of interference in the exercise of freedom of association and went overtly against the recommendation of the Commission of Inquiry, which had called for them to be eliminated. He questioned the Government's motives in taking such a step; given the Government representative's confirmation of its willingness to implement Convention No. 87 and the Commission of Inquiry's recommendations, it should immediately adopt the necessary measures to comply and eliminate the Councils. Doing the opposite demonstrated defiance, which, he trusted, was not the Government's true intention.
- 585.** A number of cases mentioned in the complaint remained unresolved. In fact, from a list of more than 400, only 3 cases had been resolved in the past year. Another issue was the request for employers' organizations to join the National Register of Trade Union Organizations when the existing norms were totally unsuited to them. Serious criticisms had also been made in reference to the alignment of labour law on workers' organizations with the relevant Conventions.
- 586.** With regard to Convention No. 144, the Employers' group hoped that there could be a timely and relevant discussion of the issues that would arise during the International Labour Conference and the reports to be submitted to the Office. Turning to Convention No. 26, while he noted that the plan of action included the establishment of a technical body for determining methods of fixing the minimum wage and procedures for effective consultation and that the social partners had been invited to meetings on the matter, he stressed that no significant progress had been made and that repeated requests from the social partners to include representatives from ministries with expertise in finance and planning and from technical

bodies that could provide statistical data and economic and social and labour-related information had been ignored.

- 587.** In order to seek the best possible outcome for the Bolivarian Republic of Venezuela, efforts to implement the plan of action should be redoubled. It appeared that efforts over the past year had been intensified just prior to the arrival of ILO missions, but had not been followed by significant progress. For that reason, the Employers' group believed that it was essential for the ILO to have a continuous presence in the country, in the form of an expert on social dialogue. It was encouraging to hear the Government's acceptance of that proposal, which would allow the Government and the social partners to make more rapid and efficient progress in implementing the recommendations of the Commission of Inquiry and the tripartite decisions adopted at the Social Dialogue Forum. The expert should have the necessary skills to ensure that the dialogue process took shape and to lead the Government, employers and workers towards a more prosperous country with greater social justice.
- 588.** While the draft decision contained measures that might be insufficient, if the Government was indeed willing to comply, it also included elements that could foster progress. For that reason, the Employers' group supported the draft decision.
- 589. The Worker spokesperson** took note of the absence of the National Union of Workers of Venezuela (UNETE) and the Confederation of Autonomous Trade Unions (CODESA) from the third in-person session of the Social Dialogue Forum. The Workers' group welcomed the continuation of the Forum and the progress that had been made in the implementation of the three Conventions, although many challenges remained. For example, with regard to Convention No. 144, effort must be made to submit draft reports to the social partners in a timely manner. In terms of Convention No. 26, while she welcomed the number of tripartite meetings and workshops that had taken place, she noted with serious concern that the Bolivarian Republic of Venezuela still had the lowest minimum wage on the continent. The enormous gap between wages and the cost of living was exacerbated by rampant inflation, resulting in hundreds of protests to demand wage increases throughout the country in the first two months of 2023. She urged the Government to accelerate its efforts to address the issue without delay, making the best use of the Office's technical assistance. The establishment of a technical body to establish methods for fixing the minimum wage should not be used as an excuse not to take immediate measures.
- 590.** In terms of freedom of association, the Government seemed more open to consulting with the social partners, although the lack of progress in several cases of detention and judicial proceedings against trade union officials as a consequence of their lawful union activities remained a concern. At least eight cases of union leaders who had been unlawfully arrested had been brought to the attention of the authorities during bipartite meetings. One such case was that of Mr Gabriel José Blanco Flores, an active union official arrested on suspicion of conspiracy under legislation on organized crime and terrorist financing. The trade unions firmly rejected the allegation that Mr Blanco Flores had any involvement with terrorism or conspiracy and denounced the lack of due process in his case. The Workers' group therefore called for his immediate release and for all charges against him to be dropped. Follow-up was also needed on issues relating to the CNE's recognition of union elections, which had left hundreds of organizations without the necessary permits to conduct their activities. Lastly, not enough had been done to settle the question of withheld trade union dues that should be paid to the organizations concerned.
- 591.** The key question was how to achieve sustainable social dialogue. It was therefore imperative to strengthen ILO support for implementing the Commission of Inquiry's recommendations in

law and practice. Venezuelan workers and trade unions welcomed the progress that had been achieved so far through the plan of action and were fully committed to participating actively in the process. It was also important, however, for the Government to demonstrate that it was prepared to take ambitious steps, for instance by reviewing the cases of unlawful detention and urgently addressing the need for a substantial minimum wage increase.

- 592.** There was a clear need to institutionalize the ILO's technical assistance on the ground. The Workers' group therefore fully supported the establishment of a more permanent ILO presence in the country, which would streamline the use of resources, improve coordination and help consolidate social dialogue. She thanked the Government representative for his acceptance of that part of the draft decision. While many outstanding issues remained, an overall positive course of action had been taken, and the Workers' group supported the draft decision.
- 593. Speaking on behalf of the EU and its Member States,** a Government representative of Sweden said that Albania, North Macedonia, Montenegro, Iceland and Switzerland aligned themselves with his statement. He welcomed the sessions of the Social Dialogue Forum held since March 2022 and encouraged the Government of the Bolivarian Republic of Venezuela to institutionalize that body as a key mechanism for the effective implementation of Convention No. 144. It was cause for concern that UNETE and CODESA, which had been invited to the first in-person session of the Forum, had not been invited to the following sessions, and that the social partners had been given insufficient time to study the Government's response to the General Survey on Convention No. 150 and Recommendation No. 158 ahead of the tripartite meeting.
- 594.** He welcomed the establishment of the technical body on the minimum wage-fixing method and encouraged progress in that area to be made in accordance with the established timetable in order to restore workers' purchasing power. The minimum wage should be reviewed regularly. The situation of labour rights in the Bolivarian Republic of Venezuela remained a concern, particularly with regard to freedom of association and collective bargaining. Trade unions and employers' organizations faced continued threats, and it was therefore imperative to guarantee their independence and protection. The independence of the judiciary was also crucial. He called for action on the outstanding allegations of violations of civil liberties and trade union rights, fair reparation for damages and reinstatement in cases of declared innocence. The Government should continue to work with the Office, accept the conclusions of the Commission of Inquiry and fully implement its recommendations.
- 595.** The EU and its Member States continued to fully support the Director-General in his work to ensure the implementation of the Commission of Inquiry's recommendations and full compliance with ratified international labour standards. They also welcomed the discussions on establishing a permanent ILO presence in the Bolivarian Republic of Venezuela and the updates on the plan of action and activities related to the three Conventions planned for the coming year. The EU and its Member States supported the draft decision.
- 596. A Government representative of Cameroon** welcomed the considerable progress made by the Venezuelan Government in line with the recommendations of the Commission of Inquiry. The Government should receive ILO technical assistance in determining the representativeness of employers' and workers' organizations. He supported the draft decision
- 597. A Government representative of Namibia** said that the steps taken by the Venezuelan Government over the preceding years demonstrated a commitment to tripartism and inclusive social dialogue. He welcomed the proposal to have a permanent ILO presence in the country

and the request for technical assistance made by the Venezuelan Government. Namibia supported the draft decision.

- 598. A Government representative of China** expressed appreciation for the efforts made by the Venezuelan Government, including through the Social Dialogue Forum, to comply with the recommendations of the Commission of Inquiry and the decisions of the Governing Body. She encouraged the Venezuelan Government to continue its communication and coordination with the ILO, enhance mutual trust among the tripartite constituents within the framework of social dialogue and effectively protect workers' rights, and she urged the ILO to continue to provide technical assistance in the country. She supported the draft decision.
- 599. A Government representative of the Russian Federation** said that the Venezuelan Government's efforts to promote effective and inclusive social dialogue were welcome and should be further encouraged through ILO technical assistance. He supported the draft decision.
- 600. A Government representative of Cuba** noted that the progress made by the Venezuelan Government reflected its will to comply with its obligations towards the ILO and strengthen social dialogue. He called for the ILO to provide the technical assistance requested by the Venezuelan Government in the interests of building on the results already achieved. He reiterated his Government's position that the present case was political in nature and should not have been dealt with by the Organization; his Government rejected any manipulation of multilateral bodies to interfere in States' internal affairs. The Governing Body's decision should be based on dialogue, although since the Venezuelan Government was prepared to accept the draft decision, his Government would join the consensus.
- 601. A Government representative of Guatemala** said that while his Government appreciated the efforts made so far by the Director-General to ensure that the Government of the Bolivarian Republic of Venezuela complied with the recommendations of the Commission of Inquiry, it urged him to strive for even greater progress. He hoped that the Venezuelan Government would move faster to comply with the commitments made under the updated plan of action to give effect to the recommendations of the Commission of Inquiry. His Government would support any decision that would lead to the quickest possible implementation of those recommendations.
- 602. A Government representative of the Lao People's Democratic Republic**, commending the progress made by the Venezuelan Government, expressed her Government's view that dialogue, cooperation and technical assistance were the best mechanisms for continuing the ILO's work in the country. She supported the draft decision.
- 603. A Government representative of the United States** said that the lack of meaningful progress in implementing the plan of action since its adoption in April 2022 was regrettable. She expressed concern at the lack of available information on wage increases and the persistence of issues that hindered the exercise of freedom of association. The problems relating to meeting practices, such as the lack of agendas, indicated systemic challenges in the social dialogue process that would continue to hamper meaningful progress unless addressed. It would be useful to have more information on the possibility of establishing a permanent ILO presence in the country, including the envisioned mandate, resources and timeline of appointment for the ILO expert on social dialogue. The candidate must be selected in a transparent manner with tripartite support. She supported the draft decision.
- 604. A Government representative of Algeria** expressed satisfaction at the progress made in the Bolivarian Republic of Venezuela, particularly the results of the third Social Dialogue Forum,

and the Government's willingness to engage in dialogue. She urged the ILO to step up its technical assistance so that the Government could implement the recommendations resulting from the Social Dialogue Forums. She supported the draft decision.

- 605. A Government representative of Saudi Arabia**, expressing appreciation for the efforts made so far by the Venezuelan Government to implement the Commission of Inquiry's recommendations, recognized the need for constructive social dialogue and encouraged the ILO to continue providing technical assistance to allow the Government to meet its obligations under ratified Conventions.
- 606. A Government representative of the Islamic Republic of Iran** said that the progress made in the Bolivarian Republic of Venezuela demonstrated its Government's genuine commitment to complying with the Commission's recommendations. He trusted that the ILO would continue to provide technical assistance to support that progress. He supported the draft decision.
- 607. A Government representative of Pakistan** welcomed the willingness and commitment of the Venezuelan Government to continue its engagement with national social partners and the ILO. Echoing calls for the provision of the ILO technical assistance requested by the Bolivarian Republic of Venezuela, he expressed support for the draft decision.
- 608. A Government representative of Argentina** recalled that his Government had always maintained that the differences in the Bolivarian Republic of Venezuela should be resolved through inclusive social dialogue. The 2022 and 2023 Social Dialogue Forums had indeed built greater consensus in the country, and ILO technical assistance had been important in improving compliance with Conventions Nos 87 and 144. All parties should continue to promote broad, participative social dialogue, and the ILO should continue to provide technical assistance, especially for the implementation of the plan of action. He supported a decision reached by consensus.
- 609. A Government representative of Niger** noted that the Venezuelan Government had shown considerable political will to tackle the difficulties facing the country. The ILO should continue to provide technical assistance for constructive dialogue. He supported the draft decision.
- 610. A Government representative of Barbados** said that the progress made through social dialogue to address the challenges in the Bolivarian Republic of Venezuela and the technical assistance provided by the Office were welcome, and all parties' willingness to engage was commendable. While much work remained to be done, it seemed that the parties were on the correct path. He supported the draft decision.
- 611. A representative of the Director-General** (Director, International Labour Standards Department), responding to the question from the Government representative of the United States about a permanent ILO presence in the Bolivarian Republic of Venezuela, said that if an agreement was reached on that matter between the ILO and the Venezuelan Government, there was provision in the Programme and Budget proposals for 2024–25 for a social dialogue expert to be appointed in the country.
- 612. A Government representative of the Bolivarian Republic of Venezuela** welcomed the recognition of the progress made through the Social Dialogue Forum and urged the Governments that had failed to recognize that progress and the work undertaken to cease their efforts to smear his country's reputation. His Government intended to continue its commitment to complying with Conventions Nos 26, 87 and 144 and implementing the plan of action. He hoped that the ILO would continue to provide technical assistance to that end. While he was not fully satisfied with the draft decision, he would accept it with a view to improving social dialogue in his country.

- 613. The Employer spokesperson** urged the Government to take positive action to ensure that its words were reflected in its deeds. The recommendations of the Commission of Inquiry needed to be implemented in law and in practice, particularly the elimination of the Workers' Production Councils. He would like the Office to provide more information on the appointment of an ILO expert on social dialogue and a timetable for the action to be taken, which must involve the social partners.
- 614. The Worker spokesperson**, echoing the Employer spokesperson's remarks on translating words into action, said that allowing the trade unions to participate more fully and actively in the social dialogue process would send an important message of trust. To that end, their leaders and activists must be released from prison.

Decision

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

- (a) **took note of the report on the third Social Dialogue Forum held from 30 January to 1 February 2023 while reiterating its call to the Government of the Bolivarian Republic of Venezuela to accept the recommendations of the Commission of Inquiry;**
- (b) **requested the Government to accelerate the implementation of the commitments adopted in the action plan as updated by the Social Dialogue Forum in February 2023, in order to continue achieving concrete results without delay;**
- (c) **requested the Director-General to continue collaborating with the Government and the social partners of the Bolivarian Republic of Venezuela on the full implementation of the recommendations of the Commission of Inquiry and the effective application of Conventions Nos 26, 87 and 144 in law and practice, and to submit to the 349th Session (November 2023) of the Governing Body a further report on any developments concerning the above;**
- (d) **requested the Director-General to engage with the Government so that an ILO expert on social dialogue accompanies and supports, on a continuous basis, the implementation of the action plan.**

(GB.347/INS/13(Rev.1), paragraph 33)

14. Options for measures under article 33 of the ILO Constitution, as well as other measures, to secure compliance by the Government of Belarus with the recommendations of the Commission of Inquiry in respect of Conventions Nos 87 and 98 (GB.347/INS/14(Rev.1))

- 616. A Government representative of Belarus** said that the current discussion had resulted from the groundless anti-Belarusian actions of a number of western States and international trade union organizations, which had increased following the 2020 presidential election. The ILO's criticism of the Belarusian authorities had also increased. Her Government had repeatedly demonstrated that there was no reason to invoke article 33 of the ILO Constitution. Belarus had been a Member of the ILO for more than 70 years and had a developed system of social partnership. The facts presented in document GB.347/INS/14(Rev.1) were distorted; riots in an attempt to seize power were represented as peaceful protests and convicted extremists as trade union activists. Her Government continued to support trade union activity; nobody was above the law. Many of those mentioned in the document, including Mr Aliaksandr Yarashuk and Mr Siarhei Antusevich, had confessed their participation in criminal activities.

617. Opponents of her Government claimed that no progress had been made to implement the recommendations of the 2004 Commission of Inquiry. However, the CAS and the Committee of Experts on the Application of Conventions and Recommendations had concluded that progress had been made. Moreover, in 2017, Belarus had not been included in the list of States requiring an escalation of a complaint.
618. Her Government's active cooperation with various international organizations had led to an improvement in the quality of life of citizens in Belarus. She highlighted her Government's achievements in the areas of social development, labour, employment, social protection, gender equality and the protection of motherhood and childhood. The citizens of Belarus would not benefit from the suspension of international relations with Belarus by international organizations, and certainly not by other Member States. It was illogical to propose such sanctions and contrary to the spirit and principles of the ILO. Indeed, that sanctions policy had been condemned by the UN Human Rights Council. Recalling the widespread support for the proposed Global Coalition on Social Justice, she asked how the proposal to isolate her Government aligned with the Coalition's objectives.
619. The Governing Body's decision would have a lasting impact on the trajectory of the ILO, leading to peace or to destruction. Approving the imposition of the proposed sanctions would erode the principles of the ILO. She called on the Governing Body to remove the threat of the application of article 33 of the ILO Constitution. She called for a vote on the draft decision and draft resolution.
620. **The Worker spokesperson** said that, after more than two decades of systematic attacks on trade union rights and freedoms, the repression had intensified further. Despite the strong support demonstrated by the Governing Body at its 346th Session for invoking article 33 of the ILO Constitution, the Government of Belarus had still not demonstrated any real commitment to implementing the recommendations of the 2004 Commission of Inquiry. Since the previous Governing Body session, several trade union leaders, including Mr Aliaksandr Yarashuk – a member of the Governing Body – had been convicted and sentenced, and her group remained concerned about their treatment in prison and their health. She called on the Government of Belarus to grant the ILO access to imprisoned trade unionists.
621. The Supreme Court of Belarus planned to hear the appeals of Mr Yarashuk and two of his colleagues immediately following the conclusion of the current Governing Body session. Scheduling the hearing on that date was a clear act of intimidation. She called on the Government of Belarus to respect the right to a fair and public hearing by an independent and impartial tribunal and to provide the ILO with a record of all trials and sentences of the affected trade unionists.
622. In light of the information available, the International Labour Conference must adopt a comprehensive set of measures under article 33 of the ILO Constitution in order to secure compliance by the Government of Belarus with the Commission of Inquiry's recommendations and end the flagrant violations of human and trade union rights in the country. The proposed draft resolution contained a broad range of measures that could be effectively applied.
623. Turning to the text of the draft resolution, she asked whether "international humanitarian law" in subparagraph (b)(ii) should more correctly refer to "international human rights law" or whether a qualifier for the type of law was needed at all. She also requested clarification as to whether the request in subparagraph (c)(v) for a "periodic report" should be included in the draft resolution or the draft decision. Furthermore, she asked whether there was an unwritten understanding that such a periodic report would be submitted on an annual basis, as her

group would prefer. Subject to those clarifications, her group supported the draft decision and the draft resolution.

- 624. The Employer spokesperson** expressed serious concern that after more than 18 years, the Government of Belarus had still failed to implement the Commission of Inquiry's recommendations. The ILO must act within its mandate, which included ensuring in all Member States the freedoms of association, expression and assembly, freedom from arbitrary arrest and detention and the right to a fair trial. The latest developments described in paragraph 4 of the document were regrettable, as was the lack of meaningful progress made, despite repeated efforts by the ILO Governing Body and supervisory bodies. The failure of the Government of Belarus to fulfil its constitutional obligations, the severity of the allegations and the Government's lack of effort to implement the recommendations of the Commission of Inquiry had led the Governing Body to its current discussion on which measures could be applied in order to secure the Government's compliance. Her group supported the draft decision and the draft resolution to be submitted to the International Labour Conference. That said, the CAS should discuss the case of Belarus as part of its standard case list, and not as an additional case.
- 625. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that Albania, North Macedonia, Montenegro, Ukraine, Iceland, Norway and Switzerland aligned themselves with her statement. She expressed deep regret regarding the lack of meaningful progress by the Government of Belarus to implement 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), and deep concern at the steep deterioration in human and labour rights since the 2020 presidential election. Those concerns had worsened since the Government of Belarus had become involved in the Russian Federation's war of aggression against Ukraine. She called on the Government of Belarus to abandon its efforts to destroy the independent trade union movement, and to engage with the ILO to implement all outstanding recommendations of the ILO supervisory bodies without delay.
- 626.** In view of the close links between the Federation of Trade Unions of Belarus and the Government, her group did not believe the Federation to be representative of Belarusian workers. She expressed deep concern regarding the prison terms imposed on trade union leaders and members, including a member of the Governing Body, and requested the release of all political detainees. The Government of Belarus should repeal several provisions of the criminal court in order to conform with its obligations regarding freedom of association.
- 627.** Having voluntarily joined the ILO and ratified nine of the ILO fundamental Conventions, the Government must now meet its corresponding obligations. Therefore, her group supported the draft decision, the application of article 33 of the ILO Constitution and the draft resolution. She called on all constituents to do likewise.
- 628. Speaking on behalf of the Nordic-Baltic countries Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden**, a Government representative of Iceland expressed serious concern regarding the worsening human rights situation in Belarus, which included the imprisonment of the winner of the Nobel Peace Prize 2022, human rights defender Ales Bialiatski, and other prominent human rights and political figures. Having ratified Convention No. 87, the Government of Belarus had committed to respect for freedom of association, including the right to organize and participate in strikes. Its persecution of those who opposed the Government or the Russian Federation's war of aggression in Ukraine undermined fundamental human rights. The imprisonment of several trade unionists

indicated that no positive progress had been made towards the restoration of the democratic and free trade union movement in the country. She therefore supported the draft decision and the draft resolution.

- 629. Speaking on behalf of a group of countries consisting of Australia, Canada, Japan, New Zealand and the United Kingdom,** a Government representative of the United Kingdom said that the failure of the Government of Belarus to implement the recommendations of the 2004 Commission of Inquiry and the worsening situation in the country demonstrated an unacceptable lack of respect for the ILO and its supervisory system. Belarusian workers faced unprecedented levels of repression, including the sentencing of 12 trade unionists – among them Mr Aliaksandr Yarashuk, a member of the Governing Body. The state-aligned Federation of Trade Unions of Belarus was not representative of Belarusian workers; constituents should review their relations with that entity. Deploring the continued violation of human and labour rights in Belarus, her group called on the Belarusian authorities to immediately implement the recommendations of the ILO's supervisory bodies, in full cooperation with social partners and the ILO, and on the Lukashenko regime to immediately release all trade unionists arbitrarily detained and ensure the free exercise of trade union activities. Her group supported the recommended measures under article 33 of the ILO Constitution, the draft decision and the draft resolution.
- 630. A Government representative of the Russian Federation** said that having carefully studied the proposed options for measures to be implemented under article 33 of the ILO Constitution, he disagreed with the assessment of the situation. Encouraging tripartite constituents to terminate relationships with the Government of Belarus was a politicized recommendation inconsistent with the spirit of the ILO. Such sanctions could lead to problems relating to employment, the payment of wages and the provision of social guarantees for Belarusian workers and would have a negative impact on the standard of living of the citizens of Belarus. The many achievements in that country in terms of sustainable development and social progress could only have been made in the context of a tripartite system of cooperation and social dialogue. Members of the Governing Body should limit their comments to issues relating to the ILO's mandate, rather than further politicizing ILO processes by addressing issues beyond its scope. Such behaviour would limit the transparency and legitimacy of the ILO's work and the decisions of its governing bodies. He called on the Governing Body to reject efforts to politicize the decision regarding the implementation of measures under article 33 of the ILO Constitution.
- 631. A Government representative of China** said that the efforts made by the Government of Belarus to collaborate with the ILO, implement the Commission of Inquiry's recommendations, protect the rights and interests of workers and improve the quality of people's lives should not be disregarded. The ILO should continue to strengthen communication and exchanges with the Government of Belarus and assist it in fulfilling its obligations under Conventions Nos 87 and 98. The ILO supervisory bodies were intended to exert a positive influence on Member States and bound by the principles of objectivity and impartiality.
- 632.** At the same time, it was important to take into account the individual circumstances of Member States when considering issues regarding the implementation of ILO Conventions and the Commission of Inquiry's recommendations. Information provided by governments should be respected and valued and the sovereignty and internal affairs of Member States should not be interfered with. China opposed the politicization of the ILO supervisory bodies and its use as a means to impose sanctions on Member States, which would undermine their credibility and that of the Organization as a whole.

- 633.** China did not support the draft decision and opposed the use of measures under article 33 of the ILO Constitution, which would cause more harm than good. The imposition of sanctions on a Member State would set a negative precedent, equate to the abandonment of dialogue and cooperation and go against the ILO Constitution. In the case of Belarus, sanctions would seriously affect its economic and social development and worsen conditions for its workers.
- 634. A Government representative of the Lao People's Democratic Republic** said that the Government of Belarus had clearly made progress in meeting its obligations under ILO Conventions, complying with previous Governing Body decisions and implementing the recommendations of the 2004 Commission of Inquiry. The ILO supervisory bodies should achieve their goals, including in Belarus, through genuine dialogue and constructive cooperation with a consenting Member State, by sharing best practices and lessons learned and by providing capacity-building and technical assistance in accordance with specific national needs and priorities. His delegation supported the proposal to conduct a vote on the draft decision at the current session of the Governing Body.
- 635. A Government representative of Cuba** said that the information provided by the Office and the Government representative of Belarus showed that the Government of Belarus was determined to make good on its commitments to the ILO. Negotiation, respectful dialogue, assistance and cooperation should always take precedence over coercive measures. The measures proposed in the document would not further dialogue and cooperation but incite confrontation. Precedents showed that measures imposed on a Member State against its will were doomed to failure. Politicization and punitive measures must be avoided, not least because the latter would damage the Organization, for which engaging in tripartite dialogue and seeking consensus were fundamental principles.
- 636. A Government representative of the United States** said that her Government remained deeply concerned by the continued flagrant refusal of Belarus to implement the recommendations of the 2004 Commission of Inquiry. The situation for trade unionists had deteriorated dramatically, to the point that the Committee of Experts had urged the Government to "abandon its policy of destroying the independent trade union movement and silencing the free voices of workers". The sentencing of trade union leaders and members, including ILO Governing Body member Aliaksandr Yarashuk, to imprisonment was the most recent example of the Lukashenko regime's attempts to silence trade union leaders as part of its broader action to suppress democratic opposition, civil society, independent journalists and all other sectors of society in Belarus. Expressing deep concern that the ILO had not been granted access to arrested trade unionists, she called for the immediate and unconditional release of all trade union leaders and members and the more than 1,400 political prisoners unjustly detained for participating in peaceful assemblies or otherwise exercising their fundamental freedoms. Her Government was committed to using all appropriate tools to hold to account those in Belarus repressing fundamental freedoms, including freedom of association. In view of the urgency of the situation, she encouraged all States to consider their relations with Belarus – economic, cultural, sport-related or otherwise – and any changes that could be made to prevent Belarus from taking advantage of those relations to perpetuate violations of workers' rights. The United States supported the Director-General's continued call for the immediate and unconditional release of trade union leaders and all others unjustly detained and his continued endeavours to obtain access to detained persons in order to ascertain their conditions of arrest and detention.
- 637.** She fully supported the draft decision, agreeing that the suspension of invitations to ILO meetings, except for those with the sole purpose of securing compliance with the Commission of Inquiry's recommendations, should be implemented with immediate effect.

She also fully supported the measures proposed in the draft resolution to secure compliance by the Belarusian authorities with the international obligations of Belarus under article 33 of the ILO Constitution. Such action was necessary and appropriate. However, she proposed that, instead of “Government” of Belarus, the word “authorities” should be used to refer to the Lukashenko regime.

- 638. A Government representative of Algeria** said that resorting to economic sanctions and other measures under article 33 was unlikely to promote dialogue and consultation, which were key virtues of the Organization. Instead, continued dialogue and negotiation between the ILO, the Government and the social partners were required to alleviate tensions, improve social issues and work towards compliance with the recommendations of the 2004 Commission of Inquiry within a reasonable time frame. He encouraged the Office to provide technical assistance to the Government of Belarus to that end and, more broadly, to focus on its institutional mandate of promoting social dialogue to restore trust between all parties concerned. Doing so would more effectively protect the rights of workers and employers, who would be directly affected by any sanctions imposed. He therefore encouraged the Governing Body to adopt a joint and measured approach to finding solutions that would strengthen social dialogue without resorting to sanctions or other measures likely to be detrimental to workers and employers.
- 639. A Government representative of Pakistan** said that he noted the engagement by the Government of Belarus with the ILO on the implementation of the Commission of Inquiry’s recommendations and previous Governing Body decisions and encouraged it to continue to engage and cooperate with the ILO. He called on all parties to address concerns and complaints amicably through dialogue and in a spirit of tripartite cooperation, including by exploring alternatives to measures under article 33 of the ILO Constitution.
- 640. A Government representative of the Islamic Republic of Iran** said that the adoption of measures under article 33 would put an end to social dialogue and tripartism, areas in which the Government of Belarus had made progress in previous years. Such measures would have a negative impact on workers by depriving them of opportunities for decent work and life. The Governing Body should avoid taking decisions that could complicate the situation and should consider the fact that the Government of Belarus was willing to receive technical assistance with a view to meeting its obligations in order to comply with the recommendations of the Commission of Inquiry. He did not support the draft decision.
- 641. A Government representative of the Russian Federation** reiterated his call on Member States to refrain from politicizing the issue before the Governing Body. He disagreed with the draft decision and proposed, given the differing views expressed, that a vote would be appropriate.
- 642. A Government representative of China** concurred that a vote would be appropriate.
- 643. The Worker spokesperson** said that suggestions that the ILO supervisory bodies were being politicized were difficult to hear. The role of the supervisory system was not only to have standards but to uphold them through monitoring, reporting, dialogue and sometimes exerting pressure, all to ensure that Member States progressed. The current situation was rare but had a precedent: measures under article 33 had been recommended by the Governing Body in 2000 to secure compliance by the Government of Myanmar with the recommendation of the Commission of Inquiry in relation to the Forced Labour Convention, 1930 (No. 29). The current situation was also a matter of serious concern and was not being politicized. In a Member State that imprisoned those with independent voices, dialogue was no longer a viable option. The credibility of the ILO risked being called into question if it did not take the necessary steps provided for by its supervisory system.

- 644. The Employer spokesperson** said that the ILO must remain within its mandate as defined by its Constitution and the scope of its supervisory system. In addition, she recalled that the ILO was an international multilateral organization and a UN agency within which respectful and diplomatic language was appropriate.
- 645. A Government representative of Belarus** thanked those Member States that had expressed their support for her Government. With that support, her Government might be able to withstand forces motivated by geopolitical ambitions and willing to sacrifice the reputation of the ILO to realize them. The current discussion had shown that opponents to the Government of Belarus had no intention of considering the issue before the Governing Body in a fair and objective manner. Instead, they were pursuing their agenda of exerting economic and political pressure on Belarus and attempting to lend such unlawful actions visibility and legitimacy, and even garner support for them, through the ILO.
- 646.** The primary criticism of her Government related to the prosecution of representatives of so-called independent trade unions. Her Government welcomed trade union activities; however, union members were not exempt from criminal liability. She had been surprised to hear the mention of names of persons who had no connection with trade unions or employers' associations.
- 647.** Expressing concern that the representative of the United States had asserted that the Belarus issue was not being politicized, she re-emphasized that the Government of Belarus had not violated the principles or standards of the ILO. On the contrary, her Government promoted the universal application of ILO principles and standards and had made serious and sustained efforts to ensure social dialogue in Belarus that included representatives not only of the Confederation of Free Trade Unions but also the Belarusian Congress of Democratic Trade Unions, which was not part of the Confederation. Those representatives were afforded the conditions necessary to participate in the tripartite National Council for Labour and Social Issues. A direct contacts mission, which had worked in Minsk in January 2014, had observed the presence of trade union pluralism in Belarus.
- 648.** She called on the Governing Body to consider the matter before it objectively, acknowledge her Government's willingness to cooperate, prevent the politicization of the ILO, reject the groundless accusations levelled at Belarus and prevent the application of measures under article 33 of the ILO Constitution. She reiterated her call for a vote.
- 649. The Worker spokesperson** said that discussions on the procedures to be taken before the CAS, as had been necessary in the application of measures under article 33 of the ILO Constitution to ensure compliance by the Government of Myanmar, should take place in a timely manner.
- 650. A representative of the Director-General** (Director, International Labour Standards Department) said, in response to the question raised by the Workers' group as to whether the reference in subparagraph (b)(ii) of the draft resolution to international humanitarian law in respect of the principle of non-refoulement was correct, that that principle was indeed not unique to international humanitarian law and was recognized and included in various branches of international law. As such, for absolute accuracy, the word "humanitarian" should be removed from that subparagraph. As to the group's question concerning the periodic report referred to in subparagraph (c)(v), and whether the submission of such a report should be included as part of a decision by the Governing Body, a reference to such a report had been included as part of the resolution concerning the Government of Myanmar, which therefore provided a precedent. The Governing Body would take a decision as to when such a periodic report would be submitted in due course.

- 651. The Worker spokesperson** supported the removal of the word “humanitarian” for the sake of clarity.
- 652. The Chairperson** said that having consulted with the other Officers of the Governing Body, since there was no consensus on the amended draft decision and several countries had requested a vote on the matter, she had decided to put the revised draft decision to a vote by show of hands. She recalled that at the 346th Session of the Governing Body, the Legal Adviser had said that although the meeting of the Governing Body was not private and the vote was not a secret ballot, Governing Body members should nonetheless abstain from taking photographs or videos during the voting process and posting them on social media.
- 653. The Clerk of the Governing Body** explained the voting procedure, with reference to the Standing Orders of the Governing Body, noting that no regular Government members were disqualified from voting by reason of arrears in the payment of contributions.

(The decision, as amended, was adopted with 39 votes in favour, 3 votes against and 10 abstentions.)

Decision

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

- (a) **requested the Director-General to:**
- (i) **ensure that no technical cooperation or assistance to the Government of Belarus is considered or undertaken by the Office, except for the purpose of direct assistance to implement immediately the recommendations of the Commission of Inquiry;**
 - (ii) **take the necessary steps to ensure that no invitation to attend meetings, symposia or seminars organized by the ILO is extended to the Government of Belarus, except for meetings that have the sole purpose of securing immediate and full compliance with the recommendations of the Commission of Inquiry;**
- (b) **recommended to the International Labour Conference to consider at its 111th Session (2023), the measures under article 33 of the Constitution outlined in the following draft resolution;**
- (c) **invited the Government of Belarus to submit to the Director-General by 1 May 2023 any relevant information.**

(GB.347/INS/14(Rev.1), paragraph 17)

Draft resolution

The General Conference of the International Labour Organization; meeting in Geneva at its 111th Session, 2023;

Considering the proposals by the Governing Body of the International Labour Office, under the ninth item of its agenda, with a view to the adoption, under article 33 of the ILO Constitution, of actions to secure compliance with the recommendations of the Commission of Inquiry established to examine the observance by the Government of Belarus of 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);

[Having taken note of the additional information provided by the Government of Belarus ...];

- (a) decides to hold at its future sessions a special sitting of the Committee on the Application of Standards for the purpose of discussing the application of Conventions Nos 87 and 98 by the Government of Belarus and the implementation of the recommendations of the Commission of Inquiry, so long as this Member has not been shown to have fulfilled its obligations;
- (b) invites the Organization's constituents – governments, employers and workers – to:
 - (i) review, in the light of the conclusions of the Commission of Inquiry, the relations that they may have with the Government of Belarus and take appropriate measures to ensure that the Government of Belarus cannot take advantage of such relations to perpetuate or extend the violations of workers' rights in respect of freedom of association, and to contribute as far as possible to the implementation of its recommendations, including the creation of a climate promoting freedom of association;
 - (ii) ensure that the principle of non-refoulement is respected in line with international law, given that trade union and human rights defenders are at risk of persecution in Belarus;
 - (iii) report back to the Director-General for transmission to the Governing Body;
- (c) invites the Director-General to:
 - (i) inform the international organizations referred to in article 12(1) of the ILO Constitution of the Government of Belarus' failure to comply with recommendations of the Commission of Inquiry, as well as of any developments in the implementation by the Government of Belarus of the recommendations of the Commission of Inquiry;
 - (ii) call on the relevant bodies of these organizations to reconsider, within their terms of reference and in the light of the conclusions of the Commission of Inquiry, any cooperation they may be engaged in with the Government of Belarus and, if appropriate, to cease as soon as possible any activity that could have the effect of directly or indirectly justifying the absence of actions to redress the situation concerning the non-respect of trade union rights in the country;
 - (iii) engage with the UN Special Rapporteur on the situation of human rights in Belarus, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the UN Special Rapporteur on the independence of judges and lawyers with a view to ensuring coordinated action on recommendation No. 8 of the Commission of Inquiry concerning the need to guarantee impartiality and independence of the judiciary and justice administration;
 - (iv) engage with the Office of the UN High Commissioner for Refugees (UNHCR) and other relevant agencies and organizations with a request to also support Belarusian independent trade union activists and their families and inform UNHCR country guidelines;
 - (v) submit to the Governing Body a periodic report on the outcome of the measures set out in paragraphs (c)(i), (ii) and (iii) above;
- (d) urges the Government of Belarus to receive as a matter of urgency an ILO tripartite mission with a view to gather information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of the

supervisory bodies of the ILO, including a visit to the independent trade union leaders and activists in prison or detention.

15. Report by the Government of Bangladesh on progress made on the implementation of the road map taken to address all outstanding issues mentioned in the article 26 complaint concerning alleged non-observance of Conventions Nos 81, 87 and 98 (GB.347/INS/15(Rev.2))

- 655. A Government representative of Bangladesh**, presenting the report of his Government on progress made (as of 7 February 2023) with the timely implementation of the road map developed in response to the decision made by the Governing Body at its 344th Session (March 2022) contained in the appendix to document GB.347/INS/15(Rev.2), said that his Government had remained steady in its resolve to make progress in the face of challenging external factors.
- 656.** In terms of labour law reform, his Government had completed its amendment of the Bangladesh Labour Rules and Export Processing Zones (EPZ) Labour Rules. The new EPZ Labour Rules had, as of January 2023, been used as part of inspections of 43 factories in EPZs by the Department of Inspection for Factories and Establishments (DIFE). The process of amending the Bangladesh Labour Act, 2006 (as amended in 2018), was under way and included collaboration between the Tripartite Working Group and the ILO in the form of workshops aimed at exploring how the ILO technical note could be used as a tool to align national labour law with selected international labour standards while taking into account the country's national circumstances and stage of development. He wished to recall that progress would not move more quickly than labour law procedure allowed. However, he wished to highlight the presentation of an anti-discrimination bill to the parliament in 2022, which went beyond his Government's commitment in the road map and demonstrated its overarching commitment to positive change.
- 657.** Trade union registration had been digitized and was now done exclusively through the integrated myGov platform. Thanks to the facilitated process and support offered to workers in submitting online registrations, registration rates had increased ninefold in nine years.
- 658.** Measures to strengthen labour inspection and enforcement included ensuring full functionality of the labour inspectorate by filling vacant posts and creating new ones in spite of budgetary constraints; increasing the number of labour inspectors in the DIFE by 50 per cent since 2020; and establishing eight new DIFE field offices. In addition, a training package on labour rules, regulations and Conventions on workers' rights had been prepared for industrial police officials and a yearly strategic inspection plan was being developed with the aim of identifying non-compliance issues in priority sectors. Improvements had been made to the complaints helpline, allowing for over 95 per cent of complaints lodged via the helpline in the last six months of 2022 to be resolved.
- 659.** Regarding cases of anti-union discrimination and unfair labour practices, 50 cases were taken to courts, 41 of which were resolved and 9 remain pending. Eleven out of 12 court cases raised in complaints before the Committee on Freedom of Association had been resolved. Such cases pending before the national courts were resolved, on average, more quickly than cases relating to non-labour issues. His Government was working closely with the ILO and the social partners to monitor and expedite the implementation of the road map.
- 660.** Other measures his Government had taken beyond its commitments under the road map included the successful removal of 100,000 children from hazardous workplaces as part of a nationally funded project, an ongoing feasibility study for a project to eliminate child labour,

the establishment of dedicated committees in factories to handle complaints of sexual harassment and gender-based violence, and improvements to safety and security in the ready-made garment industry. As a developing economy with a population of 170 million, Bangladesh should not be reasonably expected to perform on a par with advanced economies. Indeed, the visible progress made by his Government in implementing the road map and the additional initiatives taken to improve labour conditions in the country deserved the recognition of the Governing Body. The closure of the article 26 complaint at the current session would be fair and just.

- 661. The Employer spokesperson** welcomed the fact that the Government of Bangladesh had reported its progress on the implementation of the road map in a timely manner in line with the decision taken by the Governing Body at its 346th Session. The information provided was comprehensive, the social partners had been consulted on many of the actions taken, and the report by the Government of Bangladesh had been shared with the Tripartite Implementation and Monitoring Committee. She also welcomed the fact that work on amending the Bangladesh EPZ Labour Act, 2019, would start in July 2023 and be finished by June 2025, more than one year ahead of the original deadline of December 2026. She took note of the establishment of labour courts in Narayanganj, Gazipur and Cumilla and of efforts made to make the three newly established labour courts fully functional. She expressed the hope that those developments would lead to the elimination of the backlog of cases at labour courts and allow for justice to be delivered in a timely manner.
- 662.** However, she noted that the Committee of Experts on the Application of Conventions and Recommendations had expressed concern in its 2023 General Report about the fact that some provisions of the Bangladesh EPZ Labour Act, 2019, still needed to be repealed or amended in order to conform to Article 2 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). She trusted that the Government of Bangladesh would amend the Act accordingly, completing its work by its stated deadline of June 2025. She also trusted that the Government of Bangladesh would continue to meet its commitments by reporting to the ILO on its progress in the implementation of the road map, addressing the recommendations made by ILO supervisory bodies and continuing to provide detailed and updated information on serious and urgent Cases Nos 3203 and 3263 prior to the meeting of the Committee on Freedom of Association in June 2023.
- 663.** Lastly, she trusted that the Government of Bangladesh would be able to make substantial progress towards better upholding labour rights and improving workplace safety in the country. She reiterated the Employers' group's commitment to assisting the Government of Bangladesh in implementing the road map and furthering other initiatives. The Employers' group supported the draft decision.
- 664. The Worker spokesperson** expressed his group's disappointment with the progress in Bangladesh, which the most recent report from the Committee of Experts had shown to be too little. They could not say that meaningful progress had been made towards the full, complete and timely implementation of the road map. There were critical gaps in law and practice regarding aspects of the right to freedom of association. Indeed, in November 2022, the Committee on Freedom of Association had designated both open cases to be serious and urgent.
- 665.** Regarding action point 1 on labour law reform, the Bangladesh Labour Rules had been amended, although a full year late, but the amendments had done little to address the repeated concerns of workers. The Committee of Experts had identified seven areas where the Rules still failed to address its previous comments regarding Convention No. 87. As the group

had pointed out at the previous Governing Body session, some of the amendments contradicted each other or the Labour Act, and some had further weakened worker protections, such as the amendment reducing maternity benefits. Amendments to the Bangladesh Labour Act had been due to be adopted by December 2022, but had not been, and the Government had not committed to any definite deadline. The Committee of Experts and the ILO Office in Dhaka had identified clear gaps in the law on a number of occasions, so there was no reason for any further delay.

- 666.** The long-delayed EPZ Labour Rules had been published in October 2022, but had lower legal authority than the EPZ Labour Act, so could not address any of the Experts' observations. A preliminary review of the EPZ Labour Rules had identified a number of issues, including the reduction in retirement benefit calculation for some workers and workers being denied the ability to challenge arbitrary terminations in court. Trade union leaders reported that they did not consider the EPZ Labour Rules to further assist the implementation of Conventions Nos 87 and 98. There was nothing preventing the Government from reviewing the EPZ Labour Act immediately; there was no need to wait until 2025.
- 667.** Regarding action point 2 on trade union registration, although the online registration system was in place, the new electronic process did not address the actual problem of officials refusing to register certain unions, or the many allegations of corruption and favouritism. Workers had also reported that the online portal was difficult to use, frustrating their ability to apply, and that the information on the status of applications was not regularly updated. The Government had also previously noted the pre-application service desk in the Registrar of Trade Unions, but workers had reported that that had become just another hurdle to registration, rather than facilitating the process. They had also reported that Department of Labour officials were delaying the application process, giving management the opportunity to dismiss union activists who apply for registration and drive down the number of workers supporting the formation of the union. Fundamentally, the problems required an amendment to the Labour Act and Rules, as the experts had noted, whether registration was done online or offline. The Government claimed that recently there had been a high number of registrations and a low level of rejections, but scrutiny of the numbers suggested that unions that were not in the favour of the Government had a much higher rate of rejection. It was common, including in the ready-made garment sector to have employers quickly register a yellow union to prevent the independent legitimate union from being able to register. If the high number of new unions were in fact management- or government-dominated, that did not benefit the exercise of freedom of association in the country. In addition, workers and unions had reported that the Registrar continued to accept information provided by employers without further examination, which often manipulated the total number of workers in an enterprise seeking to unionize, which workers are eligible to be in the union, frustrating the ability to register a union.
- 668.** With regard to action point 4 on anti-union discrimination and unfair labour practices, a number of activities had been reported, and although that work was important, it failed to address the root cause of continued violence and anti-union discrimination, resulting in impunity. Some employers who had used violence to prevent unions from forming or to bust existing unions had not suffered consequences. The industrial police were also often willing collaborators, either actively participating or allowing such violence to take place and local gangs or thugs were frequently used as union busters and strike-breakers. Such violations could only be addressed by effective sanctions. As for other non-violent forms of anti-union discrimination, impunity also remained a serious problem. One of the key issues was that only the Government could file unfair dismissal claims, and the cases were often not well handled.

The law needed to be changed to allow workers and unions to file unfair labour practice claims directly.

- 669.** Lastly, with regard to action point 3 on labour inspection, the increase in the number of inspectors was important, but there were still very serious problems throughout the country relating to OSH and other violations.
- 670.** In view of the reports from the Committee of Experts and the Committee on Freedom of Association, as well as what they had heard from workers and unions in the country, the Workers' group was not seeing sufficient commitment to the implementation of the road map. Many elements in the road map were the same as commitments made in the ILO Sustainability Compact of 2013. The situation could not go on. The Government of Bangladesh must take full advantage of all the opportunities at its disposal as an ILO Member to address the concerns raised by the article 26 complaint and its road map. Without tangible, full, complete and timely implementation of the road map, the Governing Body would have no option but to call for a Commission of Inquiry. The Workers' group supported the draft decision, but noted that it should be the last extension.
- 671. Speaking on behalf of the EU and its Member States,** a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, the Republic of Moldova, Montenegro, Norway and Switzerland aligned themselves with her statement. The EU and its Member States welcomed the submission by Bangladesh of a progress report on the implementation of the road map, its recent efforts to amend the Bangladesh Labour Act and its publication of the EPZ Labour Rules. However, further work was required to ensure independent and free labour inspection. They acknowledge the continuing training of Workers' representatives on the trade union registration process and the ongoing training of labour inspectors. It was vital for the DIFE to have enough labour inspectors.
- 672.** Regrettably, the Government of Bangladesh was yet to take other action following the road map and had only partially implemented relevant labour law reforms. It should accelerate the amendment of the Bangladesh Labour Act. Extensive revision of the Labour Rules was necessary. The Government should accelerate review of the EPZ Labour Act to ensure compliance with Convention No. 87. Remaining obstacles to the unionization of workers and the systematic refusal of workers' rights were a cause for concern. It behoved employers and the Government to guarantee those rights. They welcomed the discussion of the progress report at the Tripartite Implementation and Monitoring Committee prior to its submission, as well as the formation of a tripartite committee to draft a national wage policy.
- 673.** The EU and its Member States reaffirmed their strong commitment to cooperate with Bangladesh, in partnership with the ILO, regarding the National Action Plan on the Labour Sector of Bangladesh (2021–26). That plan and the road map were mutually reinforcing and should both be implemented on time. The Government should ensure the timely delivery and comprehensive implementation of all its commitments. Treatment of the article 26 complaint required further action, necessitating monitoring of progress in implementing the road map. She supported the draft decision.
- 674. A Government representative of India** welcomed the sincere implementation of the road map by the Government of Bangladesh. It was encouraging to learn that progress had been made in all four priority areas, including legal and administrative reforms to improve trade union activities, occupational safety, wages, skills development and labour welfare. The Government had demonstrated commitment to ensuring the rights of workers through its adoption of the Occupational Safety and Health Policy and the Domestic Workers' Protection and Welfare Policy. The Government was also working to update its national action plan to

implement the National Child Labour Elimination Policy, in consultation with the tripartite constituents and civil society. The ILO and the international community should continue supporting the Government in its endeavours in order for those reforms to achieve their intended results for beneficiaries. In view of its strong commitment to working closely with the social partners to further promote labour rights in the country, the Government should be given the opportunity to resolve all the issues through the ILO's supervisory mechanism.

- 675. A Government representative of Saudi Arabia** took note of the information provided and called on the ILO to support the positive efforts of the Government of Bangladesh to implement the road map to improve working conditions, and to apply international labour standards, in spite of the challenges of the COVID-19 pandemic. She therefore supported the request from the Government to close the case.
- 676. A Government representative of Algeria** welcomed the progress that had been made in implementing the road map, in particular its pursuit of tripartite discussions concerning the amendment of the Bangladesh Labour Act, the publication of the Bangladesh EPZ Labour Rules, the filling of vacant posts of labour inspectors, the measures taken to set up the legal unit of the DIFE and the formation of more safety committees in factories. She also welcomed the Government's measures to strengthen institutional mechanisms, including the establishment of new labour tribunals and supporting staff, the formation of a committee to draft a national wage policy and the start of its work, the establishment of standard operating procedures for conciliation and arbitration, and for making available training on workers' rights and human rights for industrial police officials.
- 677.** She called on the Office to continue providing technical support to the Government of Bangladesh to help speed up the implementation of the road map and encouraged the Government to take steps to perfect its legal framework and continue cooperating with the Office to complete its implementation of the road map and enable the case to be closed. She supported the draft decision.
- 678. A Government representative of Oman** welcomed the Government of Bangladesh's cooperation with the ILO and with trade unions and supported the reforms that had been made, in particular the launch of inspection campaigns to ensure that the laws and regulations were being complied with. He also welcomed the measures that had contributed to the registration of more workers in trade unions. He supported closing the case against Bangladesh as rapidly as possible, given the efforts made by the Government and the progress that had been made, in spite of the many challenges faced and the impact of the economic crisis on the labour market. The Government of Bangladesh should continue its efforts to protect workers' rights and the ILO should continue to provide technical assistance.
- 679. A Government representative of China** noted that the Government of Bangladesh had taken active steps to implement the road map, enhance social dialogue and overcome the negative impacts of the COVID-19 pandemic. Significant progress had been made in terms of labour law reform, trade union registration, the protection of workers' rights, labour inspection and enforcement, the ratification of international labour Conventions, and the elimination of child labour and forced labour. The progress had been specific and practical, showing the value placed on the application of international labour standards and the positive outcomes of the Government's cooperation with the ILO in technical cooperation and to protect workers' rights. The ILO should continue to provide technical assistance to help the Government realize the targets of the road map, but in light of the progress that had already been made, the case should be closed as soon as possible.

- 680. A Government representative of the United States** noted that the fundamental issues concerning freedom of association, collective bargaining rights and labour inspection had still not been addressed, so urged the Government of Bangladesh to accelerate its implementation of the road map. With regard to the actions taken to amend labour law, the Committee of Experts had noted that the Government had still not addressed many of its concerns, including most of the changes to the EPZ Labour Act that it had requested, in order to bring it into conformity with Convention No. 87. While the road map had indicated that the amendment of the Bangladesh Labour Act would be completed by December 2022, and the Government had indicated in its previous report that it would be completed by mid-2023, the present report had given no indication of a specific completion date. The amendments needed to be finalized as soon as possible, in line with Conventions Nos 81, 87 and 98.
- 681.** She reaffirmed the importance of independent labour unions to achieving a safe working environment and decent work. Unfortunately, barriers to trade union registration still existed, including a minimum membership requirement, which the Committee of Experts had said constituted a hurdle in large enterprises. Although the Government said it was working to simplify the registration process, trade unions had reported that the new online registration system was cumbersome and difficult to navigate. There was also a requirement to provide official documentation certifying the number of workers in a factory, which was difficult to obtain. No official guidance existed on how unions should determine the number of workers in a factory or establishment.
- 682.** She welcomed the reported increase in the number of labour inspectors. However, no information had been provided on progress to ensure that penalties for violations were being issued effectively or were sufficiently dissuasive, and unions had reported a continued lack of accountability and political influence in the system. The report indicated that training was being provided to prevent anti-union discrimination and violence against workers, but success in that priority area would require the rapid and thorough investigations of alleged cases of violence and harassment by police against workers. Although the Government had indicated that steps had been taken to form a committee to ensure such investigations, concrete results remained to be seen. In the meantime, those exercising their rights to freedom of association continued to report harassment and retaliation by employers with impunity, and denial of rights by Government officials.
- 683.** The continued lack of significant progress merited the appointment of a Commission of Inquiry, but she was prepared to support the draft decision in order to achieve consensus. The United States remained committed to working closely with the Government of Bangladesh and all stakeholders to ensure full respect for workers' rights, and had recently deployed a labour attaché in Dhaka. She looked forward to seeing demonstrable progress on implementation of the road map at the next session of the Governing Body.
- 684. A Government representative of Sudan** welcomed the Office's support for the Government of Bangladesh to help it implement the road map to bring it into line with Conventions Nos 87 and 98. It was clear that the Government was making a great deal of effort to make progress in amending its legislation, taking into account the difficult global economic situation. The Government had also demonstrated commitment to engaging in tripartite dialogue and the Governing Body should record its appreciation for that. Efforts had been made to boost the number of labour inspectors and bring down the number of labour law violations, as well as working on providing training to relevant officials. Good faith efforts had been made to resolve disputes, many of which had been settled, as well as working on OSH and to eradicate child labour. Progress appeared to be moving in the right direction in a timely fashion. It would therefore be fair and appropriate to close the case.

- 685. A Government representative of the Islamic Republic of Iran** noted that the report demonstrated the Government of Bangladesh's willingness and sincere commitment to improving the labour situation in the country, specifically through the implementation of Conventions Nos 81, 87 and 98. Commendable progress had been made in the areas of legal reform, trade union registration, labour inspection and enforcement, and addressing anti-union discrimination, unfair labour practices and violence against workers. Progress had also been made through tripartism and social dialogue. Those accomplishments merited due consideration and positive feedback from the Governing Body.
- 686. A Government representative of Cuba** said that it was important for governments to be given the necessary time and space to work with the relevant partners on their national legislation to comply with the obligations and commitments stemming from ratification of ILO instruments. It was also important to consider a country's commitment to working with the Organization. Bangladesh had demonstrated what could be achieved through negotiation, technical assistance and cooperation, which should be taken into account when deciding whether to close the case. Commitment to tripartite dialogue and consensus, both fundamental ILO principles, were also important.
- 687. A Government representative of Morocco** welcomed the progress that had been made in advancing Bangladesh's labour standards and practices, through engagement with social and development partners, as well as with the ILO. The reforms that had been implemented, in spite of the challenges of the COVID-19 pandemic, demonstrated the Government's commitment to aligning with international labour standards. The amendment of the Labour Rules and initiation of the amendment of the Labour Act were noteworthy achievements, and factory inspections in EPZs showed the Government's efforts to implement the amended rules. Another commendable achievement was the increase in the number of trade unions in the ready-made garment sector, as well as the new online application process for trade union registration. Progress had also been made in labour inspection and enforcement, as well as by establishing additional labour courts. The measures taken to strengthen preventive measures and the effective investigation of violence and harassment against workers were also noteworthy. The resolution of 41 out of 50 cases of anti-union discrimination, unfair labour practices and violence against workers demonstrated the Government's commitment to addressing those issues. Overall, the progress that had been made in Bangladesh demonstrated what could be achieved when governments, civil society and development partners worked together towards a common goal. His Government supported closing the case.
- 688. A Government representative of Pakistan** noted the encouraging progress reported in relation to the time-bound road map and the advances that had been made in the four priority areas. The Government of Bangladesh had reaffirmed its continued commitment to providing a better and safer workplace for workers to uphold their labour rights, including collective bargaining, freedom of association and the right to strike. Recognizing the complexity of the challenges, he called on all parties to address concerns and complaints amicably in a spirit of tripartite cooperation. He hoped to see further progress so that the complaint could be closed early.
- 689. A Government representative of Bangladesh** said that he was disheartened to hear that the Workers' group did not see any progress, in spite of the many achievements outlined in the report. Many of their observations were based on outdated and unfounded information. Economies and countries suffered from unpredictable external shocks, more often than internal failures, which meant that painstaking progress could evaporate fast and livelihoods could become uncertain. Labour relations and rights were not exempt from such

developments. His Government had charted a course of action not only to respond to the road map, but also to advance the future of current and future generations, with the aspiration to achieve developed country status by 2041.

- 690.** He reassured the Governing Body that the amended labour law would apply to the EPZs, and the amendment of the EPZ Labour Act was due to begin in July 2023 and would hopefully be completed in the stipulated time. Amendments to both sets of Labour Rules would harmonize any gaps between the respective acts and rules.
- 691.** There had been a rapid increase in the successful registration of trade unions in Bangladesh, from 60 per cent in 2013 to over 85 per cent in 2022. As of the end of February 2023, a total of 9,222 trade unions had been registered, with more than 3 million members. There had been no complaints of discriminatory treatment in registration, let alone on political grounds. In the ready-made garment sector alone, the number of trade unions had increased from 132 in January 2013 to 1,210 in February 2023, with 34 new trade unions registered since the previous report in November 2022. Social protection measures now accounted for 16.75 per cent of the annual budget, which was playing a vital role in reducing poverty. The high allocation of social protection was commensurate with the idea of leaving no one behind, as reflected in the 2030 Agenda. Although every labour rights violation was a concern, the resolution of all but nine cases in a garment industry workforce of 4 million was not insignificant. Such a figure did not justify continuing the complaint against Bangladesh.
- 692.** With regard to the case of Aminul Islam, after a thorough investigation and a trial in the competent court, the case had reached its conclusion. A copy of the judgement had been forwarded to the Committee on Freedom of Association. No issue of unknown complicity had been raised during the trial or during any witness deposition. The Committee's observations in the case seemed to stem from misconceptions of due process in Bangladesh, which the Government could not go beyond.
- 693.** The timeline for the implementation of the road map was until 2026, so for the Workers' group to suggest the formation of a Commission of Inquiry less than halfway through the process suggested a predetermined motivation and was both irrelevant and unhelpful. It was important to see the significant progress that Bangladesh had made in the past decade overall. Comments should be based on measured facts, not on speculation or exaggeration. It was also important to understand that measuring progress in different contexts required adjustments. His Government believed that progress in Bangladesh was visible and worthy of merit, and therefore urged the Governing Body to close the case as soon as possible.

Decision

- 694. Taking note of the report submitted by the Government of Bangladesh on progress made with the implementation of the road map of actions, the Governing Body, on the recommendation of its Officers:**
- (a) requested the Government to report on further progress made in the implementation of the road map of actions to address all the outstanding issues mentioned in the article 26 complaint at its 349th Session (October–November 2023);**
 - (b) decided to defer the decision on further action in respect of the complaint to that session or any subsequent session.**

(GB.347/INS/15(Rev.2), paragraph 8)

16. Report on developments relating to the resolution concerning the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization (GB.347/INS/16)

695. The Governing Body had before it an amended version of the draft decision proposed by a cross-regional group of countries, which had been circulated by the Office to all groups. The group proposed amending the preambular paragraph, to read:

In the light of the developments in Ukraine outlined in document GB.347/INS/16 and the resolution on the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization (ILO) adopted at its 344th Session (March 2022), taking into account the discussions held and the guidance provided during its 347th Session, the Governing Body:

696. The group also proposed adding "and the proposal to open a Country Office in Kyiv" to the end of subparagraph (e).

697. It further proposed adding a new subparagraph (g), to read:

(g) requested the Director-General to continue monitoring the operational capacity of the ILO Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia to safeguard the technical cooperation or assistance to Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, as well as to secure the well-being and health and safety of ILO staff;

698. Finally, it proposed amending the original subparagraph (g), to read:

(hg) requested that the Director-General continue monitoring the impact on the world of work of the Russian Federation's aggression against Ukraine and report to the Governing Body at its 348th Session (June 2023) on developments in the light of the resolution and the issues raised in this decision, including the ILO's continued engagement with relevant UN bodies involved in monitoring human rights violations and abuses, and the situation of maritime and nuclear workers.

699. The Governing Body also had before it another amended version of the draft decision, proposed by the Government of the Russian Federation, which had also been circulated by the Office to all groups. In it, the Government of the Russian Federation proposed amending subparagraph (b), to read:

(b) reiterated its most profound concern at the ~~continuing aggression by the Russian Federation, aided by the Belarusian Government, against situation in~~ Ukraine and at the impact ~~this aggression~~ it is causing to tripartite constituents – workers, employers and its democratically elected Government – in Ukraine, and to the world of work beyond Ukraine;

700. It proposed adding a new subparagraph (c), to read:

(c) expressed profound concern at the unilateral coercive measures imposed against the Russian Federation, adversely affecting the labour market, as well as the social and economic rights of the Russian citizens, first and foremost workers and employers from small and medium-sized enterprises;

701. It proposed amending subparagraph (d), to read:

(de) urged ~~the Russian Federation~~ again all parties to the conflict to immediately and unconditionally cease ~~its aggression and withdraw its troops from Ukraine~~ armed activities;

702. Finally, it proposed amending subparagraph (h), to read:

(he) requested that the Director-General continue monitoring the impact on the world of work of the ~~Russian Federation's aggression against~~ situation in Ukraine and report to the Governing Body at its 348th Session (June 2023) on developments in the light of the resolution, including the ILO's continued engagement with relevant UN bodies involved in monitoring human rights violations, and the situation of maritime and nuclear workers.

703. A Government representative of the Russian Federation, highlighting his Government's commitment to cooperate with the ILO and its recognition of the importance of social justice and the value of tripartism, said that military and political issues were not part of the ILO's mandate. The Governing Body should be focusing on the recovery from the COVID-19 pandemic and not on its unfounded accusatory campaign against his country. His Government complied with all its obligations resulting from the Conventions it had ratified, including those mentioned in the report. Suspending technical assistance had had a negative impact on the lives and well-being of the citizens of his country, including workers. The amendments he had proposed to the draft decision would negate the efforts to politicize the issue. If they were not accepted by consensus, he called for the draft decision to be put to a vote.

704. Speaking on behalf of a cross-regional group of countries,⁴ a Government representative of Lithuania said that the unprovoked and unjustified war initiated by the Government of the Russian Federation against Ukraine had had a devastating impact on the world of work at the local and global levels, and had contributed to a worsening global food and energy crisis. His group urged the Russian Federation again to immediately and unconditionally cease its aggression and withdraw its troops from Ukraine, reaffirmed its commitment to the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders, and called for enhanced diplomatic efforts to achieve peace. The Government of the Russian Federation must abide by international law and respect the principles enshrined in the ILO Constitution.

705. He expressed his group's deep concern regarding the alleged deprivation of labour rights in regions of Ukraine that were under temporary Russian control. He referred in particular to the situation of the workers in the Zaporizhzhya nuclear power plant, and called for Russian withdrawal from all nuclear facilities within Ukraine's internationally recognized borders. He expressed additional concern regarding the failure of the Government of the Russian Federation to meet its obligations under the Maritime Labour Convention, 2006, as amended (MLC, 2006), and the dire circumstances facing seafarers in that region. He welcomed international efforts to broker safe passage for ships and commended the ILO's efforts to raise awareness of labour rights' violations through cooperation with other UN agencies, relevant trade unions and employers' organizations.

706. His group called for the protection of workers and employers in Ukraine, and of their families. He welcomed: the staged return of ILO staff to Kyiv; the proposed establishment of a country office in Kyiv; the decision to reassign the responsibility for Georgia to the ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe in Budapest; and the support provided by the ILO to neighbouring countries to reduce the impact of the aggression. He noted that the ILO Decent Work Technical Support Team and Country Office

⁴ Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Republic of Korea, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States.

for Eastern Europe and Central Asia in Moscow (DWT/CO-Moscow) now served only seven countries. He commended the support provided by the ILO to Ukrainian tripartite constituents and noted that the contribution of the social partners remained vital. He also noted the work done to identify areas for intervention and resource mobilization, and encouraged the Office to step up its efforts to secure funding.

- 707.** His group questioned the suitability and feasibility of maintaining the DWT/CO-Moscow, considering the Government's continued violation of the ILO Constitution. He noted that the lease for the office was due to expire at the end of 2023. He called on the Office to outline how it would ensure the implementation of the telework policy and protect the health and safety of the international staff working in the DWT/CO-Moscow and their families. It was of concern that family members of international staff were not protected under the Convention on the Privileges and Immunities of the Specialized Agencies, in the light of the 2022 amendments to the Russian Federation's law on foreign agents. He asked the Office to provide more information in that regard and encouraged the Office to support international staff members' relocation to another duty station, if requested.
- 708.** His group opposed the amendments proposed by the Russian Federation, and had submitted amendments of its own to the draft decision.
- 709. The Employer spokesperson** condemned the unilateral use of armed force and violation of the UN Charter in all circumstances and expressed her group's deep concern about the economic and employment-related consequences of the conflict in Ukraine and in neighbouring and other countries, which were outlined in the report. She reaffirmed her group's solidarity with the people, businesses and workers of Ukraine and the region and its commitment to support all those in need of assistance. Her group called on the Director-General to continue to monitor and safeguard the labour rights of workers and support the sustainability of enterprises in Ukraine and neighbouring countries. Noting the extensive programme of labour law reform being pursued by the Government of Ukraine, and the comments of the Committee of Experts on the Application of Conventions and Recommendations thereon, she expressed concern that the social partners had not been consulted in that process. The Government must guarantee freedom of association and the effective right to collective bargaining, and adequate consultation of the most representative independent workers' and employers' organizations.
- 710.** Referring to paragraphs 4 and 21 of the report, she reiterated that the Office should refrain from carrying out activities or making statements that went beyond the ILO's mandate. Turning to the elements of the report that did fall within its mandate, she commended the support provided to the tripartite constituents in Ukraine and welcomed the proposal to establish a country office in Kyiv, which would help employers to create or rebuild sustainable enterprises and decent work, and build social dialogue. She noted that the DWT/CO-Moscow continued to operate effectively and that employers' organizations supported by that Office were satisfied with the services provided. She commended the duty of care provided towards all staff in the DWT/CO-Moscow and the staff currently working in Ukraine, and expected that the same would be true in the planned office in Kyiv. The Governing Body should refrain from micromanaging the DWT/CO-Moscow.
- 711.** The ILO should provide support in Ukraine to address challenges relating to economic stabilization and job preservation, and to secure the nexus between humanitarian aid and early recovery and development, as requested by the Ukrainian tripartite constituents. The proposed country office in Kyiv would allow the ILO to improve its participation in national and

international coordination mechanisms and to meet the constituents' needs. Her group supported the draft decision proposed by the Office, without amendment.

- 712. The Worker spokesperson** said that the illegal and brutal invasion of Ukraine continued to have a devastating impact on the people of Ukraine and neighbouring countries. All Russian forces should withdraw from Ukrainian territory. Parties should seek to achieve a just and sustainable peace based on international law, and those responsible for war crimes must be brought to justice. As social justice was a key condition for peace, the work of the ILO remained relevant. She commended Ukrainian workers and enterprises for their efforts to maintain the economy, despite the devastating impact of the war, and recognized the enormity of the task ahead to rebuild and recover. Noting that humanitarian assistance had been delivered by national trade union organizations while they also continued to carry out their trade union functions under difficult conditions, she said that it was regrettable that international assistance was not being provided to the Ukrainian social partners to maintain their operations; the war had had an impact on trade union membership and resources. The peace dividend would open up investment opportunities in respect of just transitions.
- 713.** She welcomed the financial support pledged by various Member States for emergency support and to allow Ukraine to maintain public services and jobs, and urged them to deliver on their commitments in a timely manner. She reiterated the need to involve the social partners in reconstruction efforts. She highlighted the relevance of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), in terms of strengthening peacebuilding and peacekeeping. She asked the Office to reach out to the Governments and other actors involved in the rebuilding initiatives mentioned at the 346th Session of the Governing Body to obtain information on the progress being made. She reiterated her group's concern that support from the World Bank could entail reform of the social benefit and pension systems, and asked whether the Office had engaged with that institution to ensure the application of ILO standards.
- 714.** She welcomed the Office's efforts to work with trade unions in specific sectors. She expressed particular concern regarding the labour rights of workers at the Zaporizhzhya nuclear power plant and of seafarers working in the region. She called for the effective implementation of the Radiation Protection Convention, 1960 (No. 115), and the MLC, 2006. She asked the Office to provide further details on the opportunities for collaboration with relevant international bodies focusing on protective measures concerning seafarers referred to in the report.
- 715.** Expressing her group's full solidarity with Ukraine, she highlighted the problematic issues regarding the ongoing reform of the labour law in the country. Any reform process should include social dialogue and the outcome should not be a reduction in workers' rights. She called on the Ukrainian Government to ensure that its labour law was in line with international labour standards. She noted with concern the increasing budget for active labour market programmes alongside a reduction in unemployment benefits, and called on the Government to consult with social partners to ensure that measures that would promote recovery and resilience were put in place. She expressed the hope that scheduled meetings with tripartite Ukrainian constituents in April 2023 would lead to constructive progress in that regard.
- 716.** She asked the Office to provide more detailed information on the activities of the DWT/CO-Moscow in each country, in particular its work with any independent trade unions still operating in the region. She welcomed the decision to reassign the responsibility for Georgia to the ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe in Budapest (DWT/CO-Budapest) in response to the request from Georgian trade unions, which she hoped would increase the technical assistance delivered to workers and

social partners in Georgia. She expressed concern regarding the international staff employed in the DWT/CO-Moscow and asked what provision had been made to ensure flexible working arrangements, including remote working. She sought clarification of the minimum staff presence for that Office, and whether that level of staffing compromised its work. In the current circumstances, international staff from that Office should be able to work from their home countries without limitation. She welcomed plans to establish a country office in Kyiv.

- 717.** Her group had been ready to adopt the original draft decision. However, with the exception of the proposed new paragraph (g), which was unnecessary as such reporting was already part of the work of the DWT/CO-Moscow, the amendments proposed by the cross-regional group were aligned with the views of her group. Her group would support it in the interests of reaching consensus. It could not support the amendments proposed by the Government of the Russian Federation.
- 718. Speaking on behalf of the EU and its Member States,** a Government representative of Sweden said that Albania, North Macedonia, Montenegro, Georgia, Iceland, Norway and Republic of Moldova aligned themselves with her statement. The Russian Federation's unprovoked, unjustified and continued aggression against Ukraine was a gross violation of international law and entirely incompatible with the ILO's values and principles. Her group reaffirmed its commitment to the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders. The Government of the Russian Federation had not shown any genuine willingness to achieve lasting peace. She reaffirmed the EU's support for President Zelenskyy's formula for peace and its commitment to work actively with Ukraine in implementing his 10 point peace plan. She deplored the ongoing atrocities committed by the Government of the Russian Federation and their impact on Ukraine and its people, the environment and its economy, and on neighbouring countries. She also deplored the labour rights violations resulting from the war of aggression. She highlighted the plight of seafarers in the region and of the workers in Ukraine's nuclear power plants.
- 719.** After outlining the financial support given by the EU and its Member States to Ukraine since the start of the war of aggression, she commended the ILO's work to support the tripartite constituents in Ukraine and other affected countries in the region, the staged return of staff to Kyiv, and the plan to open a country office there. The ILO should continue to cooperate with the wider UN system to ensure a coherent policy response to the aggression across the humanitarian-development-peace nexus. She welcomed the ILO's six priority areas of intervention and encouraged the Office to approach donors to meet funding needs. The ILO should support the social partners in their essential roles on the ground and should continue to cooperate with the International Atomic Energy Agency (IAEA) to ensure the protection of labour rights and a safe and healthy working environment. She welcomed the Director-General's visit to the Republic of Moldova and the decision to reassign the responsibility for Georgia to the DWT/CO-Budapest.
- 720.** She asked whether the funding gap was truly the only challenge faced when operating a subregional office from a country that had breached the UN Charter and started an unlawful war of aggression. She sought clarification regarding: the number and scope of technical advisory missions from the DWT/CO-Moscow to each country in the subregion; whether the Office had consulted the countries in the subregion to determine if their needs were being met; what was being done to protect family members of international staff; and whether the extended telework policy was being effectively applied to international staff from the DWT/CO-Moscow.

721. Her group supported the amendments to the draft decision proposed by the cross-regional group.
722. **A Government representative of Brazil**, expressing solidarity with Ukraine and its people, recalled that the Governing Body should only make decisions that related to the impact of the conflict on the world of work and should avoid politicizing the issue. The ILO should focus on providing unwavering support to the tripartite constituents in Ukraine, enhancing resource mobilization and reinforcing its presence in the country. The draft decision contained elements, particularly in subparagraphs (b) and (c), that went beyond the mandate of the ILO.
723. **A Government representative of China** said that the socio-economic impact of the ongoing conflict continued to spread, which was of serious concern. His Government's position on the Ukraine crisis remained consistent: sovereignty and territorial integrity must be respected, and States must comply with the UN Charter. The legitimate security interests of all States must be taken seriously. Efforts to seek a peaceful end to the conflict must be supported. He welcomed the ongoing operation of the Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia in Moscow (DWT/CO-Moscow) to provide technical cooperation and assistance in the subregion. The ILO's actions to de-escalate the situation should fall within its mandate and refrain from politicizing its work. He supported the amendments to the draft decision proposed by the Russian Federation.
724. **A Government representative of Ukraine** said that the continuing war in Ukraine was destroying the Ukrainian labour market. As a result of the hostilities, around 8 million persons had left the country and 6 million had become internally displaced persons. In territories temporarily under Russian control, where atrocities had become the norm, the Russian Federation was grossly violating the rights of workers, for example by forcing workers at the Zaporizhzhya power plant to sign labour contracts with the Russian State atomic energy corporation Rosatom and forcing employees to join Russian trade unions. Such violations deserved a decent response from the ILO.
725. After 13 months of full invasion, the draft decision was a surprisingly timid response by the Governing Body and did not provide for an effective reaction to the gross violation of ILO Conventions. She expressed gratitude to Ukraine's partners for their efforts and unity, which were clearly reflected in their statements and their proposed amendments to the draft decision. The continued operation of the DWT/CO-Moscow was deeply disappointing: a country that was itself violating basic labour rights and was under the most significant sanctions in history could not coordinate work in other countries in the region.
726. Despite the war, Ukraine continued to improve its labour legislation, adapting provisions to the conditions of war and implementing three EU directives in line with the legal procedures for preparing legislative initiatives, including those regarding social dialogue. The planned changes to labour legislation were being carried out with involvement of a wide range of stakeholders, including the social partners. Despite the extremely difficult conditions, Ukraine would continue to adhere strictly to the principles of social dialogue. She urged the friends of Ukraine to continue to provide invaluable financial, military, political and psychological support.
727. **A Government representative of the Russian Federation** said the amendments that he had proposed were aimed simply at ensuring a more objective view that reflected both sides of the situation, given that the conclusions of some Governing Body members had strayed from the facts. He requested that the amendments that he had proposed be put to a vote.

- 728. Speaking on behalf of the cross-regional group**, a Government representative of Iceland said that the Russian Federation's invasion of Ukraine flagrantly violated international law and undermined global order, peace and security. Although the representative of the Russian Federation had suggested the Governing Body consider expressing concern regarding the unilateral coercive measures imposed against the Russian Federation and adversely affecting the labour market, his Government alone was responsible for the impact of its brutal, unprovoked war against Ukraine for which the world must hold it to account. She urged all constituents to reject the amendments proposed by the Russian Federation.
- 729. A Government representative of China** expressed support for the motion to put the amendments proposed by the Russian Government to a vote.
- 730. A Representative of the Director-General** (Director, ILO Regional Office for Europe and Central Asia) emphasized that the report focused on support for the ILO's tripartite constituents in Ukraine. The establishment of an office in Kyiv, which must be approved as part of the Programme and Budget for 2024–25, would facilitate enhanced cooperation with the wider UN system and steps to approach donors proactively.
- 731.** The ILO had made 146 technical advisory missions to countries in the subregion between 28 March 2022 and 17 March 2023: 18 to Armenia, 16 to Azerbaijan, 22 to Georgia, 11 to Kazakhstan, 15 to Kyrgyzstan, 6 to Tajikistan, 2 to Turkmenistan and 56 to Uzbekistan. The purpose and scope of those missions had included ILO representation and advocacy at high-level events, the prioritization and implementation of DWCPs, UN Country Team strategic planning meetings, follow-up to the conclusions of CAS cases, support for the elaboration of national employment policies and social protection strategies, preparation of inter-agency project proposals, fundraising activities and capacity-building. A further 164 events had been held in a hybrid or online format.
- 732.** The quality of the services provided by the DWT/CO-Moscow was verified through constant contact with tripartite constituents and feedback through various communication channels, such as the network of National Coordinators, who had expressed high satisfaction with the services provided. Other means of verification included the Director-General's regular meetings with Government representatives at which strong appreciation for the services had been conveyed. Indeed, participants at a recent high-level conference to evaluate the implementation of the DWCP in Uzbekistan had expressed the highest respect for the ILO's work. The Regional Office was in constant contact with the authorities in Tajikistan regarding the implementation of the DWCP and had undertaken a high-level mission to Turkmenistan to develop a road map to combat child labour and forced labour in the cotton harvest. The high number of missions and requests for technical assistance was, in itself, testament to the satisfaction of the constituents. Moreover, the Bureau for Workers' Activities and the Bureau for Employers' Activities received positive feedback on their work with the social partners in the subregion.
- 733.** It appeared that the recovery process outlined in the Lugano Declaration was at too early a stage to consider issues under the ILO's mandate; action in that area continued to prioritize humanitarian aid, budget support for Ukraine and the question of its EU candidacy. The next Ukraine Recovery Conference would be hosted by the United Kingdom in June 2023, and he appealed to the Government representative of the United Kingdom to facilitate the ILO's participation. In relation to the efforts of the World Bank to bring about social protection reform, the Office had provided its own advice to the Government on that matter. The ILO was also making analytical and policy contributions to the social protection and livelihoods section of the second Rapid Damage and Needs Assessment, which was being led by the World Bank

and would be released by the end of March 2023. He hoped to be able to report back to the Governing Body on that work at its June 2023 session. He clarified that some information in the report, such as that contained in paragraph 4, had been included to provide updates on general developments and did not imply that the ILO was responsible for it. In paragraph 21, the intention had been to refer to the parts of the EU acquis that were relevant to the ILO Conventions, one of which was mentioned in Chapter 19 of the acquis.

- 734.** The Office prioritized its duty of care towards the national and international staff of the Decent Work Technical Support Team and Country Office for Central and Eastern Europe and the DWT/CO-Moscow. The Chairperson of the Staff Union had expressed appreciation for the support measures taken by the Office and its security services, particularly concerning operations in Ukraine and with regard to maintaining the operational capacity of the DWT/CO-Moscow. Regular meetings dedicated to the needs of international ILO staff were held at the DWT/CO-Moscow with the Staff Union, the human resources department and management, as well as representatives of other relevant departments; the most recent such meeting had been held on 17 March 2023. Regular briefings by the United Nations Department of Safety and Security (UNDSS) on the security situation were organized for staff, and the continued operation of the DWT/CO-Moscow was so far in line with the latest UNDSS security assessment for Moscow.
- 735.** The DWT/CO-Moscow continued to have sufficient operational capacity to safeguard technical cooperation with all countries in the subregion. Staff members were, however, entitled to telework outside the duty station in a very flexible manner, provided that there was a minimum international staff presence at the DWT/CO-Moscow to ensure the unimpeded delivery of programmatic work. The alignment of the staff's interests with service requirements posed a challenge for management, and work plans were therefore being established that defined time spent in Moscow, on missions, teleworking outside the duty station and on annual leave. While those arrangements sometimes necessitated discussion, no requests for telework outside the duty station had been rejected, and no issues relating to telework had been raised at the latest staff meeting. The presence of the international staff at the DWT/CO-Moscow was important for management reasons and for team morale, in particular for the national staff. The Office had granted professional staff members additional home leave to ensure their well-being.
- 736. A representative of the Director-General** (Legal Adviser), noting that concerns had been raised regarding the situation of family members of ILO international staff in the Russian Federation, explained that while ILO staff members generally enjoyed functional immunity from legal proceedings with respect to acts performed or words spoken during the discharge of their functions, that did not extend to their private activities or to family members. However, most, but not all, international ILO staff in the Russian Federation also enjoyed diplomatic immunity under the terms of the 1997 host country agreement, which included exemption from, for example, arrest, detention and search; that immunity did extend to family members. In that sense, the Russian Federation had been generous in its granting of diplomatic privileges to international staff. The Office was examining the situation of the few staff members who had not been granted diplomatic immunity and had received initial indications from the Russian authorities that they would receive diplomatic status.
- 737.** Nevertheless, all ILO staff and their family members had the obligation to respect the laws of the host country at all times, as much in Moscow as in any other duty station. Moreover, immunities did not absolve the Organization from its obligation to cooperate with national authorities in the proper administration of justice. Functional and diplomatic immunities offered only procedural protection in the sense that legal proceedings could not be initiated against them unless the Director-General had first lifted their immunity. In the case of a

dispute, matters had to be resolved through diplomatic means. The Office would always insist on respect for the diplomatic status of those who enjoyed it and would also intervene diplomatically in situations affecting family members not protected by diplomatic immunity to ensure their fair and appropriate treatment.

- 738. A representative of the Director-General** (Officer-in-Charge, Human Resources Development Department) emphasized that the flexible working modalities had been applied at the DWT/CO-Moscow in the most accommodating way possible under the existing rules, the maximum ceiling for teleworking removed altogether and all requests accepted and processed smoothly. Figures on the number of days of telework approved since August 2022 indicated good take-up of those flexible working modalities. The additional home leave granted to international staff members made it easier for them to connect with their families. The three international staff members who had recently joined the DWT/CO-Moscow had been working from remote locations prior to their arrival, constituting an additional form of flexibility. Consultations with the staff concerned, both local and international, were undertaken on a regular basis, and the Office carefully examined any mobility requirements or concerns expressed by the international staff currently serving at the DWT/CO-Moscow.
- 739. The Government representative of the Russian Federation** repeated his call for a vote on his country's draft amendment given the absence of consensus on the issue.
- 740. The Chairperson** said that at the request of the Government representatives of the Russian Federation and China, the draft decision, as amended by the Russian Federation, would be put to a vote by show of hands, in accordance with paragraph 6.1.1 of the Standing Orders of the Governing Body.
- (The proposed amendment was rejected with 2 votes in favour, 38 votes against and 9 abstentions.)*
- 741. The Employer spokesperson** wished to know whether, in the absence of consensus on the draft decision prepared by the Office, the amendment proposed by the cross-regional group would also need to be put to a vote if it was not withdrawn.
- 742. A representative of the Director-General** (Legal Adviser) clarified that a vote had to be conducted when it became unavoidable; that was, when there was a determination by the Chairperson, in consultation with the Officers of the Governing Body, that there was no consensus or prospect of consensus.
- 743. The Chairperson** said that she wished first to explore whether there was some way in which consensus could be reached.
- (The Governing Body resumed consideration of the item following a brief suspension of the sitting.)*
- 744. Speaking on behalf of the cross-regional group**, a Government representative of Sweden welcomed the proposal to open an office in Kyiv and asked the Director-General to confirm to the Governing Body that he and his Office would continue to carefully monitor the health and security of the staff of the DWT/CO-Moscow and report back to the Governing Body.
- 745. The Director-General** confirmed that he would continue to undertake such monitoring and that he would also monitor the situation in all ILO operations coordinated from the DWT/CO-Moscow and ensure that any necessary decisions were taken.
- 746. Speaking on behalf of the cross-regional group**, the Government representative of Sweden withdrew the amendments proposed by her group and proposed adding the words "taking into account the discussions held and the guidance provided during its 347th Session" to the first part of the draft decision.

Decision

747. In the light of the developments in Ukraine outlined in document GB.347/INS/16 and the resolution on the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization (ILO) adopted at its 344th Session (March 2022), taking into account the discussions held and the guidance provided during its 347th Session, the Governing Body:

- (a) noted the information provided in the document;
- (b) reiterated its most profound concern at the continuing aggression by the Russian Federation, aided by the Belarusian Government, against Ukraine and at the impact this aggression is causing to tripartite constituents – workers, employers and its democratically elected Government – in Ukraine, and to the world of work beyond Ukraine;
- (c) urged the Russian Federation again to immediately and unconditionally cease its aggression and withdraw its troops from Ukraine;
- (d) urged once again the Russian Federation to meet all the obligations following from its ratification of ILO Conventions, including the Maritime Labour Convention, 2006, as amended (MLC, 2006), in particular in relation to the repatriation of seafarers and access to medical care; the Radiation Protection Convention, 1960 (No. 115), in relation to the exposure of workers to ionizing radiations in the course of their work; and the Forced Labour Convention, 1930 (No. 29) and its accompanying Protocol of 2014;
- (e) reiterated its unwavering support for the tripartite constituents in Ukraine, requested the Director-General to continue responding to constituents' needs in Ukraine and to expand the ILO's resource mobilization efforts, including in forthcoming international donor conferences on recovery and reconstruction, and welcomed the detailed plan for reinforcing the ILO's presence in Ukraine;
- (f) further requested the Director-General to enhance resource mobilization efforts for other affected countries across the subregion of Eastern Europe and Central Asia;
- (g) requested that the Director-General continue monitoring the impact on the world of work of the Russian Federation's aggression against Ukraine and report to the Governing Body at its 348th Session (June 2023) on developments in the light of the resolution, including the ILO's continued engagement with relevant UN bodies involved in monitoring human rights violations, and the situation of maritime and nuclear workers.

(GB.347/INS/16, paragraph 41, as amended by the Governing Body)

17. Reports of the Committee on Freedom of Association

17.1. 401st Report of the Committee on Freedom of Association (GB.347/INS/17/1) and Addendum: Presentation of the Committee on Freedom of Association annual report for the year 2022 (GB.347/INS/17/1(Add.1))

17.2. 402nd Report of the Committee on Freedom of Association (GB.347/INS/17/2)

- 748. The Chairperson of the Committee on Freedom of Association** said that, at its March 2023 session, the Committee had examined 23 cases on their merits, 7 of which had been closed. The details of those cases were set out in the Committee's 401st Report. While the Committee was appreciative of the efforts made by many governments to provide their observations in a timely manner, at the most recent session several late submissions had hampered its work. He drew the attention of the Governments of Afghanistan, Cameroon, the Democratic Republic of the Congo, Haiti and Madagascar to the urgent appeal issued by the Committee for their respective observations with a deadline of 27 April 2023. Information received after the deadline would not be considered by the Committee in the absence of compelling circumstances. The Committee had examined eight cases in which governments had kept it informed of the measures taken to give effect to its recommendations. Seven of those cases had been closed. He highlighted the progress made regarding collective bargaining in Peru.
- 749.** He drew attention to nine serious and urgent cases. The first two cases (Nos 3203 and 3263) concerned allegations of systematic and serious violations of the right to freedom of association in Bangladesh. The Government had provided the Committee with information that had allowed it to gain a better understanding of the case. The court judgment in the case of the abduction, torture and murder of Mr Aminul Islam had confirmed the need for an independent judicial investigation into the alleged involvement of security forces in that case. The Committee had requested the Government to ensure a thorough and independent inquiry into additional allegations of police violence against trade union leaders in both of the above-mentioned cases.
- 750.** The Committee had expressed its concern that the facts of Case No. 3184 indicated a systemic problem impacting freedom of association in China. The Government had consistently failed to provide the detailed information requested by the Committee. The Committee had invited the Government to accept a direct contacts mission and urged it to take steps, with the technical assistance of the Office, to facilitate tripartite dialogue to ensure respect for freedom of association. It was particularly important for workers to be able to form organizations independent of the existing ones.
- 751.** The next two cases (Nos 2761 and 3074) concerned allegations of murders of trade union leaders and members and other acts of anti-union violence in Colombia. Significant action had been taken by the authorities and progress had been reported in respect of investigations into anti-union violence. The Committee had urged the Government to continue its efforts to ensure the investigation and prosecution of anti-union violence and threats and to afford adequate protection to trade union members.

- 752.** Case No. 2609 concerned a climate of impunity surrounding murder, violence and death threats suffered by trade unionists in Guatemala. The Committee, noting the action taken by the Government, had urged it to intensify its efforts.
- 753.** Another serious and urgent case concerned the Philippines (Case No. 3185), where there had been allegations of a deteriorating labour rights situation characterized by violence, murders, harassment and intimidation. The Committee had urged the Government to strengthen its efforts to combat violence against trade unionists and tackle impunity.
- 754.** The final two serious and urgent cases concerned the Bolivarian Republic of Venezuela. In Case No. 2254, concerning allegations from the employers' organization FEDECAMARAS, the Committee had asked the Government to provide detailed information on the specific results of the Social Dialogue Forum. Case No. 3277 concerned the murder of a trade union leader; the detention, persecution, intimidation and harassment of trade unionists; and the dismissal of a trade union leader at a public enterprise. The Committee had urged the Government to ensure that the investigations into the murder of a trade union leader were given priority.
- 755.** The 402nd Report contained information on measures taken by the Government of Belarus to implement the recommendations of the Commission of Inquiry established to examine the observance by the Government of Conventions Nos 87 and 98. The Committee had deplored that, more than 18 years since the adoption of those recommendations, the situation was worsening. The Committee had urged the Government to abandon its policy of destroying the trade union movement; engage with the ILO to implement the outstanding recommendations of the supervisory bodies; and immediately release and drop all charges against the trade union leaders and members arrested for participating in peaceful assemblies, or for exercising their civil liberties and legitimate trade union activities. The Government had also been urged to accept a visit from ILO officials so that they could ascertain the conditions of arrest and detention and the welfare of the persons arrested and named in the report.
- 756.** Turning to the presentation of the Committee on Freedom of Association annual report for the year 2022, he noted that it contained statistical data on the cases before the Committee. The report also noted that two countries, Colombia and Eswatini, had made use of voluntary conciliation measures at the national level with the support of the Office, thus enabling the Committee to suspend consideration of complaints from those two countries for up to six months. The Committee had also proposed three missions and suggested to governments to avail themselves of technical assistance in nine cases with a view to addressing its conclusions and recommendations.
- 757.** He expressed appreciation to those who had contributed to the work of the Committee, including the Member States, regional groups, Committee members, the Office and the Director-General. He hoped that further resources might be considered for the Committee's secretariat.
- 758. The Employer Vice-Chairperson of the Committee** said that his group supported the consensus reflected in all three of the reports of the Committee and encouraged the Governing Body to adopt all the draft decisions. He reiterated the call for governments to submit information in accordance with the Committee's deadlines, as late submissions impaired the Office's ability to provide timely drafts to Committee members, which in turn hindered the discussions.
- 759.** Several of the cases examined had been identified as serious and urgent. A common element in those cases was the persistent failure to provide information regarding serious allegations, and investigative and remedial actions. The purpose of the Committee was not to punish or

blame, but to engage in dialogue to promote and protect freedom of association. Its understanding of local situations depended entirely on the information provided by the parties, and appropriate resolution depended on full disclosure by governments.

- 760.** With regard to the ongoing issues relating to the workload of the Committee and the critical importance of continuing to improve its working methods, he drew attention to paragraph 20 of the annual report, on voluntary conciliation. In addition to what was outlined there, the Committee proposed that complainants be reminded that they can request the support of the Office when considering the option to request a delay, pending the use of voluntary conciliation measures. Encouraging governments and the social partners to engage in local conciliation procedures could promote meaningful resolutions without the need of intervention from the Committee.
- 761.** Lastly, the Employer members believed that it was important to remain vigilant that the Committee stayed within its mandate. At its most recent session, cases had been closed appropriately because any remaining issues were outside of its mandate. Doing so did not weaken the Committee, but rather strengthened its work by focusing its energy on fundamental matters and leveraging the best of social dialogue to find consensus approaches to allegations of failures to protect freedom of association.
- 762. The spokesperson for the Worker members of the Committee** said that his group was deeply concerned about the high number of cases in the 401st Report of the Committee relating to allegations of violence, arbitrary arrest and detention, disappearances and even murder on the basis of trade union activity, and in one case employer activity. Such serious violations could create insurmountable obstacles to the exercise of fundamental labour rights, especially when they were committed with impunity or with the complicity of the State. He called for that issue to be addressed by the entire ILO.
- 763.** The Committee had drawn special attention to nine serious and urgent cases, of which he wished to highlight four. In China, trade unionists had been criminalized and the legislation was incompatible with the principles of freedom of association and the right to collective bargaining. In Guatemala, there had been allegations of a climate of impunity surrounding violence against and murders of trade unionists. There were also two serious and urgent cases related to anti-union violence in Bangladesh.
- 764.** He also wished to highlight the cases concerning Hungary, where legislation imposed an extremely high minimum service requirement for strikes in the education sector; Argentina, where there were allegations of informal economy workers being denied the right to organize; and Hong Kong, China, where several trade unionists had been imprisoned.
- 765.** The Committee had examined cases in which it had been bound to repeat previous conclusions and recommendations due to a lack of progress in their implementation by the government involved. The Committee would continue to discuss the most effective ways to enhance dialogue in that regard.
- 766.** Turning to the 402nd Report, he noted that the situation in Belarus had continued to deteriorate. Numerous trade union leaders and activists had been arrested, prosecuted and imprisoned on the basis of their trade union activities. The Government had denied access to visitors, including officials of the ILO, to ascertain the conditions of arrest and detention and the welfare of those imprisoned. The Committee's recommendations also went beyond those serious matters and the Government was called upon to fully implement long-standing requests regarding legislative matters and the establishment of efficient non-judicial dispute resolution mechanisms.

767. The Committee's annual report for the year 2022 provided information on positive developments in some countries and on the use of the new voluntary conciliation procedure. There had been a sharp drop in cases from Latin America, for which the reasons were as yet unclear. He hoped that workers in the region remained able to access the Committee to raise complaints and to benefit from recommendations for their resolution.
768. **Speaking on behalf of the Government group of the Committee**, which consisted of members appointed by the Governments of Argentina, Colombia, France, Japan, Namibia and Sweden, a Government member from France said that the results of the discussions at the Committee's March 2023 session clearly demonstrated its members' common commitment to promoting the principles of freedom of association and collective bargaining and providing guidance for the realization of these rights.
769. She drew the Governing Body's attention to the cases identified as serious and urgent and to the gravity of the situation in Belarus. In some long-standing cases, governments were invited to accept different forms of support through direct contacts missions and technical assistance and she sincerely hoped that those initiatives would be well received. She expressed appreciation of the fact that some governments had agreed to meet and discuss with representatives from the Committee and the Office.
770. The Committee's task was to examine infringements of the principles of freedom of association and the effective recognition of the right to collective bargaining enshrined in the ILO's Constitution and other foundational documents. The objective of the Committee's complaint procedure was not to blame or punish but rather to engage in a constructive tripartite dialogue to promote respect for workers' and employers' rights in law and in practice, taking into account the particularities of different countries. The replies of governments to the allegations made were of central importance to the Committee's work. She strongly encouraged all her Government colleagues to ensure that deadlines were met to avoid hampering the work of the Committee.
771. The Committee's annual report for the year 2022 provided useful information on the Committee's work and the impact of recent procedural adjustments. It was encouraging to see that the voluntary conciliation procedures continued to play a role in preventing or resolving disputes at the national level. The Committee had also discussed a web-based application template that would facilitate the application procedure.
772. **Speaking on behalf of GRULAC**, a Government representative of Colombia noted the ongoing improvements in the Committee's working methods. Ten cases had been closed owing to a lack of new information in the 18 months following the Committee's most recent examination of the case. Her group strongly encouraged the Committee to continue following that procedure.
773. While she noted that the proportion of cases from her region had fallen, she reiterated her group's request to improve the regional balance in cases brought to the Committee.
774. According to the annual report, most of the cases examined by the Committee concerned threats to trade union rights and civil liberties, protection against anti-union discrimination and the violation of collective bargaining rights. Her group therefore encouraged the ILO to continue field activities to strengthen trade union rights. Voluntary conciliation was important for her region and the ILO should continue to provide technical assistance in that regard.
775. Turning to the Committee's 401st Report, she expressed appreciation for the work that gave rise to the closing of seven cases from her region. She reiterated her group's commitment to providing timely and detailed information. It was important that the Committee analysed

allegations received from complainants and established the facts before issuing recommendations and conclusions to governments.

- 776.** Thanking the Director-General for having provided the necessary resources to expand ILO capacity in her region, she expressed the hope that social dialogue experts would be appointed to the Regional Office for Latin America and the Caribbean in the near future. She encouraged the Committee to strictly implement the working methods that had been adopted.
- 777. A Government representative of Bangladesh** said that the recommendations in paragraphs 158 and 196 of the 401st Report of the Committee on Freedom of Association were partly based on outdated information, which the Committee had not reconciled prior to making its observations. A further instance of inadequate analysis concerned the murder of Mr Aminul Islam. No issue of complicity had been raised during the trial; the recommendation to conduct an independent judicial investigation to identify the intellectual authors of the crime indicated the Committee's misconceptions about due process in Bangladesh. Regarding anti-union discrimination, between 2013 and 2022, 50 cases had been taken to court, 41 of which had been resolved. The other nine cases were either pending or at various stages of legal proceedings. The resolution rate of 82 per cent did not justify the continuation of complaints against his Government.
- 778. A Government representative of China,** referring to the complaint presented by the ITUC, said that the parties concerned had been investigated and punished for violations of the law on public security, not for forming or participating in trade union activities. Her Government had been cooperating actively with the Committee since the case had been submitted and had provided detailed information on the persons involved to the secretariat in 2022.
- 779.** As regards the case concerning the Hong Kong Special Administrative Region, the allegations presented by the ITUC and the International Transport Workers' Federation (ITF) were baseless and unfounded. The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China guaranteed the rights and freedoms of the people of that region. Furthermore, the right to participate in trade union activities was protected by the Trade Unions Ordinance (Cap. 332) and was not affected by the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region. Neither the right to organize nor the right to freedom of association had been violated in that region. Consequently, her Government strongly opposed the misrepresentation of law enforcement actions as suppressing trade unions and their leaders.
- 780. A Government representative of the Bolivarian Republic of Venezuela** said that the complaint presented by the IOE and the FEDECAMARAS was included in the report of the Commission of Inquiry with respect to the Bolivarian Republic of Venezuela, for which reason it did not make sense for the Committee on Freedom of Association to continue to pursue the case. Her Government had requested repeatedly that all the information that it had sent to the Commission of Inquiry be made available to the Committee in order to avoid the duplication of procedures and close all cases for which answers had been provided and solutions found.
- 781.** Referring to the complaint presented by the National Union of Workers of Venezuela (UNETE), the Integrated Workers' Union of Ferrominera Orinoco (SINTRAFERROMINERA), the Confederation of Workers of Venezuela (CTV), the Independent Trade Union Alliance Confederation of Workers (CTASI) and the National Federation of Labour Unions of Higher Education of Venezuela (FENASOESV), she expressed regret that the Committee had not looked in depth at the information that her Government had provided. The allegations about workers had been reviewed by the Commission of Inquiry and the Committee of Experts on the Application of Conventions and Recommendations. Her Government had sent responses to

many of the allegations to the Director-General and the International Labour Standards Department; she asked that they be transmitted to the Committee on Freedom of Association without further delay.

- 782. A Government representative of Belarus** said that the 402nd Report of the Committee on Freedom of Association painted a misleading picture of the situation in Belarus. All of the cases alleged to have involved the persecution of trade unions were instances of prosecutions of either infringements of the law or individuals who had sought to topple the legitimate authorities by unconstitutional means. Despite the detailed, up-to-date information that her Government had provided, the Organization was using accusations of persecution as a pretext to introduce punitive measures under article 33 of the ILO Constitution. Belarus, as a sovereign country, was against foreign intervention in its domestic affairs. Constructive dialogue was called for to resolve matters.

Decisions

- 783. The Governing Body** took note of the introduction to the Report of the Committee, contained in paragraphs 1-55, and adopted the recommendations made in paragraphs: 84 (Case No. 3416: Algeria); 97 (Case No. 3431: Angola); 120 (Case No. 3225: Argentina); 139 (Case No. 3360: Argentina); 158 (Case No. 3203: Bangladesh); 196 (Case No. 3263: Bangladesh); 269 (Case No. 3424: Cambodia); 297 (Case No. 3184: China); 322 (Case No. 3406: China (Hong Kong Special Administrative Region)); 362 (Cases Nos 2761 and 3074: Colombia); 384 (Case No. 3329: Colombia); 412 (Case No. 3333: Colombia); 446 (Case No. 3418: Ecuador); 479 (Case No. 2609: Guatemala); 501 (Case No. 3366: Honduras); 548 (Case No. 3426: Hungary); 595 (Case No. 3414: Malaysia); 610 (Case No. 3377: Panama); 638 (Case No. 3322: Peru); 671 (Case No. 3185: Philippines), 697 (Case No. 2254: Bolivarian Republic of Venezuela); 727 (Case No. 3277: Bolivarian Republic of Venezuela) and adopted the 401st Report of its Committee on Freedom of Association as a whole.

(GB.347/INS/17/1)

- 784. The Governing Body** took note of the sixth annual report of the Committee on Freedom of Association which covers the year 2022.

(GB.347/INS/17/1(Add.1), paragraph 4)

- 785. The Governing Body** approved the Committee's recommendations as set out in paragraph 78 of document GB.347/INS/17/2.

(GB.347/INS/17/2, paragraph 78)

18. Report of the Director-General: Regular report (GB.347/INS/18)

- 786. The Worker spokesperson** welcomed the ratifications listed in the report, in particular the six new ratifications of the Violence and Harassment Convention, 2019 (No. 190), which was still relatively recent. She also welcomed Nigeria's ratification of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), within the first year of it becoming one of the fundamental Conventions.

- 787. The Employer spokesperson** also welcomed the ten ratifications listed in the report. In that regard, he asked whether being generally more informed about how different Member States approached the ratification of Conventions could be helpful to other countries. It could be useful to know whether countries always made a thorough pre-ratification assessment of compliance and the changes necessary to ensure compliance, or whether the national social

partners, including representative and independent employers' organizations, had been adequately consulted and their views and needs taken into account. If so, it would be useful to know whether countries had followed the outcomes of those pre-ratification assessments and developed action plans to ensure correct implementation or ratification, and whether they had made sure that they had the necessary capacity to comply with their reporting obligations.

- 788.** Ratification should only occur once correct application could be assured, ideally in a way that accommodated the needs of the tripartite constituents in the country. In that regard, he urged the Office, in its promotional activities on the ILO Conventions, to advise constituents to take a careful and deliberate approach. Ratification should not be rushed. It should occur at the end of a process towards ensuring compliance, not the beginning. It should not be considered a political element or a declaration of intent; it was in fact a treaty under international law that must be complied with. Such an approach to ratification would improve compliance and allow the ILO's supervisory system to be less burdened and better able to focus on more serious cases.

Decision

- 789.** The Governing Body took note of the information contained in document GB.347/INS/18 regarding membership of the Organization, progress in international labour legislation, internal administration and publications and documents.

(GB.347/INS/18, paragraph 15)

18.1. First Supplementary Report: Documents submitted for information only (GB.347/INS/18/1)

Decision

- 790.** The Governing Body took note of the information contained in the following documents:

- Approved symposia, seminars, workshops and similar meetings (GB.347/INS/INF/1);
- Report of the Committee of Experts on the Application of Conventions and Recommendations (Geneva, 28 November–10 December 2022) (GB.347/INS/INF/2);
- Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (GB.347/INS/INF/3);
- Report on the status of pending representations submitted under article 24 of the ILO Constitution (GB.347/INS/INF/4(Rev.1));
- Report of the meeting of the tripartite committee to consider further improvements to the approved methodology of SDG indicator 8.8.2 on labour rights (Geneva, 21 October 2022) (GB.347/INS/INF/5);
- Update on the ILO's engagement in the Conference of the Parties to the United Nations Framework Convention on Climate Change (GB.347/POL/INF/1);
- Agreements concluded with other international organizations (GB.347/LILS/INF/1);
- Programme and Budget for 2022–23:
 - Position of accounts as at 31 December 2022 (GB.347/PFA/INF/1/1);
 - Collection of contributions from 1 January 2023 to date (GB.347/PFA/INF/1/2);

- Update on the headquarters building renovation project (GB.347/PFA/INF/2);
- Update on the premises for the ILO Regional Office for Africa and Country Office for Côte d'Ivoire, Benin, Burkina Faso, Mali, Niger and Togo in Abidjan (GB.347/PFA/INF/3);
- First progress report on the implementation of the Information Technology Strategy 2022–25 (GB.347/PFA/INF/4);
- External audit plan (GB.347/PFA/INF/5);
- Follow-up to the report of the Chief Internal Auditor for the year ended 31 December 2021 (GB.347/PFA/INF/6);
- Composition and structure of the staff at 31 December 2022 (GB.347/PFA/INF/7);
- Report of the Board of Trustees of the Special Payments Fund (GB.347/PFA/INF/8);
- Decisions of the United Nations General Assembly on the report of the International Civil Service Commission for 2022 (GB.347/PFA/INF/9);
- Decisions of the United Nations General Assembly on the report of the 72nd session of the United Nations Joint Staff Pension Board (2022) (GB.347/PFA/INF/10);
- Matters relating to the Administrative Tribunal of the ILO: Amendments to the Statute of the International Civil Service Commission and update on the review of the jurisdictional set-up of the United Nations common system (GB.347/PFA/INF/11).

(GB.347/INS/18/1, paragraph 3)

18.2. Second Supplementary Report: Appointment of three Assistant Directors-General (GB.347/INS/18/2(Rev.1))

Decision

791. The Governing Body took note of the appointments made by the Director-General after having duly consulted the Officers of the Governing Body and invited Mr Hao, Ms Seppo and Ms Thompson to make and sign the prescribed declaration of loyalty as provided under article 1.4(b) of the ILO Staff Regulations.

(GB.347/INS/18/2(Rev.1), paragraph 4)

(Mr Hao, Ms Seppo and Ms Thompson made and signed the declarations of loyalty.)

18.3. Third Supplementary Report: Report of the committee set up to examine the representation alleging non-observance by France of 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) (GB.347/INS/18/3)

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

Decision

792. The Governing Body, on the recommendation of the Committee:

- (a) approved the report contained in document GB.347/INS/18/3;

- (b) requested the Government of France, in the context of the application of Convention No. 98, to take into account the observations made by the Committee in paragraphs 51 and 62 of the report;
- (c) invited the Government to provide information in that respect for examination by the Committee of Experts on the Application of Conventions and Recommendations; and
- (d) decided to make the report publicly available and to close the representation procedure.

(GB.347/INS/18/3, paragraph 66)

18.4. Fourth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Chile of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (GB.347/INS/18/4)

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

Decision

793. In the light of the conclusions contained in paragraphs 31 to 40 of the report with regard to the matters raised in the representation, the Governing Body, on the recommendation of the Committee:

- (a) approved the report contained in document GB.347/INS/18/4;
- (b) decided to make the report publicly available and to close the representation procedure.

(GB.347/INS/18/4, paragraph 42)

18.5. Fifth Supplementary Report: Report of the tripartite Committee set up to examine the representation alleging non-observance by Chile of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (GB.347/INS/18/5)

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

Decision

794. In the light of the Committee's conclusions and recommendations, the Governing Body:

- (a) approved the report contained in document GB.347/INS/18/5 and, in particular, the conclusion formulated in paragraph 30; and
- (b) decided to make the report publicly available and to close the procedure initiated by the representation made by the Single Central Organization of Chilean Workers.

(GB.347/INS/18/5, paragraph 32)

18.6. Sixth Supplementary Report: Report of the Committee set up to examine the representations alleging non-observance by Peru of the Hours of Work (Industry) Convention, 1919 (No. 1) (GB.347/INS/18/6)

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

Decision

795. In the light of the conclusions set out in paragraphs 23, 24, 29 and 30 of the report with regard to the matters raised in the representation, the Governing Body, on the recommendation of the Committee:

- (a) approved the report contained in document GB.347/INS/18/6;**
- (b) decided to make the report publicly available and to close the procedure resulting from the representations.**

(GB.347/INS/18/6, paragraph 32)

19. Reports of the Officers of the Governing Body

19.1. First report: Representation alleging non-observance by France of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Workers' Representatives Convention, 1971 (No. 135) (GB.347/INS/19/1)

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

Decision

796. In light of the information contained in document GB.347/INS/19/1, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was not receivable.

(GB.347/INS/19/1, paragraph 5)

19.2. Second report: Representation alleging non-observance by Uruguay of the Hours of Work (Industry) Convention, 1919 (No. 1), the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), and the Occupational Safety and Health Convention, 1981 (No. 155) (GB.347/INS/19/2)

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

Decision

797. In the light of the information contained in document GB.347/INS/19/2, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.

(GB.347/INS/19/2), paragraph 5)

19.3. Third report: Representation alleging non-observance by Chile of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (GB.347/INS/19/3)

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

Decision

798. In the light of the information contained in document GB.347/INS/19/3, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.

(GB.347/INS/19/3), paragraph 5)

19.4. Fourth report: Representation alleging non-observance by Serbia of the Forced Labour Convention, 1930 (No. 29), the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), the Migration for Employment Convention (Revised), 1949 (No. 97), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Labour Administration Convention, 1978 (No. 150) and the Safety and Health in Construction Convention, 1988 (No. 167) (GB.347/INS/19/4)

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

Decision

799. In the light of the information contained in document GB.347/INS/19/4, and taking into consideration the recommendation of its Officers, the Governing Body decided:

- (a) that the representation was receivable and to set up a tripartite committee to examine it;**
- (b) that considering that the representation concerns issues similar to those raised in another representation, the two cases should be examined jointly by the same tripartite committee;**
- (c) to refer the elements of the representation regarding non-observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) to the Committee on Freedom of Association for examination in accordance**

with the procedure set out in the Standing Orders on articles 24 and 25 of the ILO Constitution.

(GB.347/INS/19/4), paragraph 6)

19.5. Fifth report: Representation alleging non-observance by Serbia of the Forced Labour Convention, 1930 (No. 29), the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), the Migration for Employment Convention (Revised), 1949 (No. 97), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Labour Administration Convention, 1978 (No. 150), the Occupational Safety and Health Convention, 1981 (No. 155), the Safety and Health in Construction Convention, 1988 (No. 167), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (GB.347/INS/19/5)

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

Decision

800. In the light of the information contained in document GB.347/INS/19/5, and taking into consideration the recommendation of its Officers, the Governing Body decided:

- (a) that the representation was receivable and to set up a tripartite committee to examine it;
- (b) that considering that the representation concerns issues similar to those raised in another representation, the two cases should be examined jointly by the same tripartite committee;
- (c) to refer the elements of the representation regarding non-observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), to the Committee on Freedom of Association for examination in accordance with the procedure set out in the Standing Orders on articles 24 and 25 of the ILO Constitution.

(GB.347/INS/19/5), paragraph 6)

20. Composition, agenda and programme of standing bodies and meetings (GB.347/INS/20)

801. The Employer spokesperson said that his group agreed with the draft decision.

802. The Worker spokesperson said that she would appreciate extending future Governing Body meetings to include an additional day, as the current session had had an excessively heavy agenda, resulting in too many night sittings and had exhausted delegates. It should therefore be noted that the provisional dates contained in Part II of the document could change.

Decision

803. The Governing Body, upon the recommendation of its Officers:

- (a) **approved the holding of the Workers' Symposium: New Approaches to Workers' Education for Trade Union Revitalization on 18–20 September 2023;**
- (b) **authorized the Director-General to issue an invitation to the organizations listed in the appendix to document GB.347/INS/20, it being understood that it would be for the Conference to consider their requests to participate in the work of the committees dealing with the agenda items in which they have stated a special interest, and to inform the organizations concerned that they may nominate one person only for each of the agenda items in respect of which their interest has been recognized;**
- (c) **endorsed the proposals made in relation to the invitation of intergovernmental and international non-governmental organizations as observers to the other official meetings listed in the appendix to document GB.347/INS/20; and**
- (d) **took note of the programme of meetings contained in Part II of document GB.347/INS/20, subject to further decision-making of the Governing Body.**

(GB.347/INS/20, paragraph 11)

Closing remarks

- 804. The Worker spokesperson** applauded the Chairperson for her excellent work and wished the Director-General well in implementing all of the decisions made by the Governing Body, in addition to the other challenges he faced.
- 805. Speaking on behalf of the Government group**, a Government representative of Germany commended the Chairperson for her prudent leadership during a difficult session with a dense and substantial agenda. She also thanked the social partners and the Office, as well as the interpreters and technicians.
- 806. The Employer spokesperson** echoed the comments made by the previous two speakers.
- 807. The Chairperson**, noting that it would be the last Governing Body meeting over which she would preside until her successor took over at the June session, said that it had been her privilege to moderate the debates on sometimes complex and sensitive issues during the session. She thanked all participants for their good will and collaboration in a task that was not always easy. She also expressed her thanks to the Office, particularly the Official Meetings, Documents and Relations Department, as well as to the two Vice-Chairpersons and their respective groups, for their tenacity, and the Government representatives and the regional groups, for their professionalism. It had been an exhausting session and everybody agreed that something needed to change. Hopefully, creative solutions could be found in order to have more effective sessions in the future.

► Policy Development Section

Employment and Social Protection Segment

1. A normative gap analysis on decent work in the platform economy (GB.347/POL/1)

- 808. The Worker spokesperson** observed that a new phase in the informal economy had begun and was on the increase in all regions of the world, where workers engaged through a platform, with poor working conditions and without labour rights or social protection whereas platforms make huge profits. The ILO had long recognized the growing significance of platform work in the context of the future of work and tripartite constituents agreed to address it in the ILO Centenary Declaration for the Future of Work. It is regrettable that the Meeting of Experts on Decent Work in the Platform Economy, held in October 2022, did not reach consensus-based conclusions. However, there had been broad agreement on the nature and extent of the decent work deficits and challenges faced by workers on digital labour platforms, working both on location and online, and on the need for national and international regulation, including through standard-setting by the ILO. Key challenges and gaps had been identified, including with regard to algorithmic management, working time, the regular payment of wages and modalities to set remuneration. There was even unanimous agreement on the importance of the Employment Relationship Recommendation, 2006 (No. 198), in combating disguised employment relationships and on the need to provide access to adequate social protection for all platform workers.
- 809.** The Office document clearly identified a number of normative gaps, including algorithmic management and data protection. It was clear that fundamental principles and rights at work apply to all workers. However, digital platforms created a unique set of challenges, and there was a need for guidance to ensure that these principles and rights were applied effectively in law and practice. While the Office had identified no gaps in the scope of 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), she noted that specific challenges impeding the full exercise of those rights were directly related to algorithmic management. Therefore, governments needed to take urgent action to protect those rights in practice, and the ILO must take further action to ensure that competition law did not undermine the right to bargain collectively, in particular for self-employed workers.
- 810.** Proper classification of the employment relationship was fundamental to the application of fundamental rights and other standards, as platform workers who were misclassified were deprived of the most basic labour protections. The increasing number of occupations being mediated through platforms made it imperative for the ILO to act. A new Convention on decent work in digital platforms could build on Recommendation No. 198 and on the growing body of national legislation and case law to address the question of employment status.
- 811.** Some issues were not yet covered by any international labour standards. The use of algorithms programmed to take management decisions, including hiring, firing and disciplinary decisions, directly affected the rights and conditions of platform workers, including their fundamental principles and rights at work. Regulation, including through collective bargaining, of the use of such algorithmic management was crucial for workers to fully enjoy their rights and have access to justice in the event of violations, and the ILO should take the lead and act specifically to address the gap in labour protection for workers on digital labour platforms.

- 812.** The specific thematic gaps in existing international labour standards identified in the Office document directly affected the working conditions of platform workers and could give rise to decent work deficits. A lack of transparency on remuneration rates, irregular payment of remuneration due, and commissions and fees paid by platform workers all impacted the payment of minimum wages and the provision of social protection schemes. There were normative gaps in relation to disciplinary matters, ratings, the limitation of total working hours when including overtime, and the cross-border nature of the platform economy. Digital monitoring and labour inspection must also be addressed as regards work on digital labour platforms.
- 813.** In addressing challenges in the world of work arising from fundamental changes in business models and the composition of the labour force, the ILO had always approached the issue from the perspective of the group that needed to be protected, taking into account existing standards and adapting them to the group concerned; the same approach should be taken in relation to platform workers. A further general discussion on decent work in the platform economy was unnecessary, as the work in preparation for the meeting of experts, the report of the meeting and the normative gap analysis provided sufficient basis for the Governing Body to decide to place a standard-setting item on the agenda of the Conference in 2025 for a double discussion. The adoption of a standard was crucial to protect platform workers whose vulnerabilities arise in particular from algorithmic management. It should be focused on protecting, respecting and realizing platform workers' rights and improving their working conditions. It should give governments sufficient guidance on how to execute their duties to protect workers and call on employers and businesses to take responsibility for the people who were creating their profits. The Workers' group therefore proposed amending the draft decision to place on the agenda of the Conference a standard-setting item with a double discussion procedure.
- 814. The Employer spokesperson** stated that the broad, diverse and extremely dynamic nature of the platform economy, involving multiple sectors, business models, service provision modalities and ways of working rendered a one-size-fits-all approach inappropriate. She therefore contended that there was no solid basis for standard-setting action on decent work in the platform economy. The ILO normative framework already provided policy responses applicable to most challenges in the world of work for which international regulation was justified, including in relation to digital platforms. The normative gap analysis largely confirmed the Employers' group's position, in that it highlighted the relevance of the ILO normative framework and the applicability of a wide range of existing international labour standards to the realities of the platform economy. Furthermore, it clearly stated that there appeared to be no gap in connection with fundamental principles and rights at work, especially in connection with Conventions Nos 87 and 98. She nonetheless pointed out that it was the view of the Employers' group that the right to collective bargaining under Convention No. 98 was conditional on an employment relationship and therefore did not apply to organizations representing self-employed workers. She also noted the extreme diversity in the rules, practices and regulations of Member States in that regard.
- 815.** Recommendation No. 198 provided guidance on how to distinguish independent contractors from those in an employment relationship and included specific criteria on how national policies should address the issue of determining whether an employment relationship existed; some of those criteria applied perfectly to the platform economy. Recommendation No. 198 also cautioned that national policy in protecting workers "should not interfere with true civil and commercial relationships". The balanced approach to the analysis of contract-based relationships in Recommendation No. 198 translated ideally to relationships established by

platform work. The Office analysis also indicated that there did not seem to be any normative gap concerning employment policy and promotion, or employment security aspects, when genuinely dependent workers were involved. Occupational safety and health related standards remained relevant and applicable to platform work. The personal scope of the Occupational Safety and Health Convention, 1981 (No. 155) did not include self-employed workers, but this limitation was addressed in the accompanying Recommendation. A similar situation existed for the standards on social protection, which were applicable to the platform economy, and the limits on the personal scope of the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121) was partially compensated in its accompanying Recommendation. Other standards, such as the Maternity Protection Convention, 2000 (No. 183), or the Home Work Convention, 1996 (No. 177), were also applicable to the platform economy insofar as workers were in an employment relationship. However, this did not represent a gap but rather a clear intention to exclude self-employed workers from their scope because of the nature of the topics covered.

- 816.** As to possible thematic gaps, algorithmic management was not specifically addressed in ILO Conventions, but it was unclear whether and to what extent the topic fell under the ILO's remit. She agreed that the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), was applicable regarding the prevention of discriminatory biases in the design of algorithms. The Office document had also identified working time, data protection, resolution of labour disputes and the cross-border nature of the platform economy as potential areas for ILO action; however, those topics were not specific to the platform economy. Furthermore, the protection of workers' personal data had already been addressed in an ILO code of practice of 1996, which still represented an adequate response to this issue. The normative gap analysis covered 20 topics and had shown that there was a wide range of existing standards applicable to the work performed in the platform economy. There were therefore no gaps and no need for a new standard on the platform economy.
- 817.** The Employers' group was committed to the effective implementation of international labour standards, including, where applicable, in the context of the platform economy. To assist ILO constituents, the Office should prepare a guide on the extent to which existing ILO Conventions and Recommendations were applicable to the platform economy. The Conference item should be devoted to a general discussion, designed to further increase constituents' knowledge and understanding of the platform economy, new developments and approaches in law and practice, and the effective implementation of international labour standards to overcome challenges. It could also address the issue of algorithms, such as their potential impact on the world of work, their employment challenges and best practices in their use. The Employers' group therefore proposed amending the draft decision to indicate that the item on the Conference agenda would be a general discussion.
- 818. Speaking on behalf of the Government group,** a Government representative of Germany said that the normative gap analysis reflected the recognition that, while working arrangements in the platform economy raised concerns about disguised employment relationships, the sector nonetheless comprised both workers classified as employees and workers classified as self-employed. The gap analysis thus appropriately pointed to topics where self-employed workers were not covered by the provisions of certain existing standards. She pointed also to the fact that issues like algorithmic management and the protection of workers' personal data were not adequately covered by existing standards. Work-related issues in the platform economy were indeed within the ILO's mandate. The Government group continued to support ILO action to ensure decent work in the platform economy and was committed to ensuring that the ILO had an up-to-date body of international labour standards

relevant to the changing world of work. The group remained open in principle to standard-setting on decent work in the platform economy.

- 819. Speaking on behalf of the Africa group**, a Government representative of Sudan said that the fast-growing platform economy was a hot topic in the world of business. He requested the ILO to take action in the form of a policy response, which could take the form of international labour standards. The group agreed with the Office regarding gaps in the personal scope of application of international labour standards as well as the thematic gaps in existing standards. The normative gap analysis provided a sound basis for discussion, but more information was needed, and regional and subregional discussions on the platform economy had yet to take place.
- 820.** The Africa group would continue to support the ILO's actions to ensure decent work in the platform economy. It shared the concerns expressed in the meeting of experts about employment relationships and labour and social rights, including the need to combat disguised employment relationships. The Africa group was committed to ensure that the body of international labour standards was relevant for the changing world of work. He requested the Office to review the normative gap analysis to summarize the results and comments on the areas of agreement, contradictions and controversies, define what had been achieved and suggest starting points for a general discussion by the Conference in 2025. In the process, the Office should address how it would link the platform economy with the technology gap in Africa, the Global Coalition for Social Justice, freedom of association and collective bargaining, and with wage and employment policies, employment promotion and social security.
- 821. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Colombia recalled that the Centenary Declaration called for policies and measures to meet the challenges and opportunities offered by the digital transformation in the workplace, including platform work. Existing international labour standards were insufficient to regulate all aspects of the platform economy adequately, since the types of legal relationships in platform work varied greatly, the interactions were very complex owing to the cross-border nature of platform work, the use of algorithms and the decentralization of production, and not all countries could ratify a series of Conventions as that required political consensus and complex legislative processes.
- 822.** States should be encouraged take measures to ensure that workers who provide their services in a country different from their country of residence benefit from the right to social protection, maternity leave, healthcare, pensions and other benefits. A normative instrument would require flexible mechanisms to adapt to technological advances and thus remain effective. The fundamental Conventions must be applied to protect both employed and self-employed workers. Other areas to be addressed included social security, wage protection and the conclusion of labour contracts, as well as penalties remuneration, access to labour justice, and limits on hours of work. All of the themes were substantive elements of the employment relationship and required specific responses; hence, standard-setting action was appropriate. A standard would ensure that the employment situation of platform workers was appropriate and fair, and would provide transparency, traceability and awareness-raising. The basis for the discussion should take into account the innovative nature of platform work and its particularities. Mechanisms allowing quick adaptation of the standard to progress in technology would be required. To ensure that the instrument would be fit for purpose and to increase the prospects of compliance, it might be helpful to assess experience with specific regulations, such as the Maritime Labour Convention, 2006, as amended (MLC, 2006). Her group supported a standard-setting item with a double-discussion procedure.

- 823. Speaking on behalf of Asia and Pacific group (ASPAG)**, a Government representative of Australia said that her group recognized the value of the platform economy in terms of innovation, technology and the employment opportunities it offered to people transitioning from the informal to the formal economy, moving between jobs or entering the job market. It also allowed businesses to extend their markets and evolve their business models, contributing to economic growth. However, platform workers did not always have access to the same degree of protection under international labour standards as other workers. The ILO must assist Member States in finding suitable solutions to these challenges, in accordance with their national circumstances. The Centenary Declaration highlighted the ILO's role in promoting policy coherence in pursuit of its human-centred approach to the future of work, including decent work in the platform economy. Her group had consistently supported ensuring that ILO standards were fit for purpose and addressed the issues facing the modern world of work. It was carefully considering the merits of a general discussion and a standard-setting procedure. A principles-based standard that did not focus on any one specific type of platform work or any one model of regulation might assist Member States in ensuring that platform work provided decent work. While ASPAG was open in principle to standard-setting on decent work in the platform economy in 2025 if that was the consensus, a number of Member States, including in the region, were developing policy initiatives to protect workers in the platform economy. It would be worthwhile to take time to assess the effectiveness of such initiatives and the lessons learnt to inform a standard-setting procedure further in the future. Her group might also be open to a general discussion at the Conference in 2025 for the purposes of sharing information. The group would listen to the views of other members before declaring support for either of the options in the draft decision.
- 824. Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of the United States of America said that while the platform economy was a growing source of work opportunities, there were deep challenges to achieving decent work for all workers in the platform economy. While not unique to the platform economy, certain issues were particularly pressing, including data protection, access to social protection and the exercise of fundamental labour rights. He agreed with the conclusion of the gap analysis that there did not appear to be any gap in the scope or issues covered by Conventions Nos 87 and 98. However, the fact that platform workers in many countries were classified as self-employed and therefore did not enjoy the enabling rights of freedom of association and collective bargaining meant that there was a significant gap in the application of international labour standards, which warranted the ILO's continued attention. The analysis had revealed that many key elements of the platform economy were not addressed by existing international labour standards. As stated in the Centenary Declaration, the ILO needs an up-to-date body of international labour standards, and standards need to respond to the changing patterns of the world of work. The Organization should therefore take a leading role in efforts to promote decent work in the platform economy by developing a dedicated standard to fill the numerous and significant normative gaps. IMEC supported devoting an agenda item to standard-setting with a double-discussion procedure at the Conference in June 2025.
- 825. Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Sweden said that the following countries aligned themselves with the statement: Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, Serbia, Georgia, Iceland and Norway. While he recognized that digital labour platforms were a growing source of inclusive employment opportunities that also provided opportunities for businesses, a comprehensive international framework to protect platform workers, especially those in more vulnerable positions, was required. Digital labour platforms were diverse and complex, and it was crucial to ensure, through social dialogue, that all platform workers could enjoy full trade

union rights, including collective bargaining. He also mentioned the importance of issues like the transparency and predictability of contractual arrangements, working time, including waiting time and the right to disconnect, transparent remuneration rates, occupational safety and health, algorithmic management and data protection, the prevention of discriminatory biases in decision-making processes, penalties, adequate access to social protection, access to appropriate and effective remedies, and collaboration with public authorities. All platform workers should enjoy the fundamental principles and rights at work, including freedom of association and the right to collective bargaining. Moreover, the Commission for Social Development of the UN Economic and Social Council had adopted a draft resolution encouraging Member States to enact legislative frameworks to determine the employment status of digital platform workers and protect their rights, and to develop policies to ensure effective implementation. The EU and its Member States was therefore in favour of a standard-setting item with a double discussion procedure, which should build on existing ILO standards, fill regulatory gaps and provide guidance on regulating platform work.

- 826. Speaking on behalf of the Association of Southeast Asian Nations (ASEAN)**, a Government representative of Indonesia said that the exponential growth in the platform economy was changing the nature of employment and labour relations, making it difficult to protect the welfare of workers in the informal economy and self-employed workers. Since the rise of new forms of work called for a reassessment of existing institutional structures to govern labour markets and employment relationships, a comprehensive study should be undertaken on decent work policies in the platform economy. A statement on the future of work issued by the ASEAN labour ministers had highlighted the need to prepare workers and businesses for the future of work and to take advantage of new technologies. Facilitating workers' access to training opportunities would promote decent work by enabling workers to adapt to the changing nature of employment. ASEAN would prefer a general discussion at the 2025 session of the Conference, but remained open to standard-setting on decent work in the platform economy if that was the consensus within the Governing Body.
- 827. A Government representative of Barbados** said that the gaps that had been identified in the application of international labour standards on decent work in the platform economy must be addressed as a matter of urgency. The size and financial resources of many enterprises in the platform economy, the cross-border nature of the web-based business model and its use of algorithmic management posed challenges for small States with limited technical and financial resources. On the other hand, the model had the potential to bring more people into productive economic activity and enable more workers to move out of precarious work and into the formal economy. His Government supported standard-setting based on a double discussion.
- 828. A Government representative of Bangladesh** said that the platform economy could contribute to economic growth by including women, persons with disabilities and other marginalized groups in the world of work, and could provide employment beyond the traditional job market. Innovative small and medium-sized enterprises should be given every opportunity to grow. Caution was required in applying international labour standards in an area with diverse legal systems and economic structures. She requested the ILO for further technical assistance in this area and called for further discussion on the platform economy.
- 829. A Government representative of the Dominican Republic** said that the way in which labour relations were perceived had changed at an unimaginable pace. Remote working, temporary employment and the integration of technology into work processes had given rise to new types of relationship between employers and workers. New regulatory and supervisory mechanisms

were needed to address changes in the world of work and uphold the principle of decent work for all.

- 830. A Government representative of Brazil** said that the majority of platform workers had little or no power when negotiating their contracts with platform companies and were often forced to work in bogus self-employment, which left them exposed to long working hours, no sickness benefits and little or no access to social security and other benefits. General provisions should be established in areas such as the classification of workers, accident insurance, cross-border settlement of disputes, use of personal data, algorithmic management and the fairness of automated decisions regarding ratings and penalties. The absence of effective regulation harmed workers' rights and States' social security systems, and undermined the values championed by his Government and the ILO. Ensuring protection for workers meant implementing strict regulations and laws, carrying out regular audits to identify potential problems, creating safe reporting mechanisms for workers and ensuring them freedom of 'association. He therefore supported a standard-setting item in 2025 with a double-discussion procedure with a view to developing an appropriate normative framework.
- 831. A Government representative of Colombia** said that it was difficult in practice to apply labour legislation to the platform economy, especially with regard to collective bargaining and the exercise of freedom of association. As a result and given the cross-border nature of platform work, the ILO should ensure that minimum standards protect platform workers. A useful framework could be developed to create synergies and ensure regulatory coherence between States. Her Government supported standard-setting on decent work in the platform economy.
- 832. A Government representative of Pakistan** said that many platform workers lacked access to social protection, including healthcare, pensions and other benefits, since they were often treated as independent contractors rather than employees and their ability to negotiate the terms and conditions of their work was limited. As the rise of platform work had created challenges for traditional labour regulations, instead of attempting to adapt existing standards, it would be more feasible to adopt a new Convention to ensure that platform workers had the same rights and protections as other workers. To ensure that all stakeholders were involved in drafting and implementing the Convention and create a more comprehensive framework for regulating the platform economy, his Government supported standard-setting on the platform economy through a single-discussion procedure.
- 833. A Government representative of India** applauded the ILO for taking steps towards addressing the challenges in securing labour rights and welfare for platform workers. The platform economy was growing exponentially and had the potential to empower women and persons with disabilities. Care must be taken not to hinder its potential for generating decent jobs. She outlined some of her Government's action on the platform economy.
- 834.** Recommendation No. 198 might not be sufficient to ensure the correct classification of platform workers, which was vital for providing decent work in the platform economy. In addition, the varying approaches taken by the different constituents indicated a lack of consensus. A piecemeal approach might not effectively address the concerns of platform workers; a tailored, flexible instrument should be adopted, and that process should begin with the sharing of information and statistics on multinational platforms. Given the many local nuances in the emerging platform economy, the issue required careful thought and consideration of input from across the board in order to come up with a comprehensive action plan.
- 835. A Government representative of Japan** welcomed the planned discussion at the Conference in 2025 of measures to protect platform workers. While his Government had hoped that the

normative gap analysis could form the basis for a standard-setting discussion, the analysis was somewhat superficial, and there was not enough information for a meaningful discussion. It was important to work together to establish effective measures for platform workers based on the findings of a well-elaborated gap analysis, and additional effort was required to establish which gaps needed to be filled and to what extent. In that regard, it would be useful to know what efforts were already being made by different countries. There was still time to complete that work before the Conference in 2025, and he therefore urged the Office to lay the groundwork for a fruitful standard-setting discussion and encouraged all Governing Body members to listen to one another carefully since the platform economy was evolving in different ways around the world.

- 836. A Government representative of Australia** said that establishing the most appropriate normative framework across the breadth of the platform economy was a complex issue, and many remained undecided on what path the ILO should take to ensure that platform work contributed to achieving decent work for all. Her Government believed that the normative gap analysis had identified sufficient deficits in the rights and protections afforded to platform workers under existing international labour standards to warrant a standard-setting item at the Conference. Without prejudice to the results of the standard-setting process, she supported the amendment proposed by the Workers' group.
- 837. The Worker spokesperson** noted the enormous developments in understanding of the importance of properly regulating the future of work and new patterns in the world of work, for the benefit of both businesses and workers, since the topic had first been raised for high-level discussion at the ILO in 2019. The information from governments on national measures to address the matter was welcome. Given the many gaps in worker protection, the ILO had an important role to play in providing guidance, including through standard-setting. The concerns raised about the need for further discussion on how precise a standard should be, what it would address and how to do that flexibly would be tackled during the standard-setting process, during which the Office would draw up a law and practice report and request further guidance from all constituents. Good use should be made of the information provided on measures adopted at the national level.
- 838.** Freedom of association and the right to collective bargaining must not be afforded only to workers in legally recognized employment relationships. It was her understanding that ILO standards referred to all workers without being limited by legal definitions of that term, which were often used to exclude groups from protection. It was important for the ILO to protect all working persons. Under Recommendation No. 198, an employment relationship was assumed where an individual appeared to be a worker, a principle that was used in most labour laws around the world. She hoped that time to reflect on the draft decision would galvanize support for standard-setting.
- 839. The Employer spokesperson,** highlighting that the great variety within the platform economy and the great number of different measures adopted by governments in relation to workers in the platform economy made discussions on the matter difficult, cautioned against acting too rapidly. The normative gap analysis had shown that many existing international labour standards already applied to platform workers, who therefore did not require separate regulations.
- 840.** It was important to know how platform workers would be identified, a problem tied to the scope of the ILO's mandate. Labour law necessarily applied to workers in an employment relationship where the employer was responsible for guaranteeing his or her employees' labour rights. On the contrary, it would be challenging to identify the responsible person to

guarantee labour rights for independent or self-employed workers. The issue was not confined to companies in the digital economy, as companies in all sectors used digital technology.

- 841.** Only a small minority of countries had collective bargaining for certain categories of self-employed workers, and further discussion and clarification on that point were required. Restrictive international regulation of platform work risked pushing potential employers or platforms into informality, especially in the developing world. The complexity of the matter meant that careful consideration was required, and she agreed that time for reflection might facilitate consensus. An innovative approach might be appropriate in this regard.
- 842. The Worker spokesperson** stated that the scope and relevance of certain ILO instruments could form part of the discussion in 2025 and the Office's preparatory work. A clear understanding existed of the notion of a worker and the scope of collective bargaining and fundamental principles and rights at work. The ILO and certain governments had avoided excluding protection altogether for workers who were not recognized as employees; guidelines recently adopted by the EU, for example, stated that recognizing self-employed workers' right to collective bargaining would not contravene competition law in the understanding that they would be negotiating on basic living and working conditions. That debate on that important subject should take place in the context of the standard-setting discussion in 2025. She requested clarification from the Office on the next steps should the Governing Body opt for standard-setting.
- 843. A representative of the Director-General** (Assistant Director-General, Governance, Rights and Dialogue Cluster) explained that once a standard-setting item had been placed on the agenda of the Conference, the Office would begin working on a law and practice report on experiences and regulatory initiatives across the world with a view to demonstrating the range of approaches to addressing all forms of platform work. That report would form the basis of a questionnaire through which all Member States and constituents could provide insight on the scope of possible instruments, for instance in relation to the kind of instrument envisaged and the types of platform to be included. Some such guidance had already been provided during the current discussion. On the basis of the constituents' input, the Office would put forward proposals for further feedback, while also continuing its own research given the growing demand for assistance on platform work.
- 844. The Chairperson** expressed the view that there was a clear majority in favour of standard-setting, with certain nuances. In addition, some Governing Body members who had expressed a preference for a general discussion had also stated that they would be open to standard-setting if that was the consensus.
- 845. The Employer spokesperson** stressed that a majority did not constitute consensus. Those who had expressed flexibility had done so on the understanding that there would be consensus, which she hoped could be built, although that remained to be seen.
- 846. The Worker spokesperson** stated that the ILO definition of a consensus was acceptance by all that a majority existed, rather than universal agreement. That being said, her preference would be to try to achieve an even larger majority and broad support.
- 847. The Employer spokesperson** expressed disagreement with that definition of consensus. The matter at hand was important for many countries, a large number of which, including the Africa group, had expressed a preference for a general discussion. An innovative approach to the draft decision was needed, which required more time.

- 848. The Worker spokesperson** said that she did not wish to interpret the positions of the Government representatives; the Africa group had expressed openness to several options. Her intention was to constructively seek the broadest possible support.
- 849. The Employer spokesperson** said that it would be difficult to proceed to standard-setting on decent work in the platform economy at the 113th Session of the International Labour Conference (2025), given the breadth of the topic. The gap analysis showed that many elements of the platform economy were already covered to a large extent by existing ILO Conventions, which also applied to platform workers who were employees. Rushing the process would cause problems, given that the employment status of platform workers was a national matter that was regulated differently across Member States. Many Governments had requested additional information from the Office and were also in favour of a general discussion, which the Employers' group agreed was the most appropriate option. That would enable constituents to identify the issues that could be addressed in a standard. In many countries, platform work was a very important source of job creation and a way to address informality. Considering the speed of the changes taking place, it would be premature to launch a standard-setting process at this stage. In addition, a standard-setting item was already on the agenda of the Conference in 2025; another such item would place too great a burden on both the Office and delegations. As a compromise, the Employers' group proposed that a general discussion should be held in 2025 to pave the way for a more informed decision on potential standard-setting work in 2026 and 2027. That approach would also increase Member States' ownership of any subsequent standard-setting exercise.
- 850. The Worker spokesperson** recalled that it had already been agreed at the 346th Session of the Governing Body that it would be possible to place two standard-setting items on the Conference agenda in 2025. Many Governments had also expressed support for a standard-setting exercise and had started to consider the type of instrument that would be best suited to the platform economy.
- 851. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that Bosnia and Herzegovina, North Macedonia, Montenegro, Iceland, Norway and Republic of Moldova aligned themselves with her statement. During the discussions, it had been recognized that digital labour platforms were a fast-growing source of inclusive employment that provided great opportunities for business as well. Several groups had recognized, however, that there were significant challenges which required normative action to protect workers in the platform economy. Based on the gap analysis provided by the Office, a consensus had emerged during discussions that issues such as data protection, dispute resolution mechanisms, algorithmic management and the cross-border nature of the platform economy needed to be addressed. All workers should enjoy the fundamental principles and rights at work; it was therefore crucial to ensure, through social dialogue, that all platform workers could fully realize their rights to freedom of association and collective bargaining. It was high time for the ILO to take a leadership role in standard-setting to protect the rights of platform workers, as normative gaps could be bridged only by normative action, not general guidance or principles. The item placed on the agenda of the 113th Session of the Conference should therefore be devoted to standard-setting with a double-discussion procedure. It would build on existing international labour standards, fill the gaps identified and provide guidance on decent work in the platform economy. She felt that there was an emerging consensus on this position.
- 852. Speaking on behalf of the Africa group**, a Government representative of Morocco clarified that, although the Africa group had endorsed the Government group statement expressing no

general objection to standard-setting, it would prefer a general discussion on decent work in the platform economy at the Conference in 2025.

- 853. A Government representative of the United States** noted that there was strong support for standard-setting in 2025, which was unsurprising given the numerous gaps identified in the Office document. Many Member States were grappling with how best to address gaps in law and practice and regulate platforms to create an enabling environment for sustainable enterprises and to promote decent work, and some were already moving forward with regulation at the national and international levels, notwithstanding the fact that the platform economy was rapidly evolving and that many of their existing laws and regulations had some relevance to workers in the platform economy. The Organization should therefore lead global action for decent work in the platform economy by developing a standard that would address normative gaps, provide authoritative guidance to Member States and help shape the development of national and international initiatives in line with ILO principles. Her Government therefore supported a standard-setting item with a double-discussion procedure to be placed on the agenda of the Conference in 2025, and remained open to dialogue and other suggestions from the Office on preparations for the discussion.
- 854. Speaking on behalf of GRULAC**, a Government representative of Colombia reaffirmed that the ILO should lead the way on dealing with those issues. Standard-setting was urgently required on decent work in the platform economy and her group therefore supported the proposal to devote the item to standard-setting with a double-discussion procedure.
- 855. The Chairperson** noted that a majority was in favour of standard-setting, whereas some members had expressed a preference for a general discussion. He asked those who had indicated flexibility whether consensus could be reached.
- 856. A Government representative of China** stressed that the status of workers in the platform economy differed between countries, and many countries were currently exploring new standards and regulations. The ILO should therefore not rush into standard-setting. His Government agreed with the Employers' group that the item should be examined in a general discussion.
- 857. Speaking on behalf of ASEAN**, a Government representative of Indonesia reiterated that her group would prefer a general discussion. It was open in principle to standard-setting action, but only if that was the consensus in the Governing Body.
- 858. A Government representative of India** supported a general discussion.
- 859. A Government representative of Bangladesh** supported a general discussion, but could be flexible if there was overwhelming consensus on standard-setting.
- 860. The Employer spokesperson** said that the proposal by the Employers' group represented a compromise that could achieve consensus if goodwill and flexibility were shown. A general discussion at the Conference in 2025 would enable options to be prepared with a view to standard-setting in 2026 and 2027. Such an approach would be more appropriate for a complex and dynamic phenomenon such as the platform economy. The Employers' group had demonstrated its goodwill and flexibility, and many Governments were in favour of their proposal.
- 861. The Worker spokesperson** noted that standard-setting did not necessarily mean the development of a Convention; the future instrument could also be a Recommendation. The questionnaire developed by the Office would include a question on the type of instrument to be adopted. She considered that the approach proposed by the Employers' group was not a

good idea. There had been strong support for standard-setting among Governments at the 346th Session of the Governing Body and at the meeting of experts. Furthermore, the Employer spokesperson had indicated that her group would not oppose a decision that would lead to a situation of two standard-setting discussions taking place in 2025. At that session, the Governing Body had agreed that further background information was needed, and the Office had since provided that information through the normative gap analysis. There was also significant additional information available, including from the meeting of experts. Many Governments either favoured or were open to standard-setting, and the different views expressed could be reflected in the preparatory work over the next two years.

- 862. The Chairperson** noted that some Governments had expressed a preference for a general discussion but would not be opposed to a standard-setting item provided that there was consensus, and asked the Governing Body whether it could reach consensus on a standard-setting item, otherwise the question would need to be put to a vote.
- 863. The Employer spokesperson** said that there was no consensus on proceeding directly to standard-setting, or even a strong majority. The Governing Body could instead reach consensus on the Employers' group's compromise proposal.
- 864. The Worker spokesperson** stated that the Workers' group would always seek consensus where it could be achieved, but that a decision must be taken, if necessary by vote.
- 865. The Employer spokesperson** explained that the situation had changed since the 346th Session of the Governing Body, since the normative gap analysis by the Office had shown that there were actually very few normative gaps and most ILO Conventions applied to workers in the platform economy. It would therefore be more appropriate to have a general discussion at the Conference, which had wider participation than the Governing Body, to determine whether standard-setting action was required. She suggested to ask whether there was a consensus on that compromise proposal.
- 866. The Worker spokesperson** clarified that the Workers' group did not agree to have a general discussion in 2025 followed by standard-setting items in 2026 and 2027, as that was not the appropriate approach for the issue, and a number of other important items needed to be placed on the Conference agenda.
- 867. The Chairperson** said that if there was no consensus, the matter would need to be put to a vote.
- 868. Speaking on behalf of the Africa group**, a Government representative of Morocco said that Government representatives would need sufficient time to consult with their capitals before any vote.
- 869. The Worker spokesperson** added that the decision on the current matter would have to be taken prior to the discussion of the agenda of future sessions of the International Labour Conference (INS/2/1), which would be affected by the outcome.
- 870. The Chairperson** noted that the Governing Body had been unable to reach consensus on whether the item on decent work in the platform economy to be placed on the agenda of the 113th Session (2025) of the Conference should be a general discussion, as supported by the Employers' group's proposed amendment, or a standard-setting exercise, as supported by the Workers' group's proposed amendment. In accordance with paragraph 5.7.3 of the Standing Orders of the Governing Body, he had decided to put the two proposed amendments to a vote against each other.

- 871. The Employer spokesperson** said that the Employers' group wished to express great discontent that it had been forced into a vote without being given the opportunity to build a consensus-based solution. Despite the Employers' group constructive approach and flexibility, the Workers' group and some Government groups showed no willingness to compromise. She thanked the Governments that had expressed flexibility and raised the need for a consensus- and dialogue-based solution. The evidence in the Office's analysis suggested that a broad set of existing instruments were relevant to the platform economy and potential normative gaps had been identified in only a small number of areas. In addition, Governments had expressed divergent views, and many had expressed a preference for a general discussion. Rushing now towards a standard-setting procedure would not do justice to the complexity of the issues concerning the platform economy. That was a repetition of the situation in the meeting of experts, where an attempt to deal with everything had led to a failure to agree on anything, and no consensus-based conclusions had been adopted. The decision to proceed to a vote would lead to a similar situation at the International Labour Conference.
- 872.** The Employers' group opposed standard-setting on the platform economy because, first, there had been no opportunity to discuss precisely which aspects should be the subject of standard-setting and, second, the approach disregarded the relevance of existing standards to the platform economy. It was regrettable that members of the Governing Body were being rushed to deal with that topic in a manner where there was a risk that the impact of the ILO would be irrelevant. The fact that many Governments did not see standard-setting as the best approach would have an impact on the ratification rate for the future instrument, and low ratification rates were a sign of the Organization's irrelevance. Furthermore, some Governments had indicated that they were already developing varied responses at the national and subnational levels, and it was therefore difficult to envisage a blanket approach where all business models, types of employment and economic activities could be regulated globally. In addition, the Employers' group did not support the Workers' proposal of aiming to create an instrument potentially modelled on the MLC, 2006, as the maritime sector could not be compared with the platform economy, which was not a sector, but a complex means of organizing work used within myriad economic activities, working arrangements and types of employment relationships. The comparison with the MLC, 2006, was therefore irrelevant. Moreover, the reality from one country or region to another could vary drastically according to the level of informality, access to technology and other factors. Solutions driven by social dialogue would be the most effective. It was regrettable that consensus could not be reached in the ILO, the home of social dialogue.
- 873.** Lastly, the adoption of the Workers' group's amendment would have a direct impact on the decision to be taken in relation to the agenda of future sessions of the International Labour Conference, as the Employers' group would not agree to have two standard-setting items in a single year.
- 874. The Worker spokesperson** said that her group also found it regrettable that the Chairperson's attempts at achieving consensus on what had clearly been a majority position had not been successful and that the Governing Body must resort to a vote. The platform economy was an important issue, which Governments were already addressing. The ILO had the opportunity to take a leading role; failure to do so would be a significant missed opportunity and could mean that other international organizations would take action instead. She noted with regret that it was necessary to hold a vote.
- 875.** No decision had been made on the form of the instrument – whether a Convention, a Recommendation or both – or its precise scope. Input from all constituents, including the social partners, would be sought in the questionnaire attached to the law and practice report. The

Workers' group wanted the standard-setting process to be a success, including for enterprises and businesses. The world of work needed a standard; however, the Workers' group had not suggested that it could be based on the MLC, 2006; in fact, the group agreed that such an approach would not be suitable. Finally, she again rejected the statement made by the Employers' spokesperson regarding the impossibility of having two standard-setting items at the same session of the Conference, as that was contrary to what had been agreed at the 346th Session of the Governing Body.

(There were 22 votes in favour of the amendment submitted by the Employers' group, 32 votes in favour of the amendment submitted by the Workers' group and 1 abstention.)

Decision

876. The Governing Body, having taken note of the normative gap analysis contained in document GB.347/POL/1, decided that the item placed on the agenda of the 113th Session (June 2025) of the Conference on decent work in the platform economy will be devoted to standard-setting with a double-discussion procedure.

(GB.347/POL/1, paragraph 65, as amended by the Governing Body)

Social Dialogue Segment

2. Sectoral meetings held in 2022, proposals for meetings in 2023, and recommendations of the sectoral advisory bodies for work in 2024-25 (GB.347/POL/2)

877. The Employer spokesperson, referring to the possible review of the list of 22 economic and social sectors covered by the Office, said that his group would prefer a targeted rationalization of the 22 sectors to a drastic modification. It was unnecessary to develop a systematic reporting mechanism to the Governing Body on how the Office was implementing conclusions and recommendations adopted by technical meetings, better use of existing informal channels would suffice, or through the Social Dialogue Segment of the Governing Body. The Employers fully supported the holding of the seven global sectoral meetings listed in Appendix I and the postponed meeting of experts to produce joint ILO–International Maritime Organization (IMO) guidelines for medical examination of fishers.

878. His group continued to stress its concern regarding the workload represented by all the sectoral policy priorities and would favour a reduction in the number of global sectoral meetings per biennium. Regarding the format of the meeting on the railways sector, he supported holding a technical meeting. The current state of the sector and its challenges and opportunities should be assessed before a recommendation could be made to produce guidelines specific to the railways sector. He supported the draft decision with the option including "Technical meeting on the promotion of decent work in the railways sector".

879. The Worker spokesperson said that the ILO should engage in further action to protect whistle-blowers, including normative action, when the discussion was sufficiently mature. The group welcomed the conclusions on the future of work in the oil and gas industry and noted that the industrial strategies to be developed and implemented should involve all workers, including outsourced workers.

880. The joint work with the IMO to discuss and adopt guidelines for port State and flag State authorities on how to deal with seafarer abandonment cases was crucial for the protection and

realization of the rights of seafarers in desperate situations. The guidelines should be considered for action by all States, regardless of ratification status of the Maritime Labour Convention, 2006, as amended. He welcomed the commitment of the Office and the social partners to establish a working group to consider the mechanism of reporting and encouraged the development of a work plan to promote the guidelines. The Workers' group endorsed the seven meetings that had been agreed. In addition, a meeting of experts should be convened to adopt guidelines on the effective implementation of social dialogue in the world of sport. He asked the Office to provide an update on the results of the ongoing research on sports at the 349th Session of the Governing Body.

- 881.** The Workers maintained their preference for a meeting of experts on the railways sector and reiterated their request to ensure more systematic reporting on progress made in implementing the conclusions and recommendations adopted by technical meetings. He asked the Office to step up efforts to promote the implementation and application of guidelines on early childhood education, road transport and the tourism industry, and requested a regional meeting in Latin America for the financial sector. His group supported the draft decision with the option including "Meeting of experts to adopt guidelines on decent work in the railways sector".
- 882. Speaking on behalf of the Africa group,** a Government representative of Uganda said that the group supported the proposed follow-up actions and biennial global sectoral meetings. He supported the draft decision, favouring a technical meeting on the railways sector.
- 883. Speaking on behalf of IMEC,** a Government representative of Spain underscored the need for the conclusions and recommendations of previous meetings to influence policy development. The future agendas of sectoral meetings should consider, inter alia, demographic shifts and technological advancements to reflect the changing nature of the world, and the Global Coalition for Social Justice should be developed in synergy with sectoral policies. IMEC requested more information on a possible review of the 22 economic and social sectors and asked whether a meeting could be convened to advance the conclusions of the Global Dialogue Forum on Decent Work in the World of Sport. IMEC supported the draft decision and expressed a preference for a technical meeting on the railways sector.
- 884. A representative of the Director-General** (Director, Sectoral Policies Department) reassured the Governing Body that the Office remained committed to implementing the conclusions and recommendations of all meetings. She suggested that the Office engage in informal consultations on the review of the list of 22 economic and social sectors, the systematic reporting mechanism to the Governing Body, and the format for a meeting of experts or a technical meeting on the railways sector, with a view to reporting back to the 349th Session of the Governing Body. At that session, the Office would also provide an update on the outcome of the research on sports, with a view to a draft decision for the Governing Body to determine whether the item should fill the eighth global sectoral meetings slot. With regard to the Workers' group's comments concerning further action to protect whistle-blowers, she referred to the discussion on the agenda of future sessions of the Conference ⁵ and suggested to continue engaging in informal consultations on the matter.
- 885. The Employer spokesperson** said that the eighth global sectoral meetings slot had been allotted to the meeting on guidelines for medical examination of fishers. Furthermore, no

⁵ GB.347/INS/2/1.

consensus had been reached during the meeting of the sectoral advisory bodies that decent work in the world of sport should be one of the priorities.

- 886. The Worker spokesperson** said that, as time was not of the essence, a decision on the format of the meeting on the railways sector could be made at the 349th Session of the Governing Body.
- 887. The Employer spokesperson**, in the light of the widespread support for a technical meeting, asked why a decision could not be made there and then.
- 888. The Worker spokesperson** responded that the Governing Body should use its time productively to discuss other items on the agenda and postpone consultation of the matter.
- 889. A representative of the Director-General** (Director, Sectoral Policies Department), in the interest of time, proposed that the Governing Body adopt the draft decision and return to the issue of the format of the meeting on the railways sector at a later stage.

Decision

890. The Governing Body:

- (a) **approved the records of proceedings of the two technical meetings and the meeting of the Joint IMO-ILO tripartite working group referred to in section I of document GB.347/POL/2 and authorized the Director-General to publish them;**
- (b) **requested the Director-General to bear in mind, when drawing up proposals for future work, the recommendations for future action by the ILO made by the meetings referred to in section I of document GB.347/POL/2;**
- (c) **authorized the Director-General to publish the guidelines on how to deal with seafarer abandonment cases (subject to adoption by the Legal Committee of the International Maritime Organization at its 110th Session in March 2023);**
- (d) **took note of the recommendations of the Joint Action Group to review the impact of the COVID-19 pandemic on the world's transport workers and the global supply chain and requested the Director-General to ensure appropriate follow-up action;**
- (e) **deferred to its 349th Session (October–November 2023) the decision on the format of a meeting on the promotion of decent work in the transport (railways) sector; and**
- (f) **endorsed the programme of global sectoral meetings and other sectoral work for the biennium 2024–25 set out in section II and Appendix I to document GB.347/POL/2, as recommended by the sectoral advisory bodies, subject to the approval by the International Labour Conference at its 111th Session (June 2023) of the corresponding allocations in the Programme and Budget for 2024–25.**

(GB.347/POL/2, paragraph 48)

Development Cooperation Segment

3. Mid-term review of the ILO Development Cooperation Strategy (2020–25) (GB.347/POL/3)

- 891.** The Governing Body had before it an amendment to the draft decision, which had been proposed by the Member States of the EU and circulated by the Office, which read: "The Governing Body took note of the mid-term review of the ILO Development Cooperation

Strategy 2020–25 and its implementation plan contained in document GB.347/POL/3 and requested the Director-General to consider the Governing Body's guidance for stepping up efforts in the next phase of the Strategy and its implementation plan in areas for action where the need for further progress is identified."

- 892. The Chairperson** welcomed Mr Makhtar Diop, Managing Director of the International Finance Corporation (IFC), who, under article 1.10 of the Standing Orders of the Governing Body, had been invited to share his vision of the implementation of the IFC's mandate in the current climate, as well as its partnership with the ILO.
- 893. The Director-General** noted that the IFC, the largest global development institution focused on the private sector in developing countries, was more than a bank: it was a trend-setter in responsible investment. The IFC's first Performance Standard on labour and working conditions had been adopted in 2006, and its revised version continued to be used as a reference for the capital market community. Mr Diop, who had been appointed Managing Director of the IFC in 2021, was committed to environmental and social accountability and had acquired extensive experience during his career. His commitment to mobilizing resources for the poorest and most fragile countries, and to creating the conditions for an inclusive and sustainable recovery, aligned him very closely with the aims of the ILO. By working more closely together, the two organizations could make a difference, particularly to workers in supply chains. He welcomed Mr Diop, thanking him for his support for reinvigorated cooperation between the ILO and the IFC.
- 894. The Managing Director of the IFC** drew attention to the need for increased cooperation to address the multiple crises facing the world. The IFC and the ILO made complementary, and crucial, contributions to their joint agenda: the IFC financed private companies in emerging markets to drive job creation, while the ILO promoted workers' rights. The IFC's clients must comply with its Sustainability Framework, which promoted sound environmental and social practices through the Performance Standards. The environments in the countries in which the IFC invested were often fragile, and the Performance Standards were stringent, took time to implement and must be upheld by other investors. The partnership between the IFC and the ILO was therefore welcome given that both organizations were required to work with a complex ecosystem of stakeholders. The success of that partnership was illustrated by the Better Work programme, a long-standing joint effort between the IFC and the ILO that helped unite public- and private-sector stakeholders in the garment industry in 12 countries.
- 895.** There was significant potential to expand the partnership between the two organizations. For example, the lessons learned through the Better Work programme could be expanded to other countries and industries. Moreover, the relationship between the two institutions could be strengthened, for example through the planned staff exchange programme that would allow technical expertise to be shared. Furthermore, the ILO could assist the IFC's staff in addressing social issues, for instance through the training programme for IFC investment officers that was being launched with the help of the ILO.
- 896.** It was important that the institutions' development efforts reached all workers, including women, young persons and persons with disabilities. Promoting gender equality in the workplace and addressing gender-based violence at work were issues of particular concern and on which he was keen to make further progress together with the ILO. Joint efforts to improve conditions for workers in supply chains must be scaled up, and the organizations should also cooperate to support the creation of quality green jobs and assist small green businesses; decarbonization and good environmental and social standards were no longer optional, and the IFC and the ILO could learn from each other's experiences in those areas.

Partnerships represented the best tool in the difficult task of bringing about significant development progress. He would welcome further ideas for cooperation between the IFC and the ILO.

- 897. The Worker spokesperson** observed that collective bargaining had not featured among the factors that guided the IFC when deciding where to invest and suggested to the Managing Director of the IFC that it was an important factor to consider. In view of the recent concerns raised in a report of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) regarding the implementation of the IFC's Performance Standard 2 in the hotel sector, she asked how the IFC would ensure that workers and unions were consulted at every stage of development projects to prevent investment in enterprises that systematically violated labour rights.
- 898.** Turning to document GB.347/POL/3, she welcomed the progress made with regard to the ILO Development Cooperation Strategy (2020–25) but highlighted that more measured data on progress and deliverables since 2020 were required. The Workers' group commended the assessment by the Multilateral Organisation Performance Assessment Network (MOPAN), which, while identifying several areas for improvement, had highlighted the value added to the United Nations (UN) system through the ILO's tripartite structure, social dialogue and programme implementation expertise.
- 899.** Regarding pillar 1 of the Strategy, the Workers' group welcomed efforts to integrate the Decent Work Agenda into UN processes and to strengthen constituents' engagement in UN programming and partnerships at the national level and in South–South and triangular cooperation. However, many trade unions continued to struggle to engage in structured dialogue with UN resident coordinators. The Office must step up efforts to raise awareness of the importance of consulting constituents at the initial stages of project design; allowing constituents to take ownership of the design, implementation and evaluation of Decent Work Country Programmes (DWCPs); and enabling the social partners to engage in Common Country Analyses and United Nations Sustainable Development Cooperation Framework (UNSDCF) processes. Her group would appreciate more information on progress in that area, particularly in relation to the need to align DWCPs and the UNSDCF to achieve policy coherence. Her group was concerned that focusing on impact when evaluating cooperation in the provision of services to constituents might lead to the underestimation of long-term achievements. She also requested clarification of the Office's responsibilities towards the ultimate beneficiaries of development cooperation services.
- 900.** In relation to pillar 2, the Workers' group commended the progress in partnerships for policy coherence and financing, with the Global Accelerator on Jobs and Social Protection for Just Transitions at their core. However, the ILO should use its leading role within the Global Accelerator to ensure that unions participated in a more structured manner, with particular attention given to freedom of association, representativeness and collective bargaining. In relation to cooperation with the private sector to support decent work, the Workers' group reiterated its calls for greater vigilance to prevent the misuse of the ILO brand as a means of greenwashing or covering up social issues. A regulatory framework was required to ensure that investment aligned with ILO standards, responsible conduct and due diligence. The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and the Guiding Principles on Business and Human Rights were important tools for assessing new partnerships, and responsibility and transparency mechanisms with binding eligibility criteria based on respect for environmental and international labour standards were essential. Moreover, the ILO's guidance on approving public–private partnerships, and the existing consultation process, remained effective.

- 901.** Regarding pillar 3, the Workers' group congratulated the Office on maintaining voluntary funding levels despite an increasingly competitive financial environment. The diversification of voluntary funding sources, especially in view of the renewed focus of the ILO for decent work in supply chains, investment and trade, would require a regulatory framework that guaranteed respect for ILO standards, responsible conduct and due diligence. The conclusions concerning inequalities and the world of work adopted at the 109th Session (2021) of the International Labour Conference provided important guidance in that regard. She welcomed the progress made under pillar 4 with regard to transparency, country services and communication, which owed to, inter alia, efforts to uphold ILO and UN environmental and social standards, including measures against sexual exploitation, abuse and harassment.
- 902.** The new organizational structure being put in place by the Director-General was commendable. The Office must continue to value consultation, ensure that constituents took ownership of services provided to them. The Office should step up its efforts to use non-earmarked funding to improve development cooperation, including by calling on public donors to meet their public development assistance commitments and with enlarged South-South cooperation. The Workers' group supported the draft decision, although it was willing to support the amendment proposed by the Member States of the EU.
- 903.** **The Employer spokesperson** said that increased collaboration between the ILO and IFC, whose expertise and spheres of influence were complementary, could promote sustainable economic development and decent work in several areas. Development cooperation was instrumental in the current context, translating the ILO's mandate, vision and strategy in sustainable development outcomes that matter for people, businesses, workers, and their families. Development cooperation should be based on constituents' needs and priorities; national ownership was a precondition for its success. While partnerships were important, they must always reflect constituents' priorities and not detract from the delivery of services to constituents. It was unclear to his group why the mid-term review did not mention the deliverables on ownership and consultation that it specified as priorities when the implementation plan was endorsed at the 341st Session of the Governing Body (March 2021).
- 904.** The progress achieved under pillar 1 was welcome. However, the Office must accelerate the development of guidelines for ILO staff on strengthening constituents' capacity and their participation in project design and implementation. In addition to social dialogue, meaningful consultation early on to establish constituents' needs, priorities and capacity gaps was key to ensuring project ownership and also the effective and sustainable use of funding. The dedicated programme to strengthen the institutional capacity of employers' and workers' organizations, set out in the Programme and Budget proposals for 2024-25, should complement core capacity development work already done by the Bureau for Employers' Activities (ACT/EMP); if it was to be supported through resource mobilization, the Office must emphasize its importance to development partners. He commended the Office for its work at the country level to raise awareness among UN resident coordinators about the role of the social partners.
- 905.** Under pillar 2, while partnerships for policy coherence and funding had been forged, there remained a need to expand ILO services and capacity development for constituents on policy support and financing, and to ensure national financing frameworks were aligned with the UNSDCF. Consequently, the ILO must continue its collaboration with multi-stakeholder partnerships, alliances and international financial institutions such as the IFC.
- 906.** Under pillar 3, contrary to the priorities stated by his group during the 340th Session of the Governing Body (November 2020), tripartism and social dialogue had not been prioritized for

funding. His group hoped that the structured funding dialogues piloted by the Office would include Employers' activities in the future.

- 907.** Under pillar 4, more must be done to develop communication on the ILO's comparative advantage in partnerships, to enhance accountability to end-beneficiaries through the ILO Environmental and Social Sustainability Framework and to ensure its effective and comprehensive implementation through ongoing monitoring, review and capacity-building. The Office should prioritize the development of clear, measurable environmental and social sustainability targets across all of its activities; engage with stakeholders to ensure that their needs and concerns were addressed; and adopt a stronger stance on critical environmental issues, such as climate change. Furthermore, the Office should take action to address its own environmental and social impacts, including by promoting diversity and inclusion and by preventing and responding to issues such as sexual exploitation, abuse and harassment in its own operations. The Employers' group supported the draft decision and could support the amendment proposed by the EU and its Member States.
- 908. Speaking on behalf of the EU and its Member States,** a Government representative of Sweden said that the following countries aligned themselves with the statement: Albania, Bosnia and Herzegovina, North Macedonia, Republic of Moldova, Montenegro, Türkiye, Georgia, Iceland and Norway. She welcomed the strengthened cooperation between the ILO and the World Bank on the Development Cooperation Strategy and the contribution of the Managing Director of the IFC to the discussion.
- 909.** While the progress outlined in the review was welcome, significant ground remained to be covered to meet the Strategy's objectives. The Office should clearly identify areas requiring further progress in order to enable constituents, particularly those investing significant resources in development cooperation such as the EU and its Member States, to easily assess progress during the next review. Further work to strengthen constituents' ownership, including for mainstreaming social dialogue across ILO policy outcomes and in DWCPs, was particularly important. Similarly, the involvement of constituents in project design and implementation should be further enhanced.
- 910.** Regarding funding, she noted with appreciation that efforts to end child labour and forced labour were among the most funded areas in 2020–22 and welcomed the consistent efforts to promote Regular Budget Supplementary Account (RBSA) modalities with funding partners. However, the mid-term review showed that further explanation and diversification of voluntary funding sources and partnerships was needed. Fostering partnerships, in particular multi-stakeholder partnerships, for policy coherence was of particular importance, as Alliance 8.7, South–South and triangular cooperation, as well as regional initiatives, had illustrated. She strongly emphasized the need for increased collaboration with international financial institutions, in particular the International Monetary Fund. Increased focus on decent work in supply chains was also crucial. In order to strengthen development cooperation, further attention should be paid to enhancing ILO services to constituents on policy and financing, as well as to integrated national financing frameworks and UNSDCFs. The implementation of the ILO Environmental and Social Sustainability Framework was important. When considering future steps, efforts should be directed towards the identified areas in the mid-term review that require further actions, with a view to accelerating progress in all four pillars of the strategy, while implementing also a more systematic "One ILO" approach and strengthening the capacity on country level. The amendments to the decision point proposed by her group provided clearer guidance in that regard.

- 911. Speaking on behalf of GRULAC**, a Government representative of Colombia said that her group would like the Office to convene a meeting with Member States to provide further details on the results of development cooperation efforts in the Americas and on how effective development cooperation would be coordinated with the Global Coalition for Social Justice. While GRULAC supported the four priority action programmes, it was concerned about the reduced budget of US\$146.6 million allocated to the Americas region, especially given its substantial need to address informality. She welcomed the range of multilateral initiatives undertaken to eliminate child labour and expressed the hope that the Latin America and the Caribbean Free of Child Labour Regional Initiative, among others, would continue. Further information on how programmes were chosen in the Americas to receive RBSA funding would be welcome. Her group appreciated the Office's efforts to improve transparency on financing and results in line with the standards of the International Aid Transparency Initiative. GRULAC supported the amendments to the draft decision proposed by the EU.
- 912. Speaking on behalf of ASPAG**, a Government representative of China said that his group attached great importance to the ILO Development Cooperation Strategy and commended the Office on its implementation in difficult circumstances. Initiatives for South–South and triangular cooperation played an important role in improving access to decent work. The Office should further strengthen all development cooperation initiatives. ASPAG welcomed the partnerships for policy coherence forged through the Global Accelerator. His group requested the Office to make substantial efforts to expand voluntary funding sources and encouraged it to strengthen collaboration with Member States to enhance resource mobilization. Inter-agency funding partnerships with the UN Secretariat, funds, programmes and other specialized agencies for South–South cooperation would also be welcome. Noting with appreciation the increase of extra-budgetary resources for development cooperation in the programme and budget proposals, he requested the Office to focus development cooperation efforts on employment promotion, social protection, skills development and occupational safety and health, which were all priorities for his region. Given that Asia and the Pacific was home to more than 60 per cent of the world's workers, the region should be given full consideration in the allocation of resources. ASPAG requested more targeted support for developing countries. The Office should be constantly improving all aspects of development cooperation, including performance, transparency and the use of resources, making full use of the new internal system for coordinating and monitoring implementation of the Development Cooperation Strategy. His group supported the draft decision.
- 913. Speaking on behalf of the Africa group**, a Government representative of Namibia welcomed the update on progress made in implementing the ILO Development Cooperation Strategy and the results of the MOPAN review, which had concluded that the ILO added value to the UN system and growth potential in partnerships with international financial institutions. Development cooperation was crucial in enabling the ILO to achieve decent work at the country level. He asked whether progress had been made under pillar 1 of the Strategy in developing guidance for ILO staff on capacity development of ILO constituents and their involvement in project design and implementation. The update of the Decent Work for Sustainable Development Resource Platform had been welcome; the programme could be rolled out to regional training centres to bring services closer to constituents. While his group appreciated the update on progress under pillars 2 and 3 of the Strategy, further information was needed on the mechanisms in place for countries not eligible for official development assistance. Lastly, given that communication on the ILO's comparative advantage in partnerships, including a business case, remained to be developed, he asked when that could be expected. The Africa group supported the draft decision with the amendments proposed by the EU.

- 914. A Government representative of Argentina** said that effective development cooperation was more important than ever. In that regard, his Government was developing its fourth DWCP with the national social partners. His country has been awarded “pathfinder country” status by Alliance 8.7 and held the position of Deputy Chair in its Global Coordinating Group.
- 915. A Government representative of India** said that his country was progressing towards its targets under the Sustainable Development Goals and towards greater social justice. Access to decent work was improving and India had recently renewed its fourth DWCP. The ILO Development Cooperation Strategy needed a well-crafted implementation plan that considered the national context in different countries to tackle labour market challenges. The Strategy should focus on opportunities for women and vulnerable sectors of the population, facilitating consensus on decent work policies and improving social protection coverage. He urged the ILO to continue supporting Member States to achieve the Strategy’s outcomes. India supported the draft decision.
- 916. A Government representative of Indonesia** said that his Government expected the ILO to continue to provide assistance to tripartite constituents with measurable and clear targets to achieve the priorities set out in the Decent Work Agenda. He expressed appreciation for the various ILO projects implemented in his country. He encouraged the ILO to develop more specific training programmes at its International Training Centre that were open to constituents from all regions, especially Asia and the Pacific. The ILO should identify best practices at the country level to promote decent work in consultation with governments and social partners.
- 917. A Government representative of Brazil** said that development cooperation could play a pivotal role in tackling numerous challenges related to the world of work and social justice. His Government was particularly committed to promoting South–South cooperation within the ILO. While the transparency on funding sources in the document was welcome, his Government would like to see more detailed information on the provenance of domestic trust fund contributions. His country had contributed millions of US dollars since 2005 and transfer of knowledge and expertise for projects in developing countries. He supported the draft decision with the amendments proposed by the EU.
- 918. A Government representative of the United States** expressed support for the collaboration between the ILO and the IFC and encouraged the ILO to promote policy coherence with international financial institutions. Her Government would particularly welcome joint ILO and IFC activities that would improve support for and understanding of collective bargaining and freedom of association. The ILO could play a larger role in training IFC staff and borrowers on labour issues; facilitate IFC engagement with social partners and labour inspectorates; provide information to working groups on labour-related topics; lead the expansion of employment impact assessments that tracked the quantity and quality of job creation through IFC lending; and consult with the IFC on policy advice or technical assistance to its clients on subjects within the ILO’s mandate. She would appreciate feedback on those ideas. She supported the draft decision and the amendments submitted by the EU.
- 919. The Managing Director of the IFC** said that his organization would indeed be deepening its collaboration with the ILO along the lines mentioned by the Government representative of the United States. Gender equality was also a priority that the IFC would like to promote at the grassroots level by financing more micro-projects. There were many opportunities to collaborate, especially given the global focus on greening the economy. He did not want smaller companies to be left behind in those efforts. The IFC was committed to working with the ILO and to consolidating work being done at the technical level.

- 920.** In response to the question about how freedom of association was included in IFC investment decisions, he said that the IFC's Performance Standard 2 was guided by international labour standards including 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). The Standard included specific provisions on respect for workers' organizations and collective bargaining agreements.
- 921.** In response to the Worker spokesperson's question regarding a recent IUF report, he said that the IFC was supporting the creation of better-quality jobs in the sectors concerned, which were often dominated by informality. Nevertheless, some enterprises were not ready to comply with IFC standards and therefore did not receive IFC investment. No compromises were made in that regard. He was keen to encourage more exchanges between ILO and IFC staff in order to support employers in complying with those standards. His team had been and would continue engaging with trade unions at a local level. His recent meeting with IUF senior management demonstrated his commitment to working together. It was important that the development ecosystem include those struggling to meet standards, or the most economically excluded could be left behind. While he was aware that working with micro and small enterprises in developing countries could be challenging because they lacked capacity to implement standards, it was necessary to do so for women's economic empowerment and to combat economic exclusion. He and his team remained committed to collaboration with the ILO.
- 922. A representative of the Director-General** (Director, Multilateral Partnerships and Development Cooperation Department) said that the Office would continue to engage the constituents in all phases of development cooperation. The Office was working with the United Nations Development Programme (UNDP) to better incorporate decent work into integrated national financing frameworks. Increasing the amount and diversity of voluntary resources was a priority for 2024–25, to which end the Office would be working with bilateral partners, the constituents, financial institutions and other UN specialized agencies. Development cooperation would play a key role in the Global Coalition for Social Justice and the four priority action programmes, which, in turn, would improve coordination and coherence across the Office's activities and open the door to new partnerships.
- 923.** The Office recognized the importance of and would continue to reinforce constituents' ownership and participation in the ILO. All cooperation projects and country programmes were evaluated regularly and thematically, and constant efforts were made to follow progress and needs for technical assistance.
- 924.** With regard to official development assistance, few ILO Member States were not eligible. However, such assistance could not address all SDG-related challenges; renewed efforts by public, private, international and national partners would be needed. Specific documents were being drafted on South–South cooperation and the Office welcomed the leadership role played by Brazil, China, Panama and South Africa in that regard. Certain information pertaining to domestic trust fund contributions was already available on the Development Cooperation Dashboard. He reiterated the Office's commitment to public–private partnerships, through which decent work ran as a thread, and mentioned that the internal approval process needed to be swifter and more flexible.

Decision

- 925. The Governing Body took note of the mid-term review of the ILO Development Cooperation Strategy 2020–25 and its implementation plan contained in document GB.347/POL/3 and requested the Director-General to consider the Governing Body's**

guidance for stepping up efforts in the next phase of the Strategy and its implementation plan in areas for action where the need for further progress is identified.

(GB.347/POL/3, paragraph 38, as amended by the Governing Body)

► Legal Issues and International Labour Standards Section

Legal Issues Segment

1. Final provisions of international labour Conventions (GB.347/LILS/1)

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

74. The Governing Body

(a) took note of the information presented in document GB.347/LILS/1 and transmitted the draft resolution contained in Appendix III concerning the final Articles of international labour Conventions, as amended, to the 111th Session (2023) of the International Labour Conference for possible adoption;-

(b) decided to continue discussing possible further changes to the final Articles of international labour Conventions at its 349th Session (November 2023) or 350th Session (March 2024).

927. The Employer spokesperson emphasized the importance of well-designed and relevant final Articles in ILO Conventions to ensure that they functioned smoothly and that standards remained robust and up to date. The final Articles should be adapted to changing requirements, and it was time for an in-depth discussion of their provisions.

928. With regard to the individual provisions contained in those Articles, beginning with the terms for Conventions' entry into force, he said that the objective of international labour standards was to promote a global minimum-level playing field. As such, a critical mass was required for Conventions to be effective, and two States were not sufficient. The number of ILO Member States had quadrupled since that requirement had been introduced. Moreover, major multilateral treaties often required one third of the total number of States entitled to participate in the negotiation and adoption process. The ILO should align with that requirement as its Conventions were also multilateral treaties. A higher required number of ratifications would not weaken ILO standards. While the entry into force of a Convention could be delayed, ratifying States could still adapt domestic laws and practices. Given the size of the ILO, it was questionable that the supervisory process should be set in motion for only two countries. The fact that many Member States only reluctantly ratified ILO Conventions could not be solved by maintaining the threshold for entry into force at the lowest possible level. Early entry into force of a Convention was not in itself an incentive for ratification by other Member States. New Conventions should focus on key issues and avoid unduly detailed and complex regulation in order to quickly reach a higher number of ratifications. He proposed that the Governing Body should agree to at least 20 ratifications, or even 30, being the default for entry into force for future Conventions.

929. Other provisions could be added to the requirements for entry into force of Conventions, such as a number of ratifications by Member States that represented a percentage of the world population or global gross domestic product or a minimum coverage of regions. The current period of 12 months for the first entry into force should be maintained.

930. Regarding the denunciation of Conventions, the final Articles should reflect a balance between trust in continuity of international obligations and flexibility for Member States to adapt to changing circumstances. The current window for denunciations was unnecessarily strict, particularly when compared with practices in other international organizations. More liberal rules elsewhere had not led to an increase in the number of denunciations; thus, concerns regarding the potential instability of the supervisory system were unfounded. Denunciation periods of ILO Conventions should be aligned to those of other multilateral treaties. He proposed that denunciation should be allowed any time after an initial period of ten years. The requirements of a written notice of denunciation and a notice period of one year should be retained.
931. The final provisions on the revision of Conventions and depository functions should not be amended. His group agreed that the Spanish language versions of Conventions should be recognized as authoritative, and that Article H should be amended accordingly. In addition, he said that the final clauses did not currently contain a process for dispute resolution, and the Governing Body should consider introducing such a provision.
932. His group had proposed amendments to the draft decision, not with a view to deciding on the text of the final Articles, but in order to create a constructive environment for in-depth discussion prior to the next standard-setting item being discussed at the International Labour Conference.
933. **The Worker spokesperson** recalled that the Governing Body's decision at its previous session had only called for an amendment to the final clause relating to authoritative language versions of Conventions, and nothing else. That was the task that the Governing Body should therefore complete: to recognize Spanish as an authoritative language. From the discussion in the Standards Review Mechanism Tripartite Working Group (SRM TWG) it was clear that there was no agreement on any other changes to the final clauses.
934. Her group was strongly opposed to any other changes in current practice. In terms of ratification thresholds, ILO Conventions were not comparable to other multilateral treaties because of the tripartite nature of the ILO and the unique and comprehensive tripartite process used to develop Conventions. Moreover, Conventions relating to the protection of labour rights could not and should not be compared with environmental, disarmament or other similar treaties. A Convention that had entered into force had greater legal value than one that had not. The threshold of two ratifications was acceptable as it allowed a Convention to enter into force as quickly as possible, granting protection to workers at the earliest possible date. Raising the threshold would undermine the sovereign decision by the two or more ratifying States to be bound by a Convention and would deprive them of the benefit of the supervisory system. A higher threshold for entry into force was not an indicator of a more effective standard, and, had such a threshold been applied recently, then many of the newer Conventions would not exist. Her group could not agree to a threshold of 20 ratifications and said that the current requirements should be retained. The objective of ILO Conventions was not to provide a level playing field, but rather to raise minimum standards on specific issues.
935. Her group supported the current process for denunciation, which was well thought out and preserved the stability of the ILO's standard-setting system. International labour standards codified labour-related human rights, and as such were unique. The Governing Body should not make it easier to denounce Conventions, particularly the fundamental Conventions. The principle of non-regression in human rights law should also be applied, prohibiting Member States from taking deliberately retrogressive measures. Only allowing for denunciation every ten years ensured that short-term changes of government would not affect citizens' rights.

936. Therefore, the draft resolution contained in Appendix III should only contain amendments to Article H. Further proposals of editorial changes to codify the current situation were unnecessary, as existing approaches were already being integrated by the Office in the final text of Conventions and did not need to be endorsed by the governing bodies. However, her group would join consensus if others wished to adopt those changes. The Governing Body should not initiate a full discussion on that matter.
937. Regarding the amendment proposed by the Employers, the Workers did not support the proposed inclusion of a new subparagraph (b) in the draft decision; she asked the Legal Adviser to clarify whether the proposed amendment to subparagraph (a) was necessary.
938. **Speaking on behalf of the Africa group**, a Government representative of Eswatini recalled that his group had previously supported retaining the current standard final provisions, except to include Spanish versions of Conventions among the authoritative versions. However, in light of the significant increase in membership of the ILO and the practice adopted for other major multilateral treaties, there was perhaps a need to review the standard final provisions relating to Conventions' entry into force to ascertain whether they remained relevant. The same was true with regard to denunciation; the current provisions seemed unnecessarily strict, particularly in comparison with the practice of other international organizations. Although the standard final provisions had been reviewed regularly in the early years of the ILO, the exercise had last been carried out in 1951. More time was required to allow the constituents to consider the changes, including through consultation at the subregional and national levels. He therefore supported the amendment proposed by the Employers.
939. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Colombia welcomed the draft resolution that would be transmitted to the International Labour Conference and highlighted that the constituents of the Governing Body had demonstrated unanimous support for the need to update the standard final provision on the authoritative language versions of Conventions to include Spanish. The other changes appeared to have been proposed in the interests of transparency and aimed solely at aligning the standard final provisions with current practice. Her group therefore supported the draft decision, although it was open to the amendment proposed by the Employers on the understanding that GRULAC's priority was the change relating to the Spanish language version of Conventions.
940. **Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of the United Kingdom of Great Britain and Northern Ireland expressed strong support for the recognition of the English, French and Spanish versions of Conventions as equally authoritative and for the addition of gender-inclusive language. The number of ratifications required for a Convention to enter into force should continue to be determined on a case-by-case basis, with two ratifications remaining the default. The same approach should be taken to the interval at which Conventions could be denounced, with the default remaining a one-year period every ten years. Both default values should apply unless decided otherwise by a technical committee tasked with drafting a Convention, although discussions on final provisions must not be allowed to frustrate the drafting process. IMEC supported the requirement for ratifications, declarations and denunciations to be communicated to the ILO Member States and brought to the attention of the Secretary General of the United Nations for registration. He supported the draft decision as prepared by the Office.
941. **Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Sweden said that Albania, North Macedonia, the Republic of Moldova,

Montenegro, Serbia, Ukraine, Iceland and Norway aligned themselves with his statement. The EU and its Member States aligned themselves with the statement given on behalf of IMEC. His group believed that the current wording of the standard final provisions worked well. Low ratification rates did not necessarily mean that Member States found a Convention to be irrelevant; rather, they might indicate that governments required more time to proceed with ratifications. The present practice, under which Conventions' intended results were achieved within a reasonable period of time, was to be valued. Relaxing the provisions surrounding denunciation would inevitably weaken legal certainty, the normative corpus and the supervisory system of the ILO. The EU and its Member States would, however, support the inclusion of the Spanish versions of Conventions among the authoritative versions. He supported the draft decision as prepared by the Office.

- 942. The Worker spokesperson** stressed that agreement on what was meant by dispute resolution provisions must be reached before their inclusion in international labour Conventions could be discussed. International labour Conventions could not be compared to labour contracts. Further discussion of the standard final provisions was not required; they had been discussed repeatedly by the Governing Body and the SRM TWG. She did not support the amendment proposed by the Employers' group.
- 943. The Chairperson** observed that there was broad agreement on the matter of including Spanish among the authoritative languages. In recent years, the decision had been made to require a very low number of ratifications for the entry into force of several international instruments that had required immediate implementation. Given that States signatories to an international instrument were required to adhere to it even prior to ratification, the number of ratifications required was not of paramount importance and would depend on the instrument's nature.
- 944. The Employer spokesperson** said that although the matter had been discussed in the SRM TWG, no consensus had been reached. The standard final provisions must be examined as part of efforts to create modern, up-to-date standards. Labour contracts and international labour Conventions were comparable given the need for legislative measures at the national level in order to ratify and implement Conventions. While it was true that some recent international instruments had required a low number of ratifications to enter into force, others, such as the Minamata Convention on Mercury, had required a high number; the amount depended on the circumstances. Although IMEC had called for technical committees to decide on the number of required ratifications, those committees did not normally discuss the standard final provisions, and there was therefore a need to examine the rationale behind those provisions. His group's proposed amendment was intended to allow the Governing Body to adopt the change relating to Spanish, which enjoyed the Employers' full support, while also affording it the opportunity to undertake an in-depth review of the other standard final provisions in the near future, the need for which had been recognized by the Office for many years.
- 945. The Worker spokesperson** clarified that she would be willing to adopt the editorial changes to the standard final provisions if there was consensus on that point. She questioned whether there was a logical relationship between a Convention's rate of ratification and its threshold for ratification; early ILO Conventions had much higher ratification rates than more modern Conventions because States were often reluctant to replace older instruments with newer ones, a fact unrelated to their thresholds. Similarly, there was no logical relationship between a threshold and the number of ILO Member States, given that Conventions were intended to improve labour protection in individual countries. The flexibility called for by IMEC was exactly the current situation: there was a default option that was occasionally adjusted. She had not

heard a good argument for changing that system. The Workers disagreed that further discussion of the matter was necessary.

- 946. The Employer spokesperson** said that the default provided the value that would be used in the absence of another more appropriate value. A default value should be chosen not on the basis of long use but because it reflected “normal” in the modern reality. The consequence of including a default number that was not fit for today’s purposes was that valuable discussion time was lost by repeated revisiting of the issue. A dedicated discussion would thus save time in future discussions. The Office had indicated in the past that such a change was needed. His amendment said only that further consideration was warranted, not what figure should be chosen. The Governing Body should approve the part on the Spanish language and decide that the other issues should go to a future session of the Governing Body for further consideration. The Employers strongly believed that time should be reserved for that debate at some point in the future.
- 947. The Chairperson** noted that the nature of the treaties on the list put forward as examples of instruments requiring higher ratification was such that they involved cooperation on transnational issues. Higher ratification was therefore necessary because the transnational object of the treaty required the alignment of many countries for it to be effective; that should be clarified for the next round of consultations.
- 948.** Seeking to clarify positions, he said his perception was that the minimum common denominator in the room was not to delete subparagraph (b). He noted also that the Employers wanted the discussion to continue and said there appeared to be no consensus on not continuing the discussion at some point.
- 949. The Worker spokesperson** disagreed with the Chairperson’s assessment that most were in favour of continuing the conversation. She perceived support for the original draft decision, from her own group and from IMEC, but had not heard majority support for the proposed amendment.
- 950. Speaking on behalf of IMEC**, a Government representative of the United Kingdom confirmed that IMEC supported the draft decision as originally prepared by the Office.
- 951. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden clarified that his support was for the original draft decision, with the editorial changes.
- 952. The Chairperson** said that his reading of the room had been incorrect.
- 953. The Employer spokesperson** noted that the Africa group had indicated support for the Employers’ proposal to deal with the Spanish language issue separately and have another discussion later. GRULAC had indicated its flexibility. That did not constitute a majority against an alternative solution. He emphasized that in deciding against holding a dedicated future discussion, the Governing Body would be ensuring repeated debate of those provisions every time a Convention came up for debate. The provisions had not been revisited for many years. He was not asking the Governing Body to decide on the substance of the matter, only to decide to discuss it at a future session. To be able to fulfil its goals, the ILO must have Conventions that could be applied and ratified in a manner that made them as widely effective as possible. Although two ratifications might be sufficient to bring an instrument into force and bring the supervisory system into play, it would not make a Convention as widely applicable as a larger, more reasonable number of ratifications, because the enforcement process then acquired critical mass. There were resource implications for the Office when the supervisory system was activated after a very low number of ratifications. The Employers wished the Governing Body to reflect at a future session on what default figure would be most appropriate.

- 954. The Worker spokesperson** said that there was no convincing argument for increasing the number of ratifications required for a Convention to enter into force. An instrument that was in force, even if it had a low ratification rate, was more useful than one that was not; for example, instruments that were in force served as guidance for the Office when providing technical assistance to prepare the way for ratification. There was no use in postponing a decision on the item.
- 955. Speaking on behalf of the Africa group**, a Government representative of Eswatini said that his group saw no harm in engaging in further discussions on the final provisions in the near future, with a view to ensuring that the text was up to date.
- 956. Speaking on behalf of GRULAC**, a Government representative of Colombia clarified that, while her group was strongly in favour of the formal recognition of Spanish as one of the authoritative languages of the Conference, it did not have a strong opinion on whether or not additional discussions should be held on the other final provisions.
- 957. The Employer spokesperson** suggested that the Governing Body should immediately adopt a decision concerning the inclusion of Spanish as an authoritative language and transmit a draft resolution to that effect to the International Labour Conference in June 2023. In addition, it should indicate in its decision that it intended to return to the discussion of the other final provisions in the future, to make it clear that further revisions were needed. It should not approve the text of the other final provisions as they stood, as that would imply that further revisions were not needed. The amendment proposed by his group had been intended to reflect that approach.
- 958. The Worker spokesperson** said that there was clearly a consensus on the recognition of Spanish as an authoritative language and on the editorial changes. The majority of the Governing Body seemed to be in favour of adopting the original draft decision.
- 959. The Chairperson** recalled that usual practice was for the Governing Body to decide first on a proposed amendment and then on the original draft decision. If agreement could not be reached, a vote would have to be held. As there was no consensus on the proposed amendment, he asked whether the Employers' group might consider withdrawing it.
- 960. The Employer spokesperson** said that his group would withdraw its proposed amendment if another solution could be found that allowed for further discussion to be held on the issue of the final provisions and the default values in them. For example, a sentence could be added to the original draft decision stating that the Governing Body decided to put on the agenda of a future Governing Body session a discussion on the final provisions, with a specific focus on their relevance and on the default values.
- 961. The Worker spokesperson** said that she saw no merit in having another discussion on the final provisions when the SRM TWG had already had a full discussion on them and had not been able to reach agreement. The final provisions with open values allowed for flexibility.
- 962. A representative of the Director-General** (Legal Adviser) clarified that the Conference had last validated the form of the "model" final provisions in 1951, without introducing any change to the default threshold for entry into force of Conventions, which had remained at two ratifications since 1919. It was important to note, however, that the use of square brackets and ellipses in the final provisions indicated an open value (that could be changed by the Conference committee at its discretion) and the threshold was not fixed once and for all at two. Approving the revised or edited text of the "model" final provisions was thus merely a housekeeping matter. He further explained that if the Governing Body decided to adopt a decision only on the matter of the Spanish language, changes to the draft resolution to be

transmitted to the Conference would also be necessitated. For example, the preambular paragraph referring to the changes that were needed with a view to including gender inclusive language would no longer be relevant and had to be removed, while the words “as amended” should be more accurately placed after “Appendix III”.

- 963. The Employer spokesperson** said that his group could accept deleting the words, “as amended,” from subparagraph (a) of his group’s proposed amendment, which would allow the resolution to stand as drafted. However, subparagraph (b), which referred to further discussions, should be retained.
- 964. The Worker spokesperson** proposed, following consultations, that subparagraph (b) could be subamended to read: “decided to defer the discussion on the final Articles of international labour Conventions to a future session of the Governing Body”.
- 965. The Employer spokesperson** expressed support for the subamendment proposed by the Workers’ group.

Decision

966. The Governing Body:

- (a) **took note of the information presented in document GB.347/LILS/1 and transmitted the draft resolution contained in Appendix III concerning the final Articles of international labour Conventions to the 111th Session (2023) of the International Labour Conference for possible adoption;**
- (b) **decided to defer the discussion on the final Articles of international labour Conventions to a future session of the Governing Body.**

(GB.347/LILS/1, paragraph 74, as amended by the Governing Body)

2. Composition of the International Labour Conference and regional meetings (GB.347/LILS/2)

- 967. The Employer spokesperson** noted that no clear progress had been made in respect of reducing the number of non-accredited delegations in the period 2018–22, other than a brief drop when arrangements for remote participation had been introduced. Methods to facilitate accreditation for the Caribbean and Pacific Island subregions should be explored. The level of non-accredited delegations was higher at regional meetings than at sessions of the International Labour Conference. However, the data were skewed as a result of the reduced number of complete tripartite delegations at the 10th European Regional Meeting (2017). He noted the overall increase in the participation of women in delegations, recognizing the higher percentage of women in Government delegations than in Employer or Worker delegations, and acknowledged that the Employers’ and Workers’ groups would need to keep the composition of their delegations under review in order to meet short- and long-term goals relating to gender parity. The level of women’s participation in meetings was proportional to their representation in the labour market; the priority therefore should be to work towards increasing the number of women in the workforce. The Employers’ group supported the draft decision.
- 968. The Worker spokesperson** highlighted the importance of having complete tripartite delegations at all meetings and noted with satisfaction that, during the period under review, the number of Member States not accredited to the International Labour Conference had been less than half that of the preceding reporting period. Despite an improvement in accreditation

levels following the introduction of remote participation, she said that in-person participation was crucial. Efforts should be made to eliminate incomplete delegations and to reduce the number of non-accredited delegations, particularly from the Caribbean subregion. She noted that there appeared to have been a higher level of non-accredited and incomplete delegations at regional meetings – which were key forums for debate and regional priority setting – than at the Conference, and that further efforts were needed in that regard. In particular, she encouraged Member States to provide information on the steps being taken to remedy the situation. Further efforts were also needed to increase the participation of women in ILO meetings. She recognized the essential role of the Credentials Committee and would like to receive, in the future, information about the results of the measures being taken to achieve gender parity. The Workers' group supported the draft decision.

969. Speaking on behalf of the Africa group, a Government representative of Morocco took note of the reduction in the number of non-accredited delegations to the International Labour Conference during the reporting period, which could be partly attributed to the arrangements permitting remote participation. He also noted the progress made in that regard at the 14th African Regional Meeting in 2019. He highlighted the importance of such meetings to enhance the smooth functioning of the ILO's decision-making and policymaking bodies. He also highlighted the vital role of the Credentials Committee and welcomed the efforts to inquire about the reasons that had prevented full tripartite representation. Despite the increase in the overall participation of women in national delegations to the International Labour Conference, further efforts were needed to achieve gender parity. His group supported the draft decision.

970. A representative of the Director-General (Legal Adviser) welcoming the comments made, encouraged members to bear in mind when considering scenarios for reconfiguring regional meetings at the 349th Session (October–November 2023) of the Governing Body that the work of the Credentials Committee could not be compressed beyond a certain point since the examination of objections and complaints required sufficient time.

Decision

971. The Governing Body:

- (a) urged Member States to comply with their constitutional obligation to accredit full tripartite delegations to sessions of the International Labour Conference and regional meetings;**
- (b) urged all groups to aspire to achieve gender parity among their accredited delegates, advisers and observers to the Conference and regional meetings;**
- (c) requested the Director-General to:**
 - (i) continue to monitor the situation of Member States which fail to accredit a tripartite delegation to sessions of the International Labour Conference and regional meetings and of those which have not reached the minimum target of 30 per cent of women's participation, with the ultimate goal of gender parity;**
 - (ii) continue providing technical assistance to all groups, as might be needed, to reach gender parity in delegations;**
 - (iii) periodically report to the Governing Body on these matters.**

(GB.347/LILS/2, paragraph 35)

3. Improving the Rules governing the appointment of the Director-General (GB.347/LILS/3(Rev.2))

- 972. The Worker spokesperson** commended the consultations that had taken place on the review of rules and practices to ensure fairness, transparency and impartiality in the appointment of the Director-General. Public interaction with candidates should be strengthened to increase the visibility and transparency of the election process. The Workers' group therefore supported the move to webcast interactive events to enable the tripartite constituents, civil society actors and members of the general public from around the world to follow them and agreed that the Governing Body should decide on the detailed arrangements for such events, including their format and duration. They should be conducted according to the normal rules and proceedings for private sittings of the Governing Body. It was important to be transparent about who supported candidates and where their sources of funding originated. Her group agreed that the disclosure of campaign activities would increase transparency in that regard and that oversight of the election process should remain with the Chairperson of the Governing Body.
- 973.** Regarding internal candidates, a compromise seemed to have been reached between allowing all individuals to stand for election while ensuring that internal candidates did not enjoy undue benefits; her group therefore supported the proposal to place internal candidates on special leave with partial salary for a period of no less than three months before the date of the election, with the duration of the leave and the salary level to be determined by the Director-General in consultation with the Officers of the Governing Body. It was similarly appropriate that such provisions would not apply to a Director-General running for reappointment, given that measures were already in place to limit his or her re-election to one additional term. However, conditional resignation would be an intimidating requirement for internal candidates – who, by definition, were highly committed to the Organization – and could be a strong disincentive to standing for election. That said, it was positive that the possibility remained for the elected Director-General to allow an unsuccessful candidate to continue to work for the ILO.
- 974.** She requested clarification as to why internal candidates other than Deputy Directors-General and Assistant Directors-General would be treated differently in the proposed rules. In general, the draft amendments to the Rules governing the appointment of the Director-General were clear and reflected the changes. However, the Office should review the phrasing of the new language in what was now Rule 14, which stated that “[u]nethical practices ... that may undermine or improperly influence the integrity of the appointment process are prohibited”, suggesting that only unethical practices that might undermine the integrity of the process were prohibited, rather than unethical practices in general. The Workers' group would be ready to express its view on the draft decision once satisfactory clarification had been received on that point and on the issue of whether conditional resignation was truly necessary.
- 975. The Employer spokesperson** suggested that the electoral process and its integrity should be reviewed systematically following all elections of the Director-General. He agreed with the Workers' group that holding at least one interactive event with candidates was a good practice that should be continued. He also welcomed the transparency-related measures in Rules 4 and 17 and the requirement in Rule 18 for candidates to refer to one another with respect. The change to what was now Rule 14 could be understood as relating to trivial gifts, although his group would examine it more closely in the light of the point raised by the Workers. While positive changes had been made in terms of ethics and behaviour, clarification would be welcome regarding the investigation and disciplinary process which, under Rule 19, would

“apply as in any other case of alleged wrongdoing or misconduct”; it was unclear what other cases of alleged wrongdoing would be comparable with wrongdoing during the appointment process, and applying processes designed to guarantee equity and justice among employees to someone standing for elected office could pose a risk. Furthermore, it was important to know how quickly sanctions or other measures would be applied since, in the context of an election, any delays might render them ineffective.

- 976.** Turning to the issue of internal candidates, he expressed support for Rule 22 on the need for the highest standards of ethical conduct. On the provisions on conditional resignation in Rule 24, he shared the concerns of the Workers’ group that such a requirement could be overly strict and discourage internal candidates from standing for election. According to the information provided by the Office, just one other international organization required an advance letter of resignation from internal candidates when appointing their executive head. He likewise expressed reservations with regard to Rule 25, under which a Director-General running for reappointment would not be placed on special leave with partial salary, unlike other internal candidates, observing that it was difficult to strike a balance between the need to treat candidates fairly and to protect the resources of the Organization. It would be interesting to examine more closely how other organizations acted in that respect. On the alignment of the periods of appointment, his group supported the proposed amendments to article 4.6(b) of the Staff Regulations. The Employers would reserve judgement on the draft decision pending further discussion and clarification of the proposed changes, particularly in relation to Rules 19, 24 and 25.
- 977. Speaking on behalf of IMEC,** a Government representative of Canada, welcoming the opportunity to improve transparency and fairness in the process of appointing a Director-General and to increase clarity in the Rules, said that her group would be interested to hear the views of the Ethics Officer, the Independent Oversight Advisory Committee and other groups on the proposed changes. IMEC strongly supported the proposals to codify public interactive events involving candidates, align periods of appointment, increase the clarity of the ethical guidelines for candidates and strengthen the rules regarding the status of internal candidates, including the proposals on conditional resignation. The Office should confirm, however, that the regulations would not apply to bilateral discussions and agreements between governments during election processes.
- 978.** If internal candidates were to be placed on special leave for the duration of election campaigns, it should be ensured that those campaigns were not excessively long given the additional strain that elections placed on the Organization; her group believed that past campaigns had been unnecessarily protracted. In that regard, IMEC wished to propose two amendments to Rule 23. The first was to specify that candidates would be placed on special leave with “half salary”, rather than “partial salary”; referring the decision on the rate of pay to the Director-General and the Officers of the Governing Body could lead to perceptions of preferential treatment or discrepancies in decisions that would be difficult to reconcile. Setting the rate of pay at 50 per cent of a candidate’s salary would strike a balance between no pay, which would place internal candidates in an unduly disadvantageous position, and full pay, which would be financially burdensome for the Organization and blur the boundary between professional status and electoral aspirations. If that amendment was adopted, the words “partial salary” in the language added to article 7.7 of the Staff Regulations should be amended in the same way. The second proposed amendment to Rule 23 concerned the minimum duration of special leave and entailed replacing “three months” with “two months” in order to align with Rule 1, under which candidatures must be received at least two months prior to the

date of the election; in the current proposals, the minimum duration of special leave for internal candidates exceeded the minimum duration of the election period itself.

- 979. Speaking on behalf of the Africa group,** a Government representative of Algeria said that it was especially important to review the Rules governing the appointment of the Director General given that they had last been modified in 2011. Her group welcomed the proposal regarding organization of interactive events, but considered that the ILO should not bear all expenses arising from participants' participation in such events since they could not be fully separated from electoral campaigns. She agreed that both internal and external candidates must respect the campaign rules, particularly regarding ethical conduct, respect for fellow candidates and the disclosure of campaign activities and the amount and source of their funding. The process should be monitored by the Governing Body. She asked for further details regarding the information on campaign activities that would be posted on the dedicated ILO web page.
- 980.** Cognizant of the need to guarantee fairness with regard to internal candidates, the Africa group supported the proposals to introduce provisions for special leave with partial salary. In the interest of transparency, however, it would be better for the Governing Body to set the length of leave and level of salary; the Africa group therefore supported the amendments proposed by IMEC. Lastly, her group supported the alignment of the period of appointment of the Deputy Directors-General and Assistant Directors-General with that of the Director-General.
- 981. Speaking on behalf of GRULAC,** a Government representative of Colombia highlighted that reviewing the Rules governing the appointment of the Director-General would enhance the credibility, inclusivity and transparency of the electoral process. The continuation of the public events would allow candidates to share their vision for the Organization on an equal footing. While her group agreed that campaign activities should be disclosed, a requirement to disclose the amount and source of campaign funding would reveal differences in the financial resources of candidates with government support owing to differing levels of available resources in developing and developed countries. The new standards of conduct and ethics were welcome, particularly with regard to respect for fellow candidates; candidates could make a declaration committing to adhere to those standards throughout their campaigns.
- 982.** To ensure predictability, the Governing Body should set the salary rate for internal candidates at 50 per cent from the moment that they submitted their candidatures, and consideration should be given to replacing them in their posts upon their declaration of candidature to ensure that the Organization's financial situation and operations, and therefore the needs of constituents, remained unaffected. Unsuccessful candidates should resign. The periods of appointment of Deputy Directors-General and Assistant Directors-General should end before the new Director-General took office unless the Director-General decided otherwise. Lastly, it would be useful to know whether the Office's proposals had been reviewed by the Independent Oversight Advisory Committee and the Ethics Officer; if not, the Governing Body should seek their opinions.
- 983. Speaking on behalf of the Asia and Pacific group (ASPAG),** a Government representative of Japan agreed that the Rules should mandate at least one public interactive event involving candidates and constituents before elections. The requirement for candidates to pledge to observe the highest ethical principles and standards was appropriate. Internal candidates should be placed on special leave, and the specific arrangements should be clarified. ASPAG supported the amendments proposed by IMEC and requested the Office to implement the Rules fairly and equitably.

- 984. A Government representative of India** said that the vital role of the ILO in promoting social justice and decent working conditions meant that a transparent, accountable process for electing its Director-General was vital. The proposed amendments on ethical conduct, the disclosure of campaign activities and funding, and the avoidance of overlap between campaigns and work for the ILO were therefore welcome. There should, however, be greater focus on diversity and inclusivity in the process of appointing the Director-General, with greater gender and regional representation and diversity among candidates. The Rules should refer explicitly to the need to reflect the diversity of the ILO's membership in the appointment of its Director-General and also ensure transparency and accountability. Rules 8 and 9 of the original Rules, on fairness and transparency in the appointment process, should be retained. On that basis India supported the draft decision.
- 985. A Government representative of Switzerland** was authorized to speak in accordance with paragraph 1.8.3 of the Standing Orders on a matter concerning his Government. While Switzerland supported the proposal to place internal candidates on special leave and reduce their salary by half, foreign international civil servants in Switzerland were required to work full-time in order to maintain their diplomatic privileges and immunities. Exceptions could, however, be granted at the request of the international organization concerned. He welcomed the planned prior consultations with the Swiss authorities on the proposed arrangements.
- 986. A representative of the Director-General** (Legal Adviser) in response to the request for clarification of the Worker spokesperson, noted that while the proposed amendment to article 4.6 of the Staff Regulations ensured that the contracts of Deputy Directors-General and Assistant Directors-General could never extend beyond the term of the incumbent Director-General, it did not cover other internal candidates, who would have to submit their conditional resignation should their contracts exceed that term. It was true that according to available information, only one United Nations (UN) agency currently required internal candidates to submit conditional resignations. Moreover, there was no precedent for granting special leave for campaigning purposes to an incumbent executive head because it was not possible to run an organization in such circumstances.
- 987.** As suggested by the Worker spokesperson, the wording of Rule 14 would be reviewed as it currently implied that any promises or gifts without distinction were unethical. Regarding investigating alleged wrongdoing during the appointment process, in the absence of specific procedures related to elections of the Director-General, such investigation would have to be undertaken based on the existing accountability framework and established procedures. If there was agreement on IMEC's proposal to replace "partial salary" with "half salary" in Rule 23, the Staff Regulations would be amended to reflect the change. While IMEC's proposal to amend the minimum duration of special leave in Rule 23 to align with Rule 1 had merit, it should be noted that the timeline indicated in Rule 1 for the reception of candidatures had not been observed in the six elections between 1998 and 2022.
- 988.** The Office would welcome the Governing Body's views on the proposal by the Africa group that the ILO should not cover all the expenses of candidates travelling to Geneva for the interactive event(s). As for the request of the Africa group for further details on disclosure of campaign expenses, it was difficult to provide precise information on what information regarding candidates' expenditure would be published as there was no previous experience in these matters; that would depend on the nature and degree of detail of information received. In any event, the Office would exercise discretion and good judgement and consult the Officers of the Governing Body before publishing such information. In response to the request for clarifications by ASPAG, the specific arrangements for special leave for internal candidates would depend on the decision of the Governing Body, but if it decided to set a minimum period

of special leave, the Director-General would be required to take a decision on its duration, in consultation with the Officers of the Governing Body.

- 989. The Worker spokesperson** recalled that in other settings, successful and unsuccessful candidates often worked together following elections; a requirement for unsuccessful candidates to resign might not be necessary and might also affect their access to unemployment benefits should they be deemed to have become unemployed willingly. Accordingly, it would be judicious to discuss that provision with the Staff Union. Internal candidates should not be disadvantaged and thus discouraged from applying. The Office's original proposals with regard to the special leave and level of salary granted to internal candidates had been intended to introduce a flexible approach that allowed the arrangements to reflect the amount of time an individual spent campaigning. It must also be borne in mind that candidates would be standing in election to serve the Organization, not just their own personal ambitions. She therefore remained unconvinced by the governments' proposed amendments.
- 990. The representative of the Director-General** (Legal Adviser) stated that the Staff Union had been consulted on the proposals but had not commented. The resignation of an unsuccessful internal candidate would not be automatic; it would become effective only if it were accepted by the new Director-General. The proposals had been intended to facilitate the post-election transfer of power.
- 991. The Employer spokesperson** said that his group did not consider the proposal on conditional resignation to be viable. The 50 per cent salary deduction for internal candidates was a fair and practical approach given the impracticalities of assessing how much time a candidate had spent campaigning and the fact that the incumbent Director-General might be required to make such a subjective judgement. The length of campaigns should be standardized or a window for campaigning established. There should be no disparity between Rules 1 and 23 in terms of the length of special leave or whether it was the Director-General or the Governing Body who took such decisions; his group believed that it should be the latter. While IMEC's proposed amendment was not objectionable, the wording should be consistent in Rules 1 and 23. Thus, the last clause of Rule 23 could be subamended to read: "for the period determined by the Governing Body in accordance with paragraph 1".
- 992. Speaking on behalf of GRULAC**, a Government representative of Colombia enquired anew whether the proposals had been presented to the Independent Oversight Advisory Committee and the Ethics Officer; the changes might be replicated elsewhere in the UN system and an independent opinion was therefore necessary.
- 993. The Worker spokesperson** expressed concern at the proposals to set the salary level at 50 per cent for internal candidates without setting a fixed length of special leave. If the Governing Body set the salary level at 50 per cent, the special leave should last two months.
- 994. The representative of the Director-General** (Legal Adviser) said that the subamendment proposed by the Employers' group, and the proposal by GRULAC, amounted to placing internal candidates on special leave with partial salary for the whole campaign which would have lasted nine (starting from the opening of candidatures) or six (starting from the closure of candidatures) months during the 2022 campaign. The Ethics Officer had reviewed the proposals. As requested, the Independent Oversight Advisory Committee Chairperson, the Chief Internal Auditor and the Ethics Officer could address the Governing Body once the revised version of the Rules had been prepared.

- 995. The Worker spokesperson** expressed reservations about the Governing Body deciding the leave of an internal candidate; such a decision should be taken by the Officers of the Governing Body based on a proposal from the Office.

(The Governing Body resumed consideration of the item after the Office circulated a revised document.)

- 996. The representative of the Director-General** (Legal Adviser) said that following feedback from the Governing Body, all expenses relating to candidates' participation in public interactive events would be borne by the ILO. Rule 14 had been amended to clarify that not all gifts were unethical, and wording had been added to the document to explain that ordinary support by sponsoring governments or groups, such as the hosting of receptions or the payment of some travel costs, was not affected by Rule 14. Inputs from GRULAC, IMEC and the Employers had been combined to draft a proposal that internal candidates would be placed on special leave with half salary for a fixed period running from the close of candidatures to the day of the election, once the candidate had exhausted their annual leave entitlement.
- 997.** Given the opposition of the Employers and Workers, together with certain reservations of the Ethics Officer and Chief Internal Auditor, it was proposed that the concept of conditional resignation be removed from the Rules. Lastly, a footnote had been inserted based on the comments of the Chief Internal Auditor, to indicate that specific guidance could be developed on an investigation and disciplinary process in case of reported or alleged wrongdoing during the process of appointing the Director-General.
- 998. The Worker spokesperson** noted that the Legal Adviser had not addressed the matter of residence requirements raised by the Government of Switzerland. Her group could accept the other changes.
- 999. The Employer spokesperson** expressed agreement with all the proposed changes, subject only to resolution of the matter raised by Switzerland. Rule 23 read as if an ILO official must first exhaust his or her annual leave entitlement before receiving half pay. That should, however, be at the candidate's discretion, otherwise he or she might be disempowered regarding his or her use of leave.
- 1000. Speaking on behalf of ASPAG**, a Government representative of Japan said that ASPAG remained flexible, but also recognized the need for clarification. It supported the amendments to Rule 14, although the reasons for the deletion of the last sentence of Rule 19 should be provided. ASPAG was willing to be flexible on Rule 24 in the interests of consensus and would remain similarly flexible on other matters, provided that basic principles such as fairness and transparency prevailed. If the need arose and the majority so preferred, ASPAG would be willing to continue the discussions during the next Governing Body session.
- 1001. Speaking on behalf of GRULAC**, a Government representative of Colombia supported the provision that internal candidates be granted special leave and half pay for the period indicated in the revised document. The Director-General should be able to extend the contracts of Deputy Directors-General and Assistant Directors-General if he or she so desired. It was important that future elections did not consume as much time as previous elections. GRULAC supported the revised version of the document.
- 1002. Speaking on behalf of IMEC**, a Government representative of Germany supported the amendments and endorsed the proposal that internal candidates should first exhaust their annual leave entitlement before taking special leave, as that would be consistent with what external candidates would be expected to do. IMEC maintained its firm position that campaign

periods should be limited in length to reduce the burden on the Organization; such limits should be taken into account when deciding on the dates for the submission of candidatures.

- 1003. Speaking on behalf of the Africa group**, a Government representative of Algeria, noting that not all of her group's concerns had been addressed, nevertheless expressed support for the revised draft decision. The Africa group strongly supported a reduction to the length of campaign periods and was in favour of a limit of two or three months, but would support a longer period of up to six months if that was the consensus.
- 1004. The representative of the Director-General** (Legal Adviser), responding to a question by the Worker spokesperson, explained that the matter concerning the residence permit of an internal candidate placed on special leave had already been included in paragraph 26 of the document that referred to prior consultations with the authorities of the host country. The Swiss Permanent Mission had confirmed that placing internal candidates on special leave with half pay would be tantamount to part-time work, which was possible provided that a specific request was made with proof that the individual concerned had the financial means to subsist in Geneva, was insured and would not undertake any other lucrative activity. The Office did not consider that there was a need to reflect those requirements explicitly in the Rules themselves; the Swiss authorities had given assurances that there would be no problem for internal candidates in that regard, but a reference to the matter had been included in the document for the sake of completeness.
- 1005.** Internal candidates would be required to take annual leave, on full pay, before taking special leave on half pay; that should in principle be to the candidate's advantage. The six-month duration of the last election campaign was not standard; it had simply occurred as such. That length of time had been recognized as a possible burden to internal candidates, and one way to reduce that burden would be for them to use up their annual leave entitlement. The alternative would be to set a fixed period between the closing of the candidate list and the election. Regarding the deletion of language from paragraph 19, special rules for dealing with allegations of misconduct by executive heads of UN agencies could be developed in the near future, and so it had been judged prudent to remove the sentence altogether.
- 1006. Speaking on behalf of ASPAG**, a Government representative of Japan asked how an internal candidate could work on their campaign if he or she was unable to take special leave between declaring his or her candidatures and the closure of candidatures.
- 1007. The representative of the Director-General** (Legal Adviser) explained that internal candidates who declared their candidature before the closure of candidatures would as a matter of fact have to launch their campaign while working full-time.
- 1008. The Employer spokesperson** said that internal candidates should be allowed to choose whether and when to use their annual leave entitlement. Otherwise, the Organization would save money while the individual's annual leave entitlement was being exhausted. Moreover, it was not clear whether individuals on half pay could use half their annual leave entitlement to top up their income. The earlier draft had been clearer; to resolve the issue, a footnote could have been inserted to the effect that internal candidates could elect to use their annual leave, even when on special leave, to allow them to draw their full income. He enquired whether the Staff Union had been given the opportunity to comment on the matter and, if not, whether such an opportunity should be afforded.
- 1009. The Worker spokesperson** suggested that "on the request of the candidate" should be added to Rule 23.

- 1010. The representative of the Director-General** (Legal Adviser) noted that the reference to annual leave had been added following feedback from the Governing Body. The Staff Union had not yet been consulted on this specific aspect owing to time constraints.
- 1011. The Employer spokesperson** proposed removing “(after their annual leave credit is exhausted)” from Rule 23. The issue of annual leave could be dealt with administratively.
- 1012. The Worker spokesperson** said that including “on the request of the candidate” would have the same effect.
- 1013. The representative of the Director-General** (Legal Adviser) said that the phrase in brackets could be deleted and wording added to the effect that internal candidates may make use of their annual leave entitlement during the period from the closure of candidatures till the date of the election.
- 1014. The Employer spokesperson** expressed agreement with that suggestion and proposed that the wording should specify that internal candidates may choose to use their accrued annual leave during the period.

Decision

- 1015. The Governing Body approved the amendments to Annex III to the Compendium of rules applicable to the Governing Body of the International Labour Office and to articles 4.6 and 7.7 of the Staff Regulations set forth in Appendix I to document GB.347/LILS/3(Rev.2), as amended.**

(GB.347/LILS/3(Rev.2), paragraph 32, as amended by the Governing Body)

International Labour Standards and Human Rights Segment

4. Report on the implementation of the adjustments made to the procedure for the appointment of members of the Committee of Experts on the Application of Conventions and Recommendations (GB.347/LILS/4)

- 1016. The Employer spokesperson** said that the adjusted procedure represented a clear improvement and he looked forward to receiving information on the process for filling the three new vacancies at a future Governing Body session.
- 1017. The Worker spokesperson** welcomed the improvements made to the appointment procedure and emphasized the importance of transparency, integrity and impartiality. She supported the draft decision.
- 1018. Speaking on behalf of the Africa group**, a Government representative of Gabon said that since the Committee of Experts on the Application of Conventions and Recommendations played an important role in the implementation of the ILO’s policy on gender equality, she welcomed the achievement of gender balance. The Office should ensure that it maintained that balance in future selection processes, while retaining competence as the decisive factor, and use the same eight assessment criteria during future processes. Noting the call for candidates to fill the three further vacancies, she invited the Director-General to continue ensuring the complete independence and impartiality of the Committee of Experts. The Africa group supported the draft decision.

1019. Speaking on behalf of GRULAC, a Government representative of Colombia said that she welcomed the adjustments made to the appointment procedure, which had helped improve transparency and good governance. She also welcomed the high number of candidates from South America, given the high number of cases from that region pending before the Committee of Experts. The gender balance in the Committee was a symbolic achievement, and she was pleased that the call for expressions of interest had been publicized taking into account the geographical spread of the vacancies. She hoped that the Office would continue to make further improvements to the appointment procedure.

1020. Speaking on behalf of IMEC, a Government representative of Iceland said that her group welcomed and supported the efforts to publicize all vacancies through calls for expression of interest, as that ensured a transparent and timely selection process. She was pleased that the Office had arranged the selection processes with a view to ensuring geographical balance and representation from all legal systems, which was essential to the integrity of the Committee of Experts. IMEC supported the draft decision.

Decision

1021. The Governing Body took note of the information provided.

(GB.347/LILS/4, paragraph 13)

5. Proposed form for reports requested under article 19, paragraphs (5)(e) and (6)(d) of the ILO Constitution in 2024 (GB.347/LILS/5(Rev.1))

1022. The Worker spokesperson emphasized the importance of the instruments on employment injury benefits, given the 7,500 avoidable deaths each day as a result of unsafe and unhealthy working conditions. The General Survey would enable the Office to identify obstacles to the ratification and implementation of the relevant instruments, gaps in coverage and vulnerable groups of workers. The proposed form contained in the appendix to the document was clear, concise and comprehensive. Her group therefore supported the draft decision and encouraged the constituents to submit the requested reports for 2024. She noted, however, that there had been various problems with the virtual platform used during the consultations on the proposed form, which should be resolved to ensure full and transparent tripartite consultations on future reports.

1023. The Employer spokesperson noted with satisfaction that the Office had taken into account the guidance provided by the Governing Body at previous sessions when preparing the proposed form. He highlighted the importance of the instruments in question and emphasized that the proposed form should: cover all provisions of the instruments in question; cover the implementation of the provisions of the relevant instruments both in law and in practice; be limited to the scope of the instruments in question; and distinguish between provisions that were of a legally binding nature and those that were not. His group supported the draft decision.

1024. Speaking on behalf of the Government group, a Government representative of Germany said that, as General Surveys were a key element of the ILO's standards-related work, her group attached importance to the selection of instruments and the development of the corresponding report form under article 19. Report forms should be concise and focused, and her group welcomed the efforts made to improve the reporting process, including by holding consultations and developing a virtual platform for the submission of comments. Regrettably,

there had been serious problems relating to accessing the document through the new platform. Furthermore, the proposed form contained an excessive and disproportionate number of questions, including 12 optional questions that were not based on the selected instruments, and did not employ established practices, such as indicating which instrument and provision related to each question. Many of her group's concerns could have been addressed during the initial consultation process. As they had not been, her group would welcome further discussions on measures to improve the process further, and requested the Office to revise the proposed form.

- 1025. A representative of the Director-General** (Director, International Labour Standards Department) welcomed the comments made relating to how the consultation process could be improved. In that regard, she noted the problems with accessing the virtual platform, and gave her assurances that the process would be improved in the future. Moreover, she observed that while the Workers' and Employers' groups had participated in the consultation process, it would appear that the process had not worked that well with the Government group. In the light of the comments made by the Government group, a revised report form had been prepared and circulated for consultation.
- 1026. The Worker spokesperson** said that the form should contain as many questions as were necessary to elicit responses that were sufficiently detailed in order to identify gaps in coverage and barriers to ratification. That said, she said that she understood the concerns expressed by the Government group, and was prepared to consider a revised form.
- 1027. The Employer spokesperson** expressed surprise that a request was being made to revise the form, given that a consensus had been reached during the consultation period. The Governing Body should adopt the draft decision with the form as proposed and the concerns expressed by the Government group should be taken into account in the future.
- 1028. A Government representative of the United States of America** said that, in view of the challenges that had arisen during the consultation period, she agreed that a revised version of the proposed form should be circulated for consultation.
- 1029. The Employer spokesperson** said that he would prefer the Governing Body to make a decision on the basis of the work that had already been carried out.
- 1030. The Worker spokesperson** said that, in order to ensure a good response to the report form by all constituents, her group could be flexible. However, any further consultations should seek to reach a swift consensus.
- 1031. The Employer spokesperson** asked whether consultations could take place during the intersessional period and whether a decision could be deferred until the 348th Session (June 2023) or 349th Session (October–November 2023) of the Governing Body.
- 1032. Speaking on behalf of the Government group**, a Government representative of Germany reiterated that she had spoken on behalf of all 187 Member States in order to keep the discussion as short as possible. She urged the Employers' group to accede to her request for further consultations with a view to reaching consensus.
- 1033. The representative of the Director-General** (Director, International Labour Standards Department) said that waiting until the 349th Session to take a decision would not give governments enough time to submit their reports for the preparation of the General Survey in 2024. While the decision could in theory be taken at the short 348th Session, immediately following the 111th Session of the Conference, there might be insufficient time for consultations and would be no possibility to hold discussions if consensus could not be

reached. She therefore encouraged the Governing Body to consider holding consultations during the current session on the revised version of the proposed form.

- 1034. The Worker spokesperson** agreed to hold informal consultations with a view to reaching consensus.
- 1035. The Employer spokesperson** said that his group did not wish to block consensus, and could therefore agree to hold further informal consultations.
- 1036. A Government representative of Spain** agreed that additional informal consultations would help a consensus to be reached.
- 1037. The representative of the Director-General** (Director, International Labour Standards Department) said that the Office would circulate a revised version of the proposed form before resuming consideration of the item.
- 1038. The Employer spokesperson** underscored that proposed amendments should be submitted during consultations and not when the draft decision was being discussed in plenary. Members should make every effort to submit their proposals in a timely manner.
- 1039.** Since important questions had been removed from or reformulated in the revised form, he asked the Office to confirm that it adequately covered provisions related to all the instruments being examined as part of the General Survey. In order to ensure that the form was not excessively long, it was preferable to select fewer instruments for the General Survey and ask a sufficient number of questions to adequately cover the selected instruments. On that understanding, his group could support the draft decision contained in the revised document.
- 1040. The Worker spokesperson** said that since the revised document had been prepared in consultation with all tripartite constituents, her group supported the draft decision.
- 1041. Speaking on behalf of the Government group,** a Government representative of Germany said that it was important to achieve an appropriate balance between a comprehensive questionnaire that gathered sufficient information to provide a clear picture of law and practice on often complicated technical issues, on the one hand, and a questionnaire that was concise enough for governments to respond in a timely and complete manner, on the other. Since it was more concise and focused, the revised questionnaire would have a higher response rate and yield better results. The Government group supported the draft decision.
- 1042. The representative of the Director-General** (Director, International Labour Standards Department) said that some questions had been removed and the wording of others changed to ensure that all provisions in the different instruments were covered. The fact that the Governing Body had decided on the topics and Conventions for upcoming surveys should prevent similar problems from arising in the future.

Decision

1043. The Governing Body:

- (a) requested governments to submit reports for 2024, under article 19 of the ILO Constitution, on: the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12); the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19); the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25); the Social Security (Minimum Standards) Convention, 1952 (No. 102), Part VI; the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121); and the Employment Injury Benefits Recommendation, 1964 (No. 121);

(b) approved the report form concerning those instruments, which is appended to document GB.347/LILS/5(Rev.1).

(GB.347/LILS/5(Rev.1), paragraph 7)

6. Proposals to adapt the current reporting arrangements under article 22 of the ILO Constitution for Members having ratified fundamental Conventions Nos 155 and 187 and proposed report form under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022 (GB.347/LILS/6)

- 1044. The Worker spokesperson** said that annual follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (the 1998 Declaration) was of great importance for the ILO. Technical assistance to overcome obstacles to the ratification and implementation of both the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) should be a priority in country-level engagement. She was pleased that the report would include information on core health and safety standards. The Office should substantially step up its assistance to countries in response to the reports. The ratification rate of fundamental Conventions Nos 155 and 187 was lower than for Conventions in the other four categories under the Declaration.
- 1045.** The report form to be completed by Member States which had not ratified Conventions Nos 55 and 187 was clear, concise and comprehensive and should provide a good basis for targeted technical assistance. However, for the sake of consistency and comprehensiveness, questions on the prospects for ratification should be included in both the electronic questionnaire and the physical report form.
- 1046.** The previous week, the Governing Body had approved proposals and a road map for the review of the Global Strategy on Occupational Safety and Health and the promotion of a safe and healthy working environment as a new fundamental principle and right at work, the first pillar of which included support for universal ratification and implementation of the fundamental Conventions on occupational safety and health (OSH) as a priority. The annual review would provide essential information for the implementation of the future strategy. She called on Member States to submit the requested reports for all five fundamental principles and rights at work.
- 1047.** Her group agreed with proposals to reflect the change of the reporting cycle to a three-year cycle and welcomed the Office's efforts to ensure consistency and coherence among OSH instruments, as well as the related governance instruments on labour inspection and other technical instruments concerning conditions of work.
- 1048.** She encouraged ratifying Member States to fulfil their constitutional obligation under article 22 of the Constitution, submit reports on time and consult with the national social partners. In addition, she encouraged the Office to continue engaging with constituents to improve the consultation process for report forms under articles 19 and 22, especially regarding the use of the electronic platform.
- 1049. The Employer spokesperson** recalled with regard to the report form under article 19(5)(e) of the ILO Constitution that during the discussion on document GB.347/INS/3 on the review of annual reports, the Employers had made clear that both the information collected and the Office's review and analysis thereof needed improvement. The annual review was an

important first step in identifying where ILO support was most needed. However, it required more qualitative analysis to grasp the situation at country level and to allow for peer learning and the identification of good practices that could be emulated according to specific national circumstances. The Employers' previous statement on the subject was fully relevant to the ongoing discussion.

- 1050.** On the content of the report form, the Office had not accurately reflected the agreed language concerning question 16 and should clarify that only countries that had not ratified Convention No. 187 were required to reply to that question.
- 1051.** His group supported the initiation of the three-year reporting cycle on the fundamental OSH Conventions from 2024 as that would ensure consistency and coherence. However, as table 2 of the document illustrated, reporting arrangements under article 22 had become complex. The inclusion of the new principle of a safe and healthy working environment added a further layer of complexity to the annual reporting on OSH. That increasing complexity should remind the Office to consider simplifying the reporting system and the advantages of consolidating ILO OSH Conventions, especially given the new standard-setting discussion intended for a future International Labour Conference. The Employers supported the draft decision.
- 1052. Speaking on behalf of the Africa group,** a Government representative of Namibia welcomed the availability of the report form in multiple formats and asked the Office to indicate when the e-questionnaire format would be available. Questions 23 to 26 on prospects for and impediments to ratification were relevant to the ILO's promotional work on the ratification of ILO Conventions and should be available in all formats, not only online.
- 1053.** He welcomed the proposal on moving reporting arrangements for the OSH fundamental Conventions from a six-year to a three-year reporting cycle and commended the Office for maintaining the thematic grouping of those Conventions in the reporting arrangements under article 22. There were significant benefits from thematic grouping of Conventions for Governments and supervisory bodies. The Africa group supported the decision point.
- 1054. Speaking on behalf of GRULAC,** a Government representative of Colombia welcomed the modification of the reporting cycle to include the implementation in law and practice of Conventions Nos 155 and 187, which would enhance follow-up on the recognition of a safe and healthy work environment as a fundamental principle and right at work. That effort should ease the administrative burden on Governments and enable a more comprehensive review by the Committee of Experts on the Application of Conventions and Recommendations.
- 1055.** GRULAC supported the decision point in paragraph 11 of the report. However, once the form was approved, it was important that the Office guarantee a user-friendly electronic interface to facilitate the submission of reports. Additionally, once the proposed 2024–29 reporting cycle was adopted, the provisional schedule on the NORMLEX platform should be updated accordingly.
- 1056. Speaking on behalf of IMEC,** a Government representative of the United States noted that enhanced reporting was a key step in giving effect to this new fundamental principle and right of recognition of a safe and healthy working environment. IMEC supported adjusting to a three-year cycle of reporting. The proposed reporting sequence supported consistency and coherence not only among OSH instruments, but also among the related governance instruments on labour inspection and other technical instruments concerning conditions of work. IMEC would have preferred a more streamlined questionnaire with fewer and more general questions to provide a broader picture on the realization of OSH principles in national

legislation. In order to avoid duplication of information, questions should not be too similar or too detailed.

- 1057.** She sought clarification about the information to be provided under the follow-up to the Declaration in cases where a country had previously reported on the principle of a safe and healthy working environment. In order to prevent double reporting, better linkage should be ensured. Further information on the differences between the e-questionnaire and other formats would be welcome. While e-reporting was undeniably efficient, it entailed limitations in the ability to provide comprehensive responses and in the drafting and clearing process. IMEC supported the decision point.
- 1058. A representative of the Director-General** (Director, International Labour Standards Department) said that with respect to reporting under article 22, the strong support and appreciation expressed for the efforts made to ensure thematic reporting and coherence around thematic reporting was useful feedback.
- 1059.** With respect to reporting under the 1998 Declaration, she had noted the questions, comments and suggestions. Those reports would be sent in 2024 for the first time. The Office would take account of all comments relating to the added value of the e-questionnaire versus the Word and PDF formats and consult accordingly. The Office had sought to strike a balance between maximizing the benefits of technology and not overburdening national administrations.
- 1060.** The NORMLEX database would be rapidly updated.
- 1061.** Regarding the question raised by IMEC as to clarity of information requested, reporting under Article 19 of the OSH Convention would commence in 2024. She would ensure that the report form stated clearly that new information was only required when there were new developments to report.

Decision

1062. The Governing Body:

- (a) approved the report form on a safe and healthy working environment proposed in the appendix to document GB.347/LILS/6 as the basis for the preparation of reports due under article 19(5)(e) of the ILO Constitution in accordance with the annual follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022;**
- (b) approved the adaptations proposed in paragraph 9 of the document to the three-year reporting cycle on fundamental Conventions in accordance with article 22 of the ILO Constitution.**

(GB.347/LILS/6, paragraph 11)

► Programme, Financial and Administrative Section

Programme, Financial and Administrative Segment

1. The Director-General's Programme and Budget proposals for 2024–25 (GB.347/PFA/1)

1063. The Director-General presented his programme and budget proposals in his opening remarks to the Governing Body. The statement is reproduced in its entirety in [Appendix I](#).

Executive overview and draft budget of expenditure and income for 2024–25

1064. The Worker spokesperson welcomed the focus on social justice in the Programme and Budget proposals for 2024–25 and the proposed creation of a Global Coalition for Social Justice. He noted that tripartism and labour standards must be built into the Coalition, with all actors bound to respect the ILO's mandate and standards in line with the conclusions concerning inequalities and the world of work adopted by the International Labour Conference at its 109th Session (2021). It was also positive that achieving gender equality and equal treatment continued to be a cornerstone of the programme. While his group appreciated the focus on the modernization of the ILO's normative system and on strong social dialogue and tripartism, the executive overview failed to look forward in terms of standard-setting to ensure the protection of labour rights in the face of new and emerging challenges and the preservation of the ILO's role as the centre of reference for labour standards and employment policy.

1065. Turning to the section covering regional priorities, he asked for clarification regarding its links to the rest of the programme, regional budgetary allocations and the proposed options for the review of regional meetings. Freedom of association and the right to collective bargaining, and the strengthening of social partners' organizations and labour law should be at the heart of all regional plans, with a focus on reducing both horizontal and vertical inequalities. Lack of worker representation should be addressed in line with the ILO standards and supervisory system. The Workers' group generally supported the reinforced approach to knowledge management, innovation and capacity development, but again called for a specific focus on standards implementation, the identification of needs for new standards, and more rapid standard-setting procedures. In relation to improved communication, development cooperation, governance, oversight and management, his group welcomed the proposal to continue developing effective policies and procedures for risk management and internal controls, and to reinforce capacity for oversight and mediation, while implementing the ILO's Environmental and Social Sustainability Framework across all areas of work. In that context, the Office should develop more effective labour rights due diligence policies and procedures for engagement with the private sector.

1066. He welcomed the budget increase, which was inevitable given the rising cost of living, and called on governments to support the proposed modest increase. The Office's efforts in terms of efficiency gains and the redeployment of resources were also welcome. The Workers' group remained committed to the Standards Review Mechanism. However, it was regrettable that the follow-up of the associated recommendations had been very unbalanced, leading solely to the abrogation of outdated Conventions, while standard-setting and promotion activities lagged behind. It was positive that resources had been allocated for two meetings of the

Standards Review Mechanism Tripartite Working Group (SRM TWG), but the Office must find other ways to speed up its work.

- 1067.** Referring to paragraph 55, he said that although the reorientation of resources from outcome 3 (full and productive employment for just transitions) to support the work of the Global Coalition for Social Justice under outcome 8 (integrated policy and institutional responses for social justice through decent work) was understandable, it was disappointing that outcome 4 (sustainable enterprises for inclusive growth and decent work) would benefit at the expense of outcome 3. The mandate of the ILO was to protect workers against exploitation; it should not therefore put workers' protection and support for enterprises on the same level. The Office should clarify how the funds under outcome 4 would be used and ensure that effective guarantees were in place to make support for enterprises conditional on their commitment to the Decent Work Agenda. As most of the funding came from public sources, any support for enterprise development constituted an indirect subsidy from the public sector to the private sector. If resources were to be allocated in that way, the Office should use them for the protection of workers in the social and solidarity economy, the development of due diligence regulations and the reinforcement of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration). Many of the other topics under outcome 4 were peripheral to the ILO's mandate and should be funded by technical cooperation only. Finally, commending the increase in resources for the Regular Budget Supplementary Account (RBSA), he thanked contributors and suggested acknowledging them in future versions of the document. It should be a priority for the ILO to ensure, however, that key professional positions in core areas of work were funded through the regular budget.
- 1068. The Employer spokesperson** welcomed the efforts to emphasize policy coherence as part of the revised outcome framework within the programme and budget proposals. However, she expressed reservations regarding whether the Global Coalition for Social Justice and the policy outcomes, in particular outcome 8 on integrated policy and institutional responses for social justice, would achieve the aim of enabling the ILO to optimize its use of human and financial resources in a coordinated, cohesive manner. It was particularly regrettable that outcome 5 on skills and lifelong learning in the Programme and Budget for 2022–23, under which there had been four separate outputs, had been condensed into just one output in the new strategic framework, despite the fact that skills had been identified as a priority issue by all constituents when adopting the ILO Centenary Declaration for the Future of Work (Centenary Declaration). The Employers' group had also repeatedly voiced the need for the ILO to become a global leader on skills; the current version of the document did not reflect the previous consultations held in that regard. However, since skills and lifelong learning had been specified as a programme priority for Africa, the Arab States, Europe and Central Asia, and Latin America and the Caribbean, that should form the basis for allocating sufficient resources to enhance ILO support to constituents for skills development and lifelong learning, and the Office should provide further clarification on the subject.
- 1069.** In relation to the Global Coalition for Social Justice, the Governing Body should first discuss document GB.347/INS/4 with a view to reflecting the agreed positions in the programme and budget; the Employers' group was concerned about the proposals to transfer the ILO's core mandate to the Coalition and wanted greater clarity on how that would be done. While the group did not object to having a dedicated policy outcome on gender equality and equality of treatment and opportunities, it had concerns about the disproportionately high number of indicators on care under the associated output 5.2 in the results framework and wished to see greater balance in that regard. The rationale for the four priority action programmes was

unclear and the associated results framework duplicated those of existing policy outcomes; the Office should therefore provide a detailed plan of work and structure for each priority action programme and indicate the corresponding financial resources.

- 1070.** Turning to the dedicated programme for employers' and workers' organizations, she asked why it was described in the executive overview as assisting social partners to play a key role in "UN planning processes and to interact with multilateral organizations and international financial institutions". That description diverged considerably from the Preview's wording, supported by the Employers' group, which had stated that the programme would strengthen "the institutional capacity of employers' and workers' organizations" to give "value to their current and potential members, contribute to inclusive and effective governance of work, and shape socio-economic policies". The new version was inconsistent and duplicated output 8.1 and enabler B, which focused precisely on "the effective engagement of the ILO and its constituents in UN planning processes". Instead, the dedicated programme should support the core institutional capacity development of employers' and workers' organizations and complement the existing programme of work executed by the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV). Another issue in the executive overview was the repeated references to constituents and other stakeholders as the audience and beneficiaries of the ILO programme; while the Organization strove to collaborate with other organizations, social partners and governments, the tripartite constituents were the key beneficiaries and players of all initiatives and programmes.
- 1071.** In respect of the draft budget, her group had repeatedly emphasized the importance of transparency to allow comparison between the resources allocated to key policy issues and actual expenditure. The Office must provide operational budget information at the output level, regardless of the budget source. However, it had not done so in the proposals, despite clear requests in past consultations. In addition, the Office should clarify the regular budget for policy outcomes by output in Annex 4, which indicated a far higher figure for outputs 2.1 and 2.2 than the available budget for ACT/EMP and ACTRAV under the operational budget. In order to be meaningful, the budget allocations to policy outcomes should be further disaggregated to make the source of the allocations clear.
- 1072.** In view of the proposed use of RBSA resources to kick-start the dedicated programme for employers' and workers' organizations, she asked the Office to clarify how it would ensure that the financial resources for that programme were sustainable beyond 2025. As regards the strategic budget, her group wished to know how the Office had allocated RBSA resources to policy outcomes, including the reason for giving outcome 8 the largest allocation, and the justification for using RBSA resources to fund 15 key professional positions. Furthermore, the budget for outcome 8, including the Coalition and the priority action programmes, had the lowest total strategic budget of all; as no separate budget was presented for the Coalition, it was difficult for the Governing Body to appreciate the financial and human investments that would go into the initiative.
- 1073.** With regard to the savings identified, the Office should clarify whether it was possible to reallocate the resources approved in 2022–23 for the Innovation and Knowledge Management Unit to the 2024–25 biennium, as unspent regular budget should normally be returned to Member States. Furthermore, the largest part of the total savings would go to strengthening the ILO's headquarters presence, contrary to the stated intention of strengthening field operations. The cost increases in Annex 2, which reflected a substantial increase in the composition of the senior management team of the Office similarly indicated that the Organization was becoming more weighted towards headquarters, when it should

be moving closer to constituents. The Office should provide further information on those developments.

- 1074.** On the results framework, she disagreed with the statement by the Office that there was no tripartite consensus on an outcome level indicator for outcome 2. The Employers' group had been called to only two informal consultations, which, moreover, had not been tripartite, so it had not had an opportunity to discuss the matter with the Workers' or Government groups. It was particularly important to organize tripartite consultations on this issue, as the outcome combined the institutional capacity development of social partners with social dialogue processes and institutions, making it difficult to settle on a single indicator. In past discussions, it had been suggested that outcome 2 should be split into two separate outcomes. In any case, the main concern was to obtain a consistent programme with coherent indicators that would demonstrate the value of the work done and money spent in that area.
- 1075. Speaking on behalf of the Asia and Pacific group (ASPAG),** a Government representative of China said that in the face of multiple global challenges and the fragile recovery of the global economy, ASPAG fully expected the ILO to uphold multilateralism, take a human-centred approach to achieve social justice through decent work and ensure progress on the 2030 Agenda for Sustainable Development. The Office should ensure adequate budgetary resources for the formerly stand-alone policy outcome of skills and lifelong learning, which was a regional priority. ASPAG welcomed the ambition of the programme and budget to modernize the ILO's normative system and maintained its support for the International Training Centre of the ILO (Turin Centre). It also welcomed the regional priorities identified, in particular the focus on the transition to the formal economy and development cooperation activities in the Asia and the Pacific region. However, the programme and budget should pay closer attention to other priorities confirmed in the Singapore Statement of the 17th Asia and the Pacific Regional Meeting including skills and lifelong learning, gender equality, just transition and social and employment protection. Regular budget resources should be proportionally allocated, particularly for technical cooperation in the region. The Office should realize the estimated increase of US\$80 million in extrabudgetary resources by further implementing the Development Cooperation Strategy and accelerate the movement of resources to frontline technical support in future planning and programming activities. While the efficiency gains were commendable, the proposed gross budget level represented the largest cost increase for a decade in real terms. Favouring a zero-growth budget, ASPAG encouraged the Office to step up efforts to absorb the increased costs by redeploying efficiency gains, adjusting expenditure, exploring further areas for savings and ensuring value for money across the Organization.
- 1076. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC),** a Government representative of Colombia emphasized that the programme and budget should maintain continuity and be based on the ILO mandate; it should also align itself with the general priorities of the UN. The reintroduction of a specific policy outcome on gender equality and inclusion was welcome; a programme and budget that supported social justice should be centred on removing the barriers faced by highly vulnerable groups in the world of work. Further details on the link between the Global Coalition for Social Justice and the four priority action programmes under outcome 8, including on the structure of the team coordinating each of them and the sustainability of their funding, could contribute to clarifying her group's questions concerning the functioning and governance of the Coalition. GRULAC agreed with the priority areas for programme and budget implementation set out in paragraph 30. ILO support for the regional initiative against child labour would remain fundamental in that regard and could generate synergies with other regional and global

initiatives with support from the Office. Enablers A, B and C were useful tools for improving cooperation, governance and management within the ILO and consolidating its leadership. With regard to the proposed budget, she noted that the redefinition of existing job profiles and efforts to achieve efficiency gains had contributed to the US\$18.4 million redeployed. The 4.6 per cent increase was understandable, in part because two International Labour Conference meetings would exceptionally be held at an alternate venue. Her group wished to know whether the use of the Geneva Exhibition and Convention Centre (Palexpo) as an alternate meeting venue was the best financial option. In addition, it requested details concerning the source of the additional US\$4.9 million for institutional investments. The proposed budget increase could be absorbed via prioritization and efficiencies. The resource allocation set out in the Information Annex should reflect the link between the operational budget, cost increases and the resources allocated to policy outcomes and their outputs more clearly. The voluntary nature of contributions to certain priority programmes and proposed overseas posts, three of which would be in the Americas, could jeopardize their funding and sustainability.

1077. Speaking on behalf of the Africa group, a Government representative of Cameroon noted that proposals in the programme and budget should assist Member States to continue to promote the ILO's fundamental values and modernize its functioning by implementing policies consistent with regional and national priorities. It would be useful to know how the ILO intended to provide regionally balanced social protection to 40 per cent of the population of Africa by 2025. Resources for the implementation of that priority must be used for frontline activities in the field, taking due account of specific needs. The Africa group supported the ILO's involvement in the UN's new planning processes and in the implementation of improved Decent Work Country Programmes (DWCPs). The review of the value added of regional and subregional labour administration centres would be of particular interest. The slight increase in staff costs in the proposed programme and budget should remain within the safety margin required for good governance and efficient management. The percentage of the budget allocated to programmes in Africa had fallen by 0.5 per cent since the 2022–23 biennium and should be maintained at the previous level. Moreover, Africa accounted for only 30 per cent of extrabudgetary expenditure. Furthermore, with the reduction of regular budget allocations for outcome 3, it was unclear how job creation, especially for young people, would be improved. With regard to savings from efficiency gains, the Africa group wished to know how the US\$6.4 million to be redeployed would be distributed equitably to serve ILO constituents throughout the world. The Office should take account of the Abidjan Declaration of 2019 and the Durban Call to Action of 2022, and provide additional assistance to secure ratification of the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986. The Africa group maintained its objection to the exhaustive enumeration of specific categories in the programme and budget. Some terms might be shocking and inappropriate for certain constituents and could tarnish the Organization's image.

1078. Speaking on behalf of the group of industrialized market economy countries (IMEC), a Government representative of the United States of America expressed full support for the programme's orientation to applying the ILO's values and tripartite working methods to deliver on its social justice mandate. She welcomed the identification of efficiency gains and reprioritization in line with the priorities identified in the programme of work. The redeployment of US\$6.4 million for the effective delivery of constituent services in the regions was aligned with the commitment to strengthening service delivery in the field. However, it was unclear how the Office would use the US\$3.9 million to improve technical services and US\$1.9 million to enhance human resources and legal services; it should consider restricting the redeployment to cover the main priorities and retain part of those amounts as savings.

The requested nominal increase of 4.6 per cent was high in comparison with the previous biennium and insufficiently justified. She requested information on the cost-cutting measures contemplated by the Office to counter the impact of increased energy and fuel costs and rents, and on whether staff vacancies or reprofiling of posts would be used to mitigate the requested budget increase. She expressed appreciation for the allocation of RBSA resources to priority policy concerns, but sought clarification as to the longer-term impact of the use of such resources and the implications for continuity and sustainability of efforts, in particular for the creation of new staff positions. She noted that extrabudgetary expenditure was expected to increase significantly to US\$600 million, but questioned whether Member States would provide additional extrabudgetary funding if the regular budget was increased; she asked the Office to clarify its forecast and sources to secure such funds.

- 1079.** Policy outcomes had been revised to better respond to constituents' pressing needs; however, additional information on the planned reprioritization of resources across structural units and policy priorities and on the restructuring of the Office would have been appreciated. The planned meetings of the SRM TWG and reinforcement of the capacity of the Office of Internal Audit and Oversight (IAO) were aligned with the ILO's policy and governance priorities, but should be funded through redeployment rather than extra resources. Moreover, an increase in the baseline budget was unjustified without information on other cost mitigation measures. Although partly attributable to the difference in the advance purchase rate of Swiss francs, the proposed US\$90 million nominal increase as compared to the budget for 2022–23 was not tenable from a political perspective. She therefore requested the Director-General to identify additional savings in his response to the Governing Body.
- 1080. Speaking on behalf of the RBSA donors,** a Government representative of Belgium recalled that RBSA funds were allocated flexibly, when and where they were most needed. They were allocated as a priority to countries eligible for official development assistance, and were aligned with the results-based framework of the ILO. The Office provided donors with regular reports and evaluations on the use of RBSA, and organized meetings and field visits. The RBSA had demonstrated its added value in allowing the ILO to respond swiftly and effectively in times of crisis. However, in paragraphs 59 and 60 of GB.347/PFA/1, it was proposed that the RBSA would be allocated to the achievement of results in targeted priority areas, including the funding of 15 strategic posts amounting to US\$7.3 million. As it was unclear how using the RBSA to fund outcome 8 was aligned with the objectives of such funds, she asked what the rationale was and whether the Office had contemplated using other budgetary resources for that purpose.
- 1081. Speaking on behalf of the European Union (EU) and its Member States,** a Government representative of Sweden said that Albania, North Macedonia, Montenegro, Iceland, Norway and Moldova aligned themselves with his statement. He noted that the Programme and Budget documents for 2020–21 and 2022–23 had emphasized the importance of anti-discrimination policies, and had included references to lesbian, gay, bisexual, transgender and intersex (LGBTI) and LGBTI+ persons, respectively. Removing those references from the current document would be a step backwards. Any programme and budget should respect the fundamental principle of the elimination of discrimination in respect of employment and occupation. Moreover, the absence of global anti-discrimination activities in the proposals seemed to imply that there was no need for further research, knowledge production and action globally.
- 1082.** With regard to Part I of the Programme and Budget proposals for 2024–25, he welcomed the affirmation of the ILO's normative role, the emphasis on social protection and the attention paid to the inclusion of persons with disabilities. The programme and budget proposals

contained three new elements. The first, the proposed Global Coalition for Social Justice, would be discussed separately. The second, integrated policy and institutional responses to promote social justice through decent work (outcome 8), included four priority action programmes. If this idea could be supported, the Office should develop it further and present more information on the priority action programmes to the Governing Body again in November 2023. The third, the enabler on enhanced knowledge, innovation, cooperation and communication to advance social justice, included the ILO Strategy on knowledge and innovation as an integral part. He asked the Office to clarify the budgetary implications of establishing a unit to focus on innovation and the relationship between such a unit and the Research Department. The Turin Centre should be involved in the implementation of the Strategy. He asked the Office to share the results of the pilot implementation of the Strategy, and how the conclusions could benefit all ILO Member States.

- 1083.** He welcomed the fact that the meetings of the SRM TWG were funded on a permanent basis; however, it would require funding beyond the organization of meetings. The Office should consider how Governments could be supported in that regard.
- 1084. Speaking on behalf of the Organisation of Islamic Cooperation (OIC),** a Government representative of Pakistan expressed his group's opposition to the use of controversial concepts such as sexual orientation and gender identity, included in paragraph 160, on the grounds that: first, the concept of sexual orientation and gender identity was neither defined nor agreed either in international labour or human rights law; second, international human rights and labour laws had codified legal grounds for discrimination, which did not include sexual orientation and gender identity; third, international human rights and labour law provided sufficient grounds to protect rights and privacy and counter discrimination; and fourth, applying the test of universality to any emerging concept was essential for its acceptance as an internationally agreed norm, rule or standard. Any document containing such divisive language would have its validity damaged and could not be implemented in all Member States. Instead, wording based on the tripartite consensus reflected in the Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient (Global Call to Action), and the resolution concerning inequalities and the world of work should be used. National implementation of programmes flowing from a contentious mandate that was incompatible with Member States' domestic laws and culture would have financial, legal and political problems. As such, the group was unable to support the draft decision to recommend the approval of the programme and budget. He called for a cooperative and constructive approach to reach consensus.
- 1085. Speaking on behalf of the Arab group,** a Government representative of Libya said that, given the shadow cast over countries' economies by successive and compounded global crises, constituents needed the ILO to provide technical assistance in order to help them respond effectively. He called for greater focus on the priorities of his region, especially in countries in crisis and those that were rebuilding. More technical support was needed for the social partners in the region, including capacity-building programmes and skills development for workers, and support for formalization.
- 1086.** His group supported the statements made on behalf of the Africa group and the OIC. Concepts not agreed by all countries constituted a deviation from the human rights principles of universality, equality, impartiality and objectivity, and interfered with States' sovereign right to uphold their cultural, religious and moral principles. He therefore could not support the draft decision in its current format, and encouraged the Governing Body to adopt a constructive approach to achieve consensus.

- 1087. Speaking on behalf of the Cooperation Council for the Arab States of the Gulf (GCC) countries,** a Government representative of Oman expressed deep concern about the inclusion of the concept of sexual orientation and gender identity in the document. The use of divisive language went against the universality of human values for which the ILO stood. The Office should therefore revise the programme and budget proposals and any other relevant documents to remove contentious language. It should adhere to universally agreed language and concepts in its documents in order to avoid creating legal complexity, respect the culture and values of Member States, and ensure that cross-regional cooperation could continue to thrive.
- 1088. A Government representative of China** welcomed the efforts made to identify priorities according to the difference circumstances of each region. For the Asia and Pacific region, a priority for the next biennium should be establishing or improving social protection systems, as the lack of social protection had exacerbated the impact of the pandemic and slowed recovery in many developing countries in the region. Social protection systems would also facilitate the transition to the formal economy.
- 1089.** Given the fragility of the global economic recovery and the pressures on national budgets, the proposed increase of 0.2 per cent in real terms and 4.6 per cent in nominal terms was deeply concerning. It was a departure from the ILO's practice of zero growth in its budget and significantly increased the burden of Member States. She therefore called on the Director-General to reassess the size of the proposed budget and to address the inflation-related increase in costs through improved administrative management and efficiencies. She expressed support for the eight outcomes of the programme and budget proposals, but noted with regret that outcome 3, concerning employment, was the only outcome for which there was a proposed reduction in the regular budget allocation and which had no resources mobilized from the RBSA. She called for a greater allocation of resources to outcome 3 from the RBSA and greater mobilization of extrabudgetary funding for related work.
- 1090. A Government representative of Bangladesh** said that the budget should be allocated in proportion to population and that more resources should be channelled from back-office to frontline activities. Greater emphasis was needed on combating unemployment, support for constituents to ensure decent work, and enhancing the quality and reach of DWCPs. Under outcome 3, greater emphasis was needed on lifelong learning, promoting rural enterprises and decent work for migrant workers, and skills recognition. The inclusion of initiatives on the social and solidarity economy under outcome 4 was welcome. Any strategy on decent work in supply chains should set out measures to promote the responsibilities of buyers and suppliers to ensure labour rights. The proposed programme of work lacked sufficient scope to help climate-vulnerable countries with job creation; the United Nations Framework Convention on Climate Change could be used to address the needs of countries most vulnerable to climate change. She called for increased funding for country-specific projects for job creation, especially in the most populated regions and countries in need. The Programme and Budget proposals for 2024–25 did not appear to have adequately addressed the risk, outlined in the ILO Strategic Risk Register, of stakeholder dissatisfaction with ILO support. She reiterated the calls on the ILO to refrain from using any specific terms that lacked global consensus, such as sexual orientation and gender identity.
- 1091. A Government representative of Japan** welcomed the efforts made to reduce costs and redeploy savings to priority areas, in particular to strengthen work to provide relevant services and policy advice to constituents in the regions. However, given the severity of the fiscal situation faced by all countries, which were having to absorb increased costs within their

existing budgets, the Office should make further efforts to mitigate the cost increases. His Government wished to reserve its position on the draft decision.

- 1092. A Government representative of the Russian Federation** said that his Government supported combating all forms of discrimination in the workplace, but also agreed on the need to uphold the fundamental principle of consensus within the ILO. It was not acceptable to include wording that was objectionable to a number of Member States. Given that the programme and budget would determine the ILO's work for the next biennium, it must be agreed by consensus; controversial language on gender identity should therefore be replaced with wording that was as general as possible.
- 1093.** The Russian Federation could not accept the proposed increase to the budget, but would not object to a budget with zero real growth – adjusted for inflation and exchange rate fluctuations. It was to be hoped that the remaining US\$1.9 million could be covered from cost savings. Furthermore, he called on the Office to ensure that its financial allocations for joint activities, in particular to the Joint Inspection Unit (JIU), followed the decisions of the UN General Assembly, not the conclusions of a working group of the UN system Chief Executives Board for Coordination (CEB).
- 1094. A Government representative of Indonesia** affirmed his country's attachment to upholding human rights without discrimination on any grounds, but expressed regret that the proposed programme and budget used a term that did not enjoy international consensus, which undermined the spirit of constructive engagement that the Governing Body must uphold. In order to avoid diverting the discussion of the Governing Body, the Office should remove the contentious language from document GB.347/PFA/1.
- 1095. A Government representative of the Islamic Republic of Iran** expressed disappointment that the Governing Body's clear message on the use of polarizing language in categories of discrimination had not been reflected in the programme and budget proposals. The programme and budget demonstrated constituents' common understanding of priorities in policy goals and resource mobilization, and must be decided on by consensus. The best option would be to use the language agreed on in the conclusions on inequality adopted by the International Labour Conference at its 109th Session (2021).

Policy outcomes and enablers

- 1096. The Employer spokesperson** stressed that international labour standards were to be implemented by national governments, rather than companies, and requested the Office to amend the wording of paragraphs 67, 74, 80, 141 and 210 of the programme and budget proposals accordingly.
- 1097.** Regarding outcome 1, the SRM TWG played a key role in modernizing ILO normative action and should take bolder decisions to match the scale of that task. To increase its impact, the ILO standards system must focus on the most important labour issues. Support for the resilience of sustainable enterprises should be considered systematically in the design, implementation and supervision of international labour standards, and the Office should increase its consideration of such support in its related technical and promotional activities. Bearing in mind that legal certainty regarding the interpretation of ILO Conventions required broad acceptance by constituents, the Office should explore all options to assist them in reaching consensus on solutions through established ILO procedures, with judicial proceedings used as a last resort. She underscored the need for measures to reduce the bureaucratic burden of the ILO supervisory system and enable it to focus on resolving major

compliance issues, and stressed the importance of involving ACT/EMP and ACTRAV in reviewing draft regulatory texts.

- 1098.** While the balance struck between a rights-based approach and a broader developmental approach to employment creation in outcome 3 was commendable, greater emphasis should be placed on the role of private providers and public-private partnerships in employment service provision. Turning to outcome 4, she said that the ILO's approach to productivity growth should focus on supporting governments in devising coherent, coordinated public policies to tackle structural obstacles to sustainable enterprise development and on interventions to improve enterprises' resource efficiency and management practices. Her group welcomed the Office's continued efforts to strengthen constituents' capacity to develop sustainable enterprises and called for additional resources to allow ACT/EMP to increase technical support for employers' organizations.
- 1099.** Outcome 5 would not achieve its stated ambitions or meet constituents' needs. Its targets should take into account underachievement in the area of gender equality and equality of treatment and opportunities during the 2020–21 biennium and the progress made towards targets in that regard during the 2022–23 biennium; information on that progress would be welcome. Given employers' important role in promoting equal treatment and opportunities, it was regrettable that their needs, challenges and priorities were entirely absent from outcome 5. She was also disappointed that the outputs made no reference to the ILO Global Business and Disability Network, which should receive increased support and be rendered more visible.
- 1100.** Outcome 6 should address sustainable enterprises' needs and priorities, including their key role in enabling effective labour protection, particularly through employment and job creation. Synergies should be developed with outcomes 3 and 4, and more generally among all the outcomes. The strengthening of labour protection should occur at the national level, with the involvement of the constituents, and consider all aspects of labour protection, including potential trade-offs. Rather than attempting to steer or pre-empt policy discussions or identify new policies on which tripartite agreement had yet to be reached, outcome 6 must implement the decisions of the Governing Body and the International Labour Conference and be guided by the conclusions of the relevant tripartite discussions, including the upcoming recurrent discussion on the strategic objective of social protection (labour protection) of the International Labour Conference. Such discussions had concluded that the ILO had no mandate to engage in national or sectoral living wage initiatives. Moreover, output 6.3's excessive focus on the platform economy was worrying given that discussions on the matter were ongoing.
- 1101.** She requested clarification as to whether the new international financing mechanism referred to in output 7.2 was the global social protection fund mentioned in the resolution concerning the second recurrent discussion on social protection (social security). If so, the results of the research on relevant experiences in setting up global funds to be undertaken as part of the plan of action on social protection for the period 2021–26 should be made available before the fund was established and resources allocated. With regard to output 7.3, clarification was required as to the purpose of the Global Accelerator on Jobs and Social Protection for Just Transitions, in which the social partners must play a central role in terms of policy, technical matters and implementation.
- 1102.** She noted that, under outcome 8, the presentation of the Global Coalition for Social Justice as a political framework for policy coherence at the multilateral level on the ILO and broader global policy agenda contradicted the consensus among Governing Body members at the

previous Governing Body session that the Coalition should focus on the world of work. Additionally, “business” need not be listed separately in paragraph 200 since it was represented by the Employers’ group and was therefore included under “constituents”. Lastly, she requested the deletion of the reference in paragraph 210 to compliance with international labour standards in supply chains, given that the building blocks for a comprehensive strategy on achieving decent work in supply chains made no mention of international labour standards in its section on research.

- 1103. The Worker spokesperson** noted that his group’s request for the inclusion of the ratification, implementation and monitoring of relevant labour standards in all policy outcomes and in the results framework had not been fulfilled. Ratifications and the effective implementation of the relevant labour standards should be among the results criteria in the technical notes for the output indicators. The modernization of the ILO’s normative system required increased resources, particularly in relation to outcome 1. Specifically, sufficient human resources must be allocated to the two meetings of the SRM TWG to handle the workload related to standard-setting and follow-up. The inclusion of references to the social partners and their capacity-building in outcomes other than outcome 2 was welcome, and he sought assurances that the flagship report on social dialogue would be published annually. Workplace cooperation did not constitute progress since it often undermined social dialogue and collective bargaining, and it should therefore be removed from the results framework.
- 1104.** He reiterated his group’s strong support for outcome 3. Full employment and decent work were crucial for peace and resilience, and it was regrettable that resources had been diverted away from those areas. Turning to outcome 4, he was concerned that, in view of the increasing focus on sustainable enterprises in its documents, including the Programme and Budget proposals for 2024–25, the ILO was prioritizing support for enterprises at the expense of support for constituents and its mandate to protect workers’ rights. In so doing, and by diverting investment away from employment policies and institutions, the ILO risked eroding its core mandate. Work on sustainable enterprises should comply fully with the conditions for a conducive environment for sustainable enterprises in line with the Conclusions adopted by the International Labour Conference in 2007. He sought assurances that the ILO would advance decent work and fundamental principles and rights at work in all circumstances of ILO engagement with businesses and emphasized the need for solid due diligence processes to ensure respect for ILO standards, freedom of association and the right to collective bargaining.
- 1105.** Regarding outcome 5, he supported the Office’s mandate to address discrimination on any ground and to offer assistance in that regard to all constituents, at all levels. While his group agreed with the inclusion of a specific reference to sexual orientation and gender identity, it remained open to any constructive solution that did not compromise the mandate and basic principles of the ILO. He highlighted the importance of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), particularly regarding the extraction of minerals for use in green technologies and in the context of migration motivated by climate change and stressed the need for an intersectional approach when developing policies on equal pay.
- 1106.** The separation of the concepts of living wages and minimum living income in outcome 6 was welcome and would enable constituents to develop policies to promote dignified living standards and allow households to fulfil their material needs. Any adjustments to working time laws and policies and working time arrangements made during crises must comply with international labour standards and uphold workers’ rights. Turning to outcome 7, he called for the ratification and implementation of standards and recommendations to be included explicitly in the results framework.

- 1107.** He requested clarifications as to the relevance of the Global Coalition for Social Justice to outcome 8 since their areas of focus did not align fully. Information would also be welcome on possible adjustments to the Coalition's budget in the light of the Governing Body's discussions later in the session of document GB.347/INS/4. He noted that no reference had been made under output 8.1 to the strategy to reduce and prevent inequalities, which had been adopted at the previous session and which should inform the Office's work. He requested clarification of how output 8.2 differed from other outputs that dealt with the informal economy, and what was meant by "the design of innovative, integrated and gender-responsive strategies", "the development of coordination mechanisms and other institutional arrangements" and "develop tools and innovative approaches, including through the use of digital technologies, on integrated approaches of formalization". Output 8.2 should address the economic and fiscal impact of the informal economy, including on social protection, as well as the right to freedom of association and collective bargaining, sectoral collective bargaining to address income imbalances between the formal and informal economy, wage-setting mechanisms, policies to prevent informality at the national level and along supply chains, and the economic and social impact of precarious work.
- 1108.** With regard to output 8.3, he underlined that industrial policies should be a major consideration when implementing just transition policies and that work with the United Nations Conference on Trade and Development (UNCTAD) would be crucial in promoting a new green deal. Lastly, in relation to output 8.5, he requested the Office to conduct research and build expertise on plans and strategies to transfer jobs and technology in the arms industry to the environmental and health sectors.
- 1109. Speaking on behalf of ASPAG,** a Government representative of China expressed support for the plans to modernize normative action and advance social dialogue, as elaborated in outcomes 1 and 2, and welcomed the Office's provision of technical assistance for the ratification and application of international labour standards. ASPAG welcomed the efforts to achieve effective social dialogue, in particular outputs 2.3 and 2.4 on strengthening the capacities of Member States. It also strongly supported outcome 3; output 3.2 on the increased capacity of Member States to develop skills and lifelong learning systems was of particular importance. His group commended the creation of enabling environments for entrepreneurship, decent work and productivity growth, as set out in output 4.1, and it welcomed outcome 5. Given that safe and healthy working conditions were essential to achieve decent work, ASPAG supported outcome 6, and supported outcome 7, which aimed to promote universal, comprehensive, adequate and financially sustainable social protection systems.
- 1110.** A number of output targets for the Asia and the Pacific region lacked ambition, being lower than the baseline, or even non-existent. Of particular concern was the lack of targets on priority areas for the region, such as the transition to the formal economy and gender equality. He therefore requested further information on how those issues would be advanced, monitored and measured to ensure that the areas of focus for his region, outlined in paragraph 27, would be addressed, with sufficient resources. ASPAG acknowledged the value of integrated policy and institutional responses for social justice through decent work, along with the merits of establishing four priority action programmes, noting with interest the proposed use of the Global Coalition for Social Justice as the framework for policy coherence. The Office must ensure that the Coalition had balanced geographical representation and a tripartite structure.
- 1111.** With regard to the three enablers, ASPAG fully supported the evidence-based approach and the use of innovative practices in research, knowledge-sharing and training under enabler A.

The Office should further expand its development cooperation partnerships, including through South–South and triangular cooperation, and enhance its engagement with the United Nations (UN) development system at the country level. ASPAG supported enabler B's focus on improving the ILO's leadership and governance through increased organizational impact, well-informed decision-making and transparent and accountable management. Regarding enabler C, ASPAG urged the Office to adopt concrete, targeted measures to improve the geographical diversity and gender balance of staff, noting with regret that the results framework did not contain any indicators and asking therefore the Office to take into account those in the Human Resources Strategy for 2022–25.

- 1112.** While respecting the various opinions that had been expressed regarding the language used to describe population groups affected by discrimination and exclusion, ASPAG called on all members of the Governing Body to engage in constructive communication with a view to reaching a pragmatic and consensual solution.
- 1113. Speaking on behalf of GRULAC,** a Government representative of Colombia reiterated her group's support for the acceleration of the tripartite review of international labour standards through the Standards Review Mechanism and expressed interest in the implementation of technical advisory services to strengthen the prevention of standards-related disputes by addressing their root causes. GRULAC supported outcome 2 and would be interested to know more about the dedicated programme for the social partners and its impact on strengthening social dialogue and gender equality, as well as on research and other proposed actions. With regard to outcome 3, comprehensive policy frameworks would be instrumental in advancing the focus on inclusion and just transitions. Output 3.2 should be strengthened to include the needs, challenges and legal, organizational and physical barriers faced by persons with disabilities in the development of skills and lifelong learning systems. Output 3.5 on the promotion of decent employment for youth was a priority for GRULAC and their countries' efforts to introduce skills development and inclusion programmes would benefit from ILO support. With regard to outcome 4, GRULAC reiterated the importance of ensuring sustainable enterprises and an enabling environment, particularly for micro, small and medium-sized enterprises (MSMEs), to help them adopt sustainable business models so that they were able to innovate and adapt to changes, as indicated in output 4.3. Output 4.2 was crucial to ensuring decent work in supply chains, with the collection and use of data for integrated policymaking being a key requirement.
- 1114.** GRULAC welcomed the reintroduction of a dedicated outcome on gender equality and equality of treatment, outcome 5. The transformative agenda for gender equality, non-discrimination and inclusion was central to the ILO's work and was the means by which intersectional measures would be taken to address all structural barriers faced by women and other groups highly vulnerable to discrimination in the world of work. Noting the changes that had been made to paragraph 153, GRULAC would like to see specific mention of the various groups that were highly vulnerable to discrimination, as had been the case in previous programme and budget documents. The ILO should maintain its global mandate to address the challenges faced by those groups in the world of work, by continuing to focus on research, analysis and measurement of inclusion, disaggregated by disability, sexual orientation, gender identity, membership of an indigenous group, migration status or African descent, among other things. It was important to recall that efforts to combat discrimination against persons of African descent was not only a priority for GRULAC, but also part of the global agenda of the United Nations. It was important to have a specific output on the inclusion of people with disabilities, including support for cross-cutting policies and strategies, analysis of disaggregated data on the implementation of the rights of persons with disabilities, policy

tools to promote inclusion, and rights-based approaches to inclusion with a focus on learning and employment in green and digital economies. GRULAC would be interested to know how the ILO would carry out those activities without a dedicated output. GRULAC understood output 5.2 to be an integral pathway for the revaluation of work in the care economy to ensure the economic and social inclusion of women and other groups. The ILO should focus its work on addressing structural barriers in the sector.

- 1115.** The work on labour protection in output 6.3 was extremely important to address the challenges faced by casual, home-based and platform workers, and the labour migration frameworks outlined in output 6.4 would promote a strong focus on the rights of migrant workers through protection and improved working conditions. GRULAC supported outcome 7 on sustainable universal social protection systems, through long-term investment policies that prevented poverty, reduced inequality and contributed to employment creation and inclusion. The group understood outcome 8 to be a set of coordination efforts at all levels to promote the Decent Work Agenda and social justice, and supported the focus on just transitions, supply chains and action in crisis situations.
- 1116.** The three proposed enablers were tools to strengthen the capacity and technical support of the Office, as well as to improve leadership, governance and management. It would be important for the outputs and the enablers to be adapted to the discussions that would be held in the framework of the Governing Body, including on the Global Coalition for Social Justice, the ILO strategy on decent work in supply chains, the ILO Strategy on knowledge and innovation, and the review of the Human Resources Strategy, among others.
- 1117. Speaking on behalf of the Africa group,** a Government representative of Cameroon expressed support for the Office's efforts under outcome 1 to promote the fundamental principles and rights at work, accelerate the follow-up to the recommendations of the SRM TWG and improve the working methods of the supervisory bodies. The Office should focus on providing assistance to constituents where decent work deficits, unemployment and underemployment had the most harmful effects. UN Cooperation Frameworks and DWCPs should take those elements into account and promote the creation of productive employment in sustainable enterprises and decent work, particularly in supply chains and rural and informal economies. With regard to strengthening labour administrations and labour inspections, he requested more details about the support envisioned in paragraph 104. Turning to outcome 3, the Africa group supported the implementation of the ILO strategy on skills and lifelong learning for 2022–30 and requested further information on how the Office intended to support regional centres for employment promotion and lifelong learning, as indicated in paragraph 117. The Africa group supported output 3.3, aiming to promote the creation of decent work in the rural economy. Support from the Office tailored to Africa's needs would be valuable in that regard. With regard to output 3.4, the group requested clarification from the Office on the promotion of employment-intensive investment approaches as entry points for advancing cross-cutting issues including gender equality and social inclusion, just transitions, occupational safety and health (OSH), and skills development, as contained in paragraph 126. Under output 3.5, the Africa group supported the proposal to accelerate the implementation of the Youth Employment Action Plan 2020–30 and asked for details on how the Office intended to promote the creation of decent work for young people in Africa, where the youth population was growing rapidly.
- 1118.** With regard to outcome 4, the Africa group encouraged the Office in its implementation of the Strategy and action plan on decent work and the social and solidarity economy (2023–29) to establish environments conducive to entrepreneurship and sustainable enterprises, small and medium-sized enterprises in particular. As the guarantee of safe and healthy working

environments was now a fundamental right at work, the implementation of outcome 6 was crucial and contributed to the protection of rights at work for all workers, including those in groups at high risk of exclusion. With regard to output 6.4, he requested detailed information on the planned mechanisms to ensure the protection of the rights of migrant workers at the country level, including what support was envisioned. With regard to outcome 7, the Africa group supported the development of universal social protection systems that were inclusive, durable and financially viable, to prevent poverty and reduce inequalities, social exclusion and insecurity. More details would be appreciated on the measures outlined in paragraph 196 for investment in social protection for children and families in a gender-responsive manner, also contributing to eliminating child labour. The Africa group had great hope for the global approach aiming to unite the tripartite constituents and other actors in the multilateral system to work together to achieve the Sustainable Development Goals (SDGs) by 2030 and promote social justice through decent work in the framework of the proposed Global Coalition for Social Justice.

- 1119.** With regard to the language used in paragraph 160 and output 5.2.1, the Africa group expressed its deep concern that the Office had not taken account of the repeated clearly stated positions of numerous groups and Member States. Consensus was the only way to work together to achieve the Organization's goals. The Africa group would like to know precisely how its concerns had been taken into account, in view of the fact that the Director-General himself had assured Members that all voices would be taken into consideration and a compromise text proposed. The group would also like to understand how the Office could bypass the decisions taken by the Conference and leave aside the compromise consensus language contained in the Global Call to Action or the 2021 resolution concerning inequalities and the world of work. The ILO had a responsibility to combat all forms of discrimination at work and should find a way to work together. In that vein, the Africa group proposed broader, more inclusive language in paragraph 160 by using "sex and gender" instead of "sexual orientation and gender identity".
- 1120. Speaking on behalf of 39 members of IMEC,** a Government representative of the United States expressed support for the social justice orientation of the programme and welcomed the integration of the promotion of relevant international labour standards and the fostering of external partnerships to advance shared priorities. Her group welcomed the proposals aimed at promoting and protecting workers' rights, especially the right to freedom of association and collective bargaining, strengthening labour administration institutions, advancing OSH as a new fundamental principle and right at work, combating inequalities, advancing non-discrimination and inclusion, supporting just transition and sustainable social protection systems, advancing decent work across supply chains, and responding to changing labour market and employment landscapes, including through facilitating skills development and lifelong learning.
- 1121.** IMEC attached particular importance to outcome 1 as the cornerstone of the ILO's mandate, and supported accelerating the work of the SRM TWG, including its follow-up, as well as the increased focus on building constituent capacity to engage with and implement the findings of the ILO supervisory system. Outcome 2 was critical to the advancement of tripartism and social dialogue, so IMEC welcomed the enhanced support for the social partners to participate in policy conversations on key issues, including through data-driven interventions. The group also welcomed the proposal to develop a new edition of the flagship report on social dialogue and other knowledge products to illustrate the role of social dialogue in delivering decent work. IMEC welcomed the proposals under outcome 3 to increase the capacity of Member States to develop inclusive, sustainable and resilient skills and lifelong learning systems. The

Office should take advantage of the opportunity presented by the expected adoption of a Recommendation on apprenticeships by the International Labour Conference in 2023 to promote quality apprenticeship systems as well as labour market programmes and policies to enable them to ensure the successful implementation of employment policy frameworks. With regard to outcome 4, IMEC welcomed the focus on supply chains and responsible business conduct for decent work, including through the active promotion of collective bargaining. She requested clarification as to whether work under outcome 4 would duplicate that of the priority action programmes on supply chains and informality.

- 1122.** IMEC welcomed the return to a stand-alone outcome 5, recalling that the effective promotion of gender equality required dedicated resources and subject matter expertise. She requested more information on how the Office would ensure that gender equality was mainstreamed and elevated to the level of the issues to which the priority action programmes were dedicated. Reaffirming the ILO's mandate to promote the elimination of discrimination, IMEC was committed to ensuring that the Organization was equipped to advance that fundamental principle at all levels and for all persons, including those discriminated against on the grounds of race, sexual orientation and gender identity. She therefore requested clarification from the Director-General on the Office's proposed stance on advancing non-discrimination, as the document as written was not explicit on the issue, unlike that for the previous biennium, which had included a reference to addressing "persistent challenges to equal opportunities and treatment for women and groups in situations of vulnerability, including persons with disabilities, indigenous and tribal peoples, ethnic or racial minorities, persons living with HIV, migrant workers and LGBTI+ people".
- 1123.** The proposals under outcome 6 were critical to advancing labour protections for all workers, including through promotion of a safe and healthy working environment. IMEC welcomed the focus on emerging challenges related to digital transformation and the platform economy. IMEC reaffirmed its commitment to universal social protection and supported the proposed work under outcome 7, which was a comprehensive programme to support the development of sustainable, human-centred and rights-based social protection strategies. IMEC also welcomed the increased focus on policy coherence under outcome 8, including through the broad promotion of social justice. The proposed priority action programmes were designed to enhance the ILO's existing work in those areas and IMEC looked forward to the proposed evaluation of the approach at the end of the biennium. It would support the development of stronger indicators for those programmes.
- 1124.** IMEC appreciated the focus of enabler A on enhanced communication and stressed the importance of strategic messaging to better communicate the relevance and impact of the ILO's work, both internally and externally. It welcomed output C.3 as it expected the ILO to lead by example in the UN system to promote a fair, inclusive and respectful work environment. She asked whether the Office had dedicated expertise at headquarters and in the field to support its efforts to prevent and respond to misconduct, in particular sexual exploitation and abuse and sexual harassment. IMEC requested the Office to update its sexual harassment policy, in line with the recommendations of the IAO. The objective of effective, efficient, results-oriented and transparent management should be reflected across the work of the whole Organization, to ensure that the budget was used to maximum effect. Lastly, IMEC welcomed the renewed focus on the SDGs and thanked the Office for the appendix outlining the relationship between the SDG targets and policy outcomes. The Office should keep those links in mind in future work and publications, so the ILO's contributions could be better visualized when examining progress.

- 1125. Speaking on behalf of Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Italy, Ireland, Israel, Japan, Latvia, Lithuania, Luxembourg, Mexico, Montenegro, the Netherlands, New Zealand, Norway, Slovenia, Portugal, Romania, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States and Uruguay,** a Government representative of Canada said that the removal of specific reference to LGBTI+ persons in the Programme and Budget proposals for 2024–25 was gravely disappointing. It represented a step backwards: by not acknowledging certain groups, the ILO was failing to recognize its global mandate to support all those most at risk of discrimination and harassment in the workplace, which included LGBTI+ persons. She urged the Governing Body to acknowledge the importance of recognizing vulnerable groups by reintroducing a reference to LGBTI+ persons in paragraph 153 and retaining “sexual orientation and gender identity” as possible grounds for discrimination in the relevant outputs and indicators.
- 1126.** Such a request was not breaking new ground: in the Programme and Budget for the biennium 2020–21 and the Programme and Budget for the biennium 2022–23, LGBTI+ persons had been explicitly identified as a group subjected to discrimination in the world of work and sexual orientation and gender identity had been explicitly identified as grounds for discrimination. That language had been approved by consensus by the Governing Body and, as such, the current process by which that language had been altered was very concerning.
- 1127.** The ILO must continue its efforts at both the national and global levels to: (i) strengthen legislation, policies and measures to ensure equal opportunities and treatment in the world of work for persons and groups in vulnerable situations, including LGBTI+ persons; (ii) conduct and disseminate research on discrimination and intersectionality, including sexual orientation and gender identity as potential grounds for discrimination; (iii) provide technical expertise to address challenges particular to LGBTI+ workers; and (iv) develop policy guidelines and tools on equality, diversity and inclusion.
- 1128.** She asked the Office to provide explicit confirmation in writing that the ILO would continue to fulfil its existing mandate to work at the global level to combat discrimination in employment on the basis of sexual orientation and gender identity and to support persons and groups in vulnerable situations, including LGBTI+ persons. She also asked the Office to provide further information on how the ILO would pursue and report on the fulfilment of that mandate. A programme of work for the next biennium which did not ensure that existing mandate could not be accepted. In addition, the ILO must, as an employer, follow its own guidelines on the inclusion of LGBTI+ persons in the world of work published in 2022.
- 1129.** The issue at hand was one of credibility for the ILO. The Director-General, who had expressed his commitment to representing the voices of the men and women relying on the ILO, including those subjected to violence, discrimination and harassment, must uphold the rights-based mandate of the ILO. She called on all ILO constituents to reaffirm their shared commitment to the mandate of the ILO, which included leaving no one behind.
- 1130.** Lastly, she clarified that the ILO must, as a matter of equal importance, continue its work to address the vulnerabilities, discrimination and specific challenges experienced by all of the most marginalized groups. LGBTI+ persons had been the focus of her statement in view of the backlash against their rights.
- 1131. A Government representative of China** said that the eight policy outcomes in the Programme and Budget proposals for 2024–25 accurately reflected current issues. The ILO should intensify its efforts to assist constituents in recovering the stability of the global labour

market. China supported the five outputs proposed under outcome 3 and suggested that demographic variations in Member States should be taken into account. In addition, greater attention could be paid to the development of the silver economy and the employment of persons aged between 60 and 69 years, the so-called “youngest old”. China commended the concept of the Global Coalition for Social Justice. Lastly, China asked the Office to establish clear coordination mechanisms between priority action programmes and outcomes to promote synergies and ensure the efficient use of resources.

- 1132. A Government representative of Bangladesh** welcomed the fact that the Office had reflected policy guidance in the Programme and Budget proposals for 2024–25, including the Centenary Declaration, the Global Call to Action and the 2021 resolution concerning the second recurrent discussion on social protection (social security). However, policy guidance would not suffice. As such, she called on international financial institutions to enhance their development cooperation with developing countries in order to improve their social protection coverage.
- 1133.** She suggested that, under enabler A, the Development Cooperation Strategy 2020–25 implementation mechanisms should be further strengthened, with more support for and evidence-based research on domestic challenges. Under enabler B, wider promotional guidance to democratize the ILO governance would be welcome, as would bilateral or regional initiatives to ensure the ratification of the 1986 Amendment to the ILO Constitution by Members of chief industrial importance. Enabler C could be enhanced by ensuring geographical diversity and cost efficiencies to allocate more funds to country-specific projects. Lastly, she emphasized the importance of conducting peer-reviewed research on country-specific needs on thematic issues such as the platform economy.
- 1134. A Government representative of Pakistan** said that matters of a political nature and language that did not enjoy consensus should be avoided in technical documents such as the Programme and Budget proposals for 2024–25. The proposals had rightly emphasized the disproportionate impact of the pandemic on vulnerable groups. The pandemic had led to an increase in unemployment, underemployment and poverty, particularly in developing countries. Such challenges urgently required a global response to support workers and employers alike.
- 1135.** He thanked the ILO for the swift launch of its “Cash for Work” project in the Sindh and Balochistan provinces following the flooding in 2022 and, in that connection, welcomed the discourse on collective action to address climate change held during the International Conference on Climate Resilient Pakistan on 9 January 2023 in Geneva.
- 1136. A Government representative of Malawi** said that consensus on the wording of the Programme and Budget proposals for 2024–25, particularly in light of the discussion on the Violence and Harassment Convention, 2019 (No. 190), was key. Member States, having guaranteed equality and non-discrimination in employment by virtue of ratifying relevant Conventions, should be responsible for identifying vulnerable groups at the country level. When seeking consensus on difficult issues, the Office must respect the diverse views of Member States.

(The Governing Body resumed consideration of the item at a later sitting.)

- 1137. The Worker spokesperson** expressed concerns regarding the remarks made by governments on the financial dimension of the Programme and Budget proposals for 2024–25. The Workers’ group believed that a prudent and well-funded budget, with a slight increase in funding as proposed by the Office, was necessary to manage the significant number of

ongoing crises in the world of work. It therefore called on governments to support that increase, and asked the Office to consider adjusting certain funding allocations to make the increase more acceptable to them.

- 1138.** Responding to earlier comments by the Employers' group, he said that the Workers' group considered outputs 3.2 and 3.5 to provide sufficient coverage of skills and lifelong learning. His group also welcomed the heavy focus on workers' rights within outcome 6, as increasing protection at work was its overall aim. It was not necessary to await the conclusions of the International Labour Conference on social protection to finalize that outcome, as suggested by the Employers' group, nor should labour protection issues be considered solely at the national level. Although protection did need to be extended at the national level, discussions should also continue at the international level, including through the recurrent discussions on labour protection and under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization. Lastly, on the living wage, he stressed that the bullet points covering the issue in paragraphs 176 and 177 were complementary, reflecting agreed text in the Conference conclusions on employment, and were therefore unobjectionable.
- 1139. Another Worker spokesperson** reiterated the strong stance of the Workers' group on the issue of lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) rights. Regardless of the precise term used – whether that was LGBTQI+, or sexual orientation and gender identity – the issue was not abstract, but reflective of the real situation of discrimination experienced by workers around the world. Many workers' representatives and trade unionists were working hard to improve understanding, legislation and inclusion in that area in their national and regional contexts. Arguments about respecting national cultures or laws should not override the vital need to improve the situation of workers who experienced discrimination due to their sexual orientation or gender identity. The Workers' group strongly objected to the views expressed by certain speakers suggesting that the concept of universal human rights did not cover the need to combat discrimination on that basis. The opening of the Universal Declaration of Human Rights stated that: "All human beings are born free and equal in dignity and rights", while Article 2 read: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind", indicating that there were no limitations on entitlement to those rights and freedoms. The International Covenant on Economic, Social and Cultural Rights similarly stated that those rights should be enjoyed by all people, and the UN Committee on Economic, Social and Cultural Rights had explicitly confirmed that the Covenant prohibited any discrimination in access to and maintenance of employment on the grounds of sexual orientation. Furthermore, it was untrue, as some speakers had claimed, that no international agreement had been reached on the concept of sexual orientation; instruments that addressed discrimination on that basis included the Private Employment Agencies Recommendation, 1997 (No. 188), the HIV and AIDS Recommendation, 2010 (No. 200), the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), and many more. At the national level, many Member States objecting to the use of the terms in question had already taken steps to improve protection in that area. The issue was not an easy one, and much remained to be done to tackle discrimination against people based on their sexual orientation or gender identity, in all countries. It was generally recognized that no one should be subject to discrimination, on any grounds, and the ILO must therefore continue and accelerate its efforts to provide guidance in that area. A constructive solution was urgently needed on the matter to present a united front on the general principle of non-discrimination, on any grounds. The Workers' group was open to further discussions in that respect and hoped that a solution could be found during the current session.

- 1140. The Employer spokesperson** said that the programme and budget should clearly outline how the Global Coalition for Social Justice and the priority action programmes would support the delivery of the ILO's programme of work. A separate paper should also be provided detailing the structure and objectives of the priority action programmes, and the associated theory of change and financial resources. She reiterated the need for greater transparency in the budget, with a further breakdown of the operational budgets at the output level. In particular, the dedicated programme for employers' and workers' organizations should receive funding from the regular budget to ensure its sustainability and support the institutional capacity-building already performed by ACT/EMP and ACTRAV. The overall goal of the programme and budget should be to enable the Office to deliver more effective front-line services to constituents and develop field capacity.
- 1141.** Responding to comments made by governments, she stressed that the Employers' group attached great importance to skills development, believing it to be of strategic importance for the ILO in its role as an international leader in that regard. It was therefore essential to know precisely what resources had been allocated to skills, given that there was no longer a dedicated outcome on that subject. Governments had also stressed the need to address informality, especially in the wake of the COVID-19 pandemic; it should therefore be a strong focus in the programme and budget, in line with the Centenary Declaration. Turning to the indicators, she objected to the proposal by the Workers' group that workplace cooperation should be removed from indicator 2.3.2, while collective bargaining was retained. That made no sense for an output on social dialogue, which required good workplace cooperation as a basis for successful collective bargaining. Both elements of the indicator should be retained.
- 1142.** Lastly, on outcome 5, she said that the Employers' group was against discrimination in any form and strongly supported the position taken by the Workers' group, namely that the Universal Declaration of Human Rights should be taken as a basis for any universal international policy. That stance was also reflected in the instruments mentioned by the Worker spokesperson, as well as the 2021 Conference resolution concerning inequalities and the world of work. Moreover, the discussion on the programme and budget proposals should not be hijacked by policy issues, which should instead be discussed by the relevant committees at the International Labour Conference.

1.1. The Director-General's proposals for adjustments (GB.347/PFA/1/1(Rev.1))

- 1143.** The Director-General presented his replies to the discussion and proposals for adjustments (his statement is reproduced in [Appendix II](#)).
- 1144.** When resuming the discussion at a later sitting, the Governing Body had before it an amendment to the draft decision, proposed by the Government of Pakistan on behalf of the OIC with the exception of Albania and circulated by the Office, to add the following new paragraphs:
262. The Governing Body requested the Director-General to replace the term "Sexual orientation and gender identity" in the document (Para 160, Output 5.1 in Outcome Number 5) with "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" as well as in any other portion of the document to be presented to the International Labour Conference at its 111th session (June 2023), while acknowledging that "Sexual Orientation and Gender Identity" is not accepted by all members of the United Nations and ILO as a legal concept.
263. The Governing Body decided to attach as Annex the statements delivered by tripartite constituents, including member states, and communications to the Director-General on using

the term “sexual orientation and gender identity” in the program and budget document No. GB.347 PFA/1 as well as the letter No. ILO-1/2023 (SOGI) dated 20 February 2023 sent by the Permanent Representative of Pakistan to the Director-General on behalf of the OIC group¹, and member states of the Africa Group², the Arab Group and Gulf Cooperation Council.

264. The Governing Body acknowledged that there is no international consensus on using the term ‘sexual orientation and gender identity’ as it is not a universally agreed term under the international human rights law.

¹ Except Albania

² Except South Africa

1145. The Governing Body had before it a further amendment to the draft decision, proposed by the Government of Saudi Arabia with Pakistan and circulated by the Office, to add the following new paragraph:

262. The Governing Body recognized the sovereign rights of all members of the ILO to make and implement their own laws in accordance with their obligations under international law.

1146. Speaking on behalf of the OIC, with the exception of Albania, a Government representative of Pakistan said that the ILO’s work must be compatible with the legal systems of OIC countries, established in accordance with international law. The use of contentious language in the document went against the spirit of equality, impartiality, objectivity and universality. The amendment proposed by the OIC aimed to reach consensus on that matter.

1147. A Government representative of Saudi Arabia requested the support of the Governing Body for the amendment submitted by his country with Pakistan.

1148. The Employer spokesperson said that, although the Director-General had clarified many issues in his response, several questions remained unanswered. Transparency in operational budgets at the output level had not been addressed and she urged the Office to provide the relevant figures. She requested clarification as to how the programme and budget transferred the ILO’s mandate to the Global Coalition for Social Justice. The messages received in relation to the Coalition’s budget lacked coherence. The total amount needed to be reflected correctly and transparently in the programme and budget, without pulling resources from policy outcomes. A dedicated outcome on skills was necessary to demonstrate to constituents the ILO’s political and technical commitment to the issue. Her group sought reassurance that the dedicated programme for employer and business membership organizations and workers’ organizations would have the resources to continue beyond 2024–25, including through the regular budget. The Office was yet to clarify how it would manage duplications between priority action programmes and existing policy outcomes. She asked when a detailed work plan for the former would be shared with the Governing Body. The Employers were deeply concerned about the senior-management-heavy headquarters centric trend observed in the budget allocation and asked the Office to clarify why it was doing the opposite of what it had claimed it would do. They disagreed with the elimination or re-profiling of positions that served constituents directly proposed by the Office to maintain a zero-real growth budget. Human resources were the ILO’s most valuable asset, for which reason downward adjustments for cost-saving measures must not be made. The item on the update on the Global Coalition for Social Justice (GB.347/INS/4) would have to be finalized before the adoption of the draft decision could be considered.

1149. The Worker spokesperson said that there were still questions as to how the activities of the Global Coalition for Social Justice would be funded. While concerns remained about funding for the employment outcome, his group could accept the Director-General’s explanation about the transfer of resources to work on the social and solidarity economy (output 4.5) and the estimated increase of extrabudgetary resources for outcome 3. The Workers would like

employment policy and creation, and decent work creation to be at the centre of the Programme and Budget for 2024–25. Regarding the savings proposed to achieve zero real growth, he asked to what extent departments at headquarters and in the field would be affected, how many vacancies would not be filled and where real posts would be cut.

- 1150. Another Worker spokesperson**, responding to the proposed amendments, said that the Workers were open to any constructive solution that would neither violate the ILO's mandate nor compromise its values and principles. She asked whether the amendment proposed by Saudi Arabia with Pakistan was meant as a compromise and requested further clarification.
- 1151. Speaking on behalf of GRULAC**, a Government representative of Colombia reiterated the need for the fight against discrimination to continue to focus on research and analysis that was disaggregated by, inter alia, sexual orientation and gender identity. She thanked the Director-General for his commitment to provide the Governing Body with clear responses on the collaboration criteria, governance, objectives and priorities of the Global Coalition for Social Justice. Although GRULAC appreciated the efforts that had been made to adjust the budget level, there were concerns that the proposed cuts might weaken the Office's ability to achieve gender equality and a balanced geographical distribution. GRULAC objected to the two proposed amendments to the draft decision.
- 1152. Speaking on behalf of ASPAG**, a Government representative of China requested the Office to redouble its efforts to attract more extrabudgetary resources in prioritized areas. His group called for the Office to pay attention to geographical diversity when filling the positions proposed to be funded by RBSA resources. ASPAG asked the Office to strengthen its cooperation with Member States when implementing the proposed strategy on skills and lifelong learning (output 3.2).
- 1153.** The Director-General had not addressed concerns about the lack of ambition for the Asia and the Pacific output targets. Furthermore, there was an absence of targets for priority areas in the region, such as transition to the formal economy and gender equality. He restated his group's request for the Office to provide further information on how work in these areas would be monitored, measured and allocated sufficient resources. ASPAG commended the Office for its commitment to conduct a further review of needs with a view to achieving zero real growth in constant terms. Noting that the 3.6 per cent adjustment for cost increase was still high, he said that ASPAG would prefer a zero growth budget and consequently asked the Office to explore further measures to mitigate cost increases. ASPAG had not had an opportunity to discuss the two proposed amendments to the draft decision and welcomed further discussions on this agenda item.
- 1154. Speaking on behalf of 39 members of IMEC**, a Government representative of the United States thanked the Director-General for affirming that the fight against discrimination would remain core and central to ILO action and that the Organization's programme of work would encompass all groups subject to discrimination, including on the grounds of sexual orientation and gender identity, at the national, regional and global levels. The group also appreciated his reflection that, to be effective, efforts to combat discrimination at the national level should be linked to work at the regional and global levels.
- 1155.** She welcomed the clarifications regarding the Global Coalition for Social Justice and looked forward to learning more about the Coalition's objectives, priorities, its criteria for engagement, and its governance. Concerning the RBSA, it would have been preferable to staff core programme priorities from existing staff positions, rather than new, short-term positions funded by RBSA. However, her group could be flexible on the Director-General's proposal for the coming biennium, on the understanding that the Office would absorb those positions into

the regular budget or use dedicated extrabudgetary resources in the 2026–27 biennium. In terms of skills and lifelong learning, she welcomed the information about resource allocations to this priority and the integration of skills development into other activities across the programme and budget proposals.

- 1156.** Turning to the budget, she welcomed the efforts to identify additional efficiencies, but asked for further clarification on how the changes would impact the total amount. Considering the implications of the regular budget increase on Member States, she asked if the estimated growth in extrabudgetary expenditure was realistic. Acknowledging that the one-off adjustment of US\$7 million for relocating the Conference to the Palexpo centre in Geneva constituted a significant portion of the requested cost increase, she observed that the cost was not unanticipated and asked how the Office had prepared for that exceptional situation. The requested cost increase of 4.4 per cent still seemed high given the fiscal constraints faced by Member States; the Office should seek further efficiencies where possible. Lastly, her group did not support the two amendments to the draft decision proposed by Pakistan and Saudi Arabia.
- 1157. Speaking on behalf of Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Mexico, Montenegro, the Netherlands, New Zealand, Norway, Portugal, Romania, Slovenia, Spain, Sweden, the United Kingdom, the United States and Uruguay,** a Government representative of Canada welcomed the Director General's commitment to ensuring that the ILO's programme of work would continue to encompass all groups subject to discrimination, including on the grounds of sexual orientation and gender identity. Such a view was aligned with that of the wider UN system to address violence and discrimination based on sexual orientation and gender identity. It was, however, deeply disappointing that the reference to LGBTI+ persons had been removed from the Programme and Budget proposals for 2024–25. Many workers in the LGBTI+ community around the world faced stigma and labour market discrimination; such situations could only be addressed if vulnerable groups were recognized and named. Diversity and inclusion in the labour market had the potential to foster growth and productivity, while there could be no decent work without equal opportunities and equal treatment. The ILO should therefore continue to work at all levels to ensure equal opportunities and treatment for persons in vulnerable situations, including LGBTI+ persons. She opposed the two amendments to the draft decision proposed by Pakistan and Saudi Arabia.
- 1158. Speaking on behalf of the EU and its Member States,** a Government representative of Sweden said that Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, Iceland and Norway aligned themselves with his statement. He aligned his statement with that delivered by IMEC. The ILO's commitment to fighting against discrimination, including on the grounds of sexual orientation and gender identity, should be clearly set out in the programme and budget and subsequently implemented. The EU would step up action to combat all forms of discrimination, paying specific attention to intersectionality, including on grounds of sex, race, ethnic or social origin, religion or belief, political or other opinions, disability, age, sexual orientation and gender identity. It was likewise committed to upholding the human rights and fundamental freedoms of all persons, to promoting the participation of young people, girls and women, persons with disabilities and LGBTI persons, and to providing special protection for those in vulnerable situations, including children.
- 1159.** He looked forward to hearing additional details on the objectives, priorities, criteria for engagement and governance of the Global Coalition for Social Justice, which would help

ensure ownership of the initiative by constituents. The clarifications provided regarding the change of use of RBSA funds required further examination; although donors recognized that the unearmarked nature of the funding implied discretion regarding its use, they required increased transparency and communication. It was essential to adopt a programme and budget in order to fulfil the ILO's mandate and all partners needed to reach an agreement with a view to advancing social justice through decent work with a human-centred approach. He strongly opposed the two amendments proposed by Pakistan and Saudi Arabia.

- 1160. Speaking on behalf of the Africa group**, a Government representative of Morocco expressed appreciation for the positioning of the Global Coalition for Social Justice as a cross-cutting element that did not require additional resources. The group looked forward to hearing the outcome of the forthcoming consultations in that regard. Acknowledging that there would be no global reduction in the regular budget allocation for outcome 3, he nevertheless reiterated the importance of employment promotion and encouraged the Office to continue to support such initiatives in Africa. Given the importance of skills, it was positive that output 3.2 had the highest regular budget allocation; his group awaited confirmation of the exact figure in that area.
- 1161.** Turning to the issue of language, he recalled that the Africa group had sent a letter on the subject to the Director-General, to which it had not yet received a response. The group was strongly committed to dialogue and consensus, and to fighting against all forms of exclusion, discrimination and harassment of any type and against any vulnerable group. The ILO's responsibility to defend the rights of all workers in every workplace, as reaffirmed by the Director-General, was not in question. With that in mind, the Africa group's sovereign and legitimate position did not interfere with the mandate of the ILO, nor should it obstruct progress on the programme and budget. By failing to propose a constructive solution that could lead to consensus, the Office had set a regrettable precedent. The deep concerns expressed by many Member States had not been taken into consideration. The group did not therefore accept the reply to the effect that the text proposed by the Office was a compromise solution. Several recent ILO texts containing agreed language – which could provide a compromise – had been ignored in the current discussions, notably the 2021 Global Call to Action, the resolution concerning inequalities and the world of work adopted by the International Labour Conference in 2021, and Convention No. 190. Within the multilateral system, all views should be taken into consideration on the basis of mutual respect and common values.
- 1162.** The Africa group rejected the current wording of paragraph 160 and indicator 5.1.2 of the Programme and Budget proposals for 2024–25 and called for them to be revised using consensus-based language, without any listing of groups subject to discrimination. His group was open to the amendments that had been proposed but might wish to make certain adjustments.
- 1163. Speaking on behalf of the Member States of the Southern African Development Community (SADC)**, a Government representative of Namibia recalled the statement made on behalf of the Africa group on the outcomes of the work of the General Discussion Working Party: Inequalities and the world of work at the 109th Session (2021) of the International Labour Conference. During that debate, the Africa group had observed that different constituents had varying ideas about consensus building within the ILO. Insistence on the inclusion of language that did not enjoy international consensus would hamper the work of the ILO and divert attention from more important issues. In approaching the debate on inequalities, the Africa group had sought to emphasize inclusive language that would achieve consensus, based on internationally recognized human rights, instruments and international

labour standards. That inclusive approach should be taken now; divisive language was unnecessary in an ILO document and consensus was both possible and desirable.

- 1164. Speaking on behalf of the Arab group**, a Government representative of Libya expressed support for the statements made by the Africa group and the countries of the OIC, with the exception of Albania. His group objected to the inclusion of the terms sexual orientation and gender identity in paragraph 160 of the Programme and Budget proposals for 2024–25, as that terminology was not internationally recognized and represented a deviation from the principles of universality, neutrality and objectivity. Moreover, the inclusion of such controversial concepts affected the capacity of individuals to exercise their social and cultural rights in accordance with their national laws and customs. It was essential to avoid interfering with the sovereignty of States and their rights to uphold their religious and cultural beliefs. The current approach to seeking consensus within the Governing Body was unacceptable; there had been objections from a large number of Member States, which was a source of great concern. The ILO's work should be based on social dialogue, rather than silencing points of view. The current debate was undermining that work and could lead to a loss of trust among constituents.
- 1165. Speaking on behalf of the countries of the GCC**, a Government representative of Saudi Arabia reiterated the need to work together to develop international standards suitable for the modern world, especially in the wake of the COVID-19 pandemic. Indeed, the ILO should do its utmost to provide protection for all in accordance with both international law and the national and regional contexts in which people lived. The Programme and Budget proposals for 2024–25 incorporated the priorities of different countries, regions and social partners, and had garnered general support. It was important to fight against discrimination and exclusion, but that must be done in accordance with both international law and national legislative frameworks. In talking about excluded and marginalized groups, there should be no reference to groups that were not recognized as such under international law; such an approach would hinder efforts to improve the world of work. His group therefore supported the proposed amendments.
- 1166. A Government representative of Eswatini** expressed regret that discussions on the programme and budget were being sidetracked by an avoidable issue. The language used in paragraph 160 of the programme and budget proposals was not universally accepted and could have been avoided. The Office was not being asked to withhold support to constituents to address all forms of discrimination, but simply to avoid listing the grounds of discrimination, particularly where that list included controversial terms. It was not within the mandate of the Organization to impose certain terms on everyone. The issue should be addressed openly in a separate discussion, with research carried out into alleged discrimination on the grounds of sexual orientation. An item could then be placed on the agenda of the Governing Body or the International Labour Conference to allow comprehensive social dialogue on the matter. If consensus was reached, the Organization could duly recognize discrimination on the grounds of sexual orientation at that point, without having infringed any constitutional, religious or cultural rights and beliefs.
- 1167. A Government representative of China** expressed support for the statement made by ASPAG. She welcomed the emphasis on employment and decent work in the programme and budget proposals and noted the Director General's commitment to investing more resources in skills and lifelong learning. That work was particularly important given the current multiple crises in the world of work; her Government therefore reiterated its request to the Office to guarantee investment in outcome 3 and support the creation of productive employment. Noting the commitment to covering those positions proposed to be funded by RBSA in

2024–25 through the regular budget in 2026–27, she asked the Office to explore ways to fund such positions sustainably without impacting the existing regular budget or affecting the delivery of results. The proposed overall cost increase of 4.4 per cent in the budget was still too high; the Chinese Government would pay significantly more in its assessed contribution as a result. The Office should therefore continue to seek efficiencies in the use of funds. Her Government remained committed to supporting those efforts.

- 1168. A Government representative of Japan** agreed that the proposed cost increase of 4.4 per cent remained too high given the current fiscal constraints faced by governments. While recognizing the work done to date to keep that figure to a minimum, he urged the Office to explore other ways of decreasing costs, including by examining procurement practices and making wider use of virtual forums. He wished to hear more about those possibilities before deciding on the draft decision.
- 1169. A Government representative of Nigeria** said that discussions on the programme and budget should primarily focus on figures, but there had been an unfortunate focus on other issues. Nigeria's support for the Director-General's Programme and Budget proposals for 2024–25 had never been in doubt. His government fully espoused the ILO's mandate to promote equality of treatment and opportunities for all workers; it was not against protection for those suffering discrimination or oblivious of the plight of vulnerable workers; and it did not tolerate bias and discrimination. Discussion and deliberations on the budget proposal should not become a forum to reopen the debate on the rights of the vulnerable or on the ever-expanding list of groups perceived as vulnerable. The terms at issue had no universally accepted definition and acceptability within the UN system and must thus remain within the national sphere.
- 1170.** Member States were entitled to develop their legal systems in line with their convictions. The delegation of Nigeria rejected attempts at coercion and condemned the ensuing unfortunate and avoidable budget crisis. What was expected of the ILO was a more energetic pursuit of solutions to global unemployment and universal protection of all people, irrespective of beliefs and convictions. The objection of Nigeria demonstrated respect for the right of sovereign authorities to adapt ILO standards to national practices. Adopting the budget document with those terms was designed to manipulate sovereign authority. In the interest of unity of purpose and respect, the programme and budget should be adopted by consensus rather than by vote.
- 1171. A Government representative of Algeria** said, with reference to Algeria's position on paragraph 160, that on 8 December 2017 Algeria had initiated resolution 72/130 to proclaim 16 May the International Day of Living Together in Peace. Algeria had endeavoured to bring about consensus through universally accepted language. As a member of the Africa group, Algeria had proposed that the draft text avoid listing of minorities of specific categories because that was at odds with the principles and values of many Members. Accordingly, Algeria rejected the current drafting of paragraph 160 and called for consensual, approved and universally accepted language.
- 1172. A Government representative of Malawi** said that skills development and employment creation should be priorities and be vested with adequate resources in the programme and budget. Malawi reiterated its support for the consensus-building initiatives evident at the 109th Session of the International Labour Conference during the adoption of Convention No. 190. Member States should be free to decide what constituted a vulnerable group because the definition was not universal. The Office should take account of those views in addressing the matter.

- 1173. A Government representative of Senegal** said that while the programme and budget proposals were consistent with the ILO's mandate, they had not addressed the concerns of all regions, arising from their social, cultural and religious particularities. Those ambitious proposals should not come to naught owing to difficulties with terminology. The Africa group was against all discrimination, as evidenced by its high rate of ratification of the relevant Conventions. Senegal favoured general and inclusive terminology to designate categories of persons vulnerable to discrimination. That did not preclude individual countries from implementing the programme and budget depending on their needs and priorities. Senegal supported a strong consensus within the Governing Body to bring about respect for difference.
- 1174. Speaking on behalf of a cross-regional group of countries**, a Government representative of the United Kingdom said that her group itself had concerns about the document, but all constituents should be able to express their views, no matter how divergent, in a manner respected by all. Therefore, accusations that the Director General, the Office, its officials and its constituents had engaged in unsavoury behaviour were alarming and should be withdrawn.
- 1175. Speaking on behalf of the Africa group**, a Government representative of Morocco observed that he had not levelled any accusations against anyone; he had merely asked why none of the concerns of the Africa group had been taken into account.
- 1176. A Government representative of Pakistan** recapitulated the points at issue. First, he recalled that international law provided clear definitions of grounds for discrimination, which did not include sexual orientation and gender identity. Any real or perceived emerging grounds for discrimination must be universally agreed upon before being incorporated into documents that entailed legal obligations for Member States. Accordingly, the Governing Body should adhere to universally agreed terms and concepts.
- 1177.** Second, an international organization's mandate was anchored in its constitution and guided by international law. Furthermore, any mandate stemming from the programme and budget had to be based on consensus. There was no consensus at the ILO on the subject in question, and therefore no basis on which to promote sexual orientation and gender identity as grounds for discrimination. According to the principle of sovereign equality, which was one of the founding principles of the UN, international organizations were also bound by international law. An international organization could not assume a mandate opposed by a significant number of its members, and should not pursue actions inconsistent with its members' legal systems that already adhered to international law.
- 1178.** Third, the question of establishing legal scaffolding for personal sexual conduct, preferences or personal behaviours was for the UN General Assembly and the Human Rights Council to discuss. Those bodies had not achieved consensus in that respect. Accordingly, the technical and budgetary documents of specialized agencies could not be instrumentalized to create a false façade of universality. The goal should be to join hands to combat discrimination. Opponents of the language in question had made it abundantly clear that they opposed discrimination against anybody on any ground recognized by international law anywhere, including workplaces. To impose a minority's social perspective on others was not to fight discrimination but to promote it.
- 1179. The Worker Vice-Chairperson** said that it was not necessary to agree with another person's understanding of their sexual orientation or gender identity. Freedom of speech should not be confused with promoting human rights, which was about affording protection to individuals against the State and state power. As there seemed to be general agreement on

the programme and budget proposals themselves, she called for the text to be adopted. It could then be clarified that the text was not a legal instrument and that the ILO was working to improve understanding of many issues relating to non-discrimination. It was frustrating that Governments could espouse non-discrimination on any ground, but then not wish to mention a particular ground.

- 1180. The Employer spokesperson** suggested that the Office should take all views on the outstanding issue into account and propose an amended version of the draft decision – perhaps by using less specific language – in the interests of reaching agreement.
- 1181. Speaking on behalf of the Africa group**, a Government representative of Morocco said that his group was entitled to its opinion and did not agree with the proposal made by the Worker Vice-Chairperson.

Office response

- 1182. A representative of the Director-General** (Director, Strategic Programming and Management Department), responding to questions on programmatic and outcome-specific issues, said that priority action programmes were mechanisms to ensure policy coherence and strengthen cooperation. They would not duplicate technical work carried out under the policy outcomes. That work would continue to be delivered by technical departments and the field offices, while each priority action programme would be coordinated by a core team of four or five Professional category staff funded by the regular budget and, potentially, the RBSA. Detailed information on the role of the priority action programme on decent work in supply chains could be found in document GB.347/INS/8.
- 1183.** Regarding the US\$18.4 million in savings identified, it was proposed to allocate US\$6.4 million to strengthen field operations, in accordance with the needs of each region. Consequently, several new Professional positions had been established in Africa to work on gender equality, productive development, skills and partnerships. The US\$3.9 million to be redeployed at headquarters would be used to reprofile positions in several departments. Some US\$300,000 would be used for capacity-building of the social partners. The US\$1.9 million to be redeployed for management services would be used to strengthen the Integrated Workplace Management System, legal services and human resource management. Regular budget allocation to policy outcomes would increase by US\$6.1 million as a result – or US\$4.6 million taking into account the proposed reduction to the budget increase – as compared to the 2022–23 biennium. Of that amount, US\$3.1 million would be allocated to the regions. The proportion of the regular budget allocated to the five regional programmes would increase from 31.5 per cent in 2022–23 to 31.9 per cent in 2024–25.
- 1184.** The Programme and Budget proposals for 2024–25 set out the allocation of budget by both outcomes and outputs, as previously requested by the Governing Body. The strategic budget for a particular policy outcome or output included budget allocated to different units and regions, so it was not possible to compare the budget for an outcome with the operational budget of a particular organizational unit. Over 60 per cent of the US\$31.1 million allocated to output 2.1 corresponded to the regular budget of the regional programmes and 30 per cent corresponded to the budget of ACT/EMP. The regular budget resources allocated to skills and lifelong learning under output 3.2 was US\$41.3 million; an additional US\$10.8 million was allocated to output 3.5 on youth employment, of which more than 50 per cent would be dedicated to skills promotion for youth. Hence, the regular budget allocated to skills represented an increase compared with the US\$45.1 million in 2022–23.

- 1185.** The estimated extrabudgetary development cooperation (XBDC) expenditure of US\$600 million in table 2 of GB.347/PFA/1 was based on resources in XBDC projects that had been budgeted for 2024 and 2025 and confirmed by donors, and resources that the ILO expected to obtain and spend in the biennium based on historic trends and considering resource mobilization efforts. The Office believed that this estimated expenditure was realistic and achievable, and would step up its efforts concerning partnerships and resource mobilization.
- 1186.** The Programme and Budget proposals for 2022–23 covered the development, but not the publication, of the second edition of the new flagship *Social Dialogue Report*. The first edition was delayed and published in May 2022. It was necessary to draw on the experience of the first edition to prepare an impactful and relevant second edition and to inform the next recurrent discussion on social dialogue. The Office was taking a prudent approach for 2024–25 to develop a new edition rather than a third edition of the flagship report.
- 1187.** The purpose of the programme to support institutional capacity development of employer and business membership organizations and workers’ organizations had not changed since the preview of the Programme and Budget proposals for 2024–25 had been discussed at the previous session of the Governing Body. The programme would be managed by ACT/EMP and ACTRAV and the proposals included an additional US\$2 million from the RBSA to kick-start its activities. It was expected that further regular and extrabudgetary resources would become available for specific activities beyond the next biennium. The Office would do everything within its power to secure additional donor funding and would allocate adequate funding to the programme in the Programme and Budget proposals for 2026–27.
- 1188.** The promotion of decent jobs for young people in Africa under outcome 3 would be based on Member States’ specific needs, requests and policies. In all cases, the Office would promote integrated interventions focused on both job creation and skills development. The Office would further deepen its collaboration with regional institutions to develop the capacity of technical and vocational education and training institutions in the region. A Professional position on skills would be decentralized from headquarters to the Africa region to strengthen ILO work in that area.
- 1189.** Although there was no dedicated output on the inclusion of persons with disabilities in the Programme and Budget proposals for 2024–25, it had been mainstreamed across several outputs, particularly output 5.1, which contained a specific performance indicator that measured initiatives to promote equality of opportunities and treatment for persons with disabilities. The work would be guided by the UN Disability Inclusion Strategy and the Office had established a disability inclusion tag to monitor all relevant ILO initiatives.
- 1190.** Action to mainstream gender equality into all areas of the ILO’s work was already more advanced than the areas covered by the priority action programmes, and would continue to be coordinated by the Gender, Equality, Diversity and Inclusion Branch. The introduction of the marker on gender and non-discrimination had contributed to improving planning, monitoring and measurement, and the proposals for 2024–25 included the creation of one new Professional position and the redeployment of another to strengthen gender mainstreaming.
- 1191.** With regard to progress under outcome 6 from the Programme and Budget for 2022–23, it was anticipated that targets would be met or exceeded for five of the eight output indicators.
- 1192.** The “new international financing mechanism” in paragraph 192 of the Programme and Budget proposals for 2024–25 referred to the global social protection fund referred to in the

resolution concerning the second recurrent discussion on social protection (social security) adopted by the International Labour Conference in 2021. That mechanism was intended to complement and support domestic resources. The planned research and analysis on the establishment of such a fund had been commissioned and was ongoing.

- 1193.** Output 8.2 of the programme and budget proposals would focus on coordination of ILO action on formalization, while the technical work on formalization would be delivered under other outcomes and outputs. Efforts would be made to create synergies and prevent duplication of work. The development of “innovative approaches” referred to the use of technology to support formalization.
- 1194.** The Office was committed to engaging in consultations with the tripartite constituents with a view to developing indicators for outcome 2 on strong, representative and influential tripartite constituents and effective social dialogue.
- 1195.** The ratification of international labour standards would be reported under outcome 1, which was why ratification had not been mentioned in the other indicators. However, work to promote ratification and implementation of international labour standards was embedded in all policy outcomes. The technical notes for output indicators would specify this dimension across all relevant outcomes.
- 1196.** As to the low number of targets for the Asia and the Pacific region, the indicators had been set through consultative processes involving departments at headquarters and all regions. Most were based on the information that had been available in December 2022, taking into consideration ongoing work that would produce measurable results in 2024 and 2025 and planned initiatives and programmes based on constituents’ needs. If a significant and measurable result in a policy area had been achieved in the previous biennium, and it was considered that the Member State required less ILO support for the following biennium, the Member State would not be considered as a target. Nevertheless, the Office had noted the lower number of targets in Asia and the Pacific and would take it into consideration in the review of the baseline and targets that would take place towards the end of 2023. While there were no indicators on geographical diversity and gender balance of staff, the Office would continue to monitor it and report on progress to the Governing Body.
- 1197. Another representative of the Director-General** (Treasurer and Financial Comptroller) said that while the staffing costs in the programme and budget proposals had increased from 69 per cent to 70.2 per cent, the headcount of the Office had not increased; the increased costs were related to staff moving from the General Services to the Professional category.
- 1198.** The proportion of the budget allocated to Africa remained at 9.71 per cent in constant US dollars.
- 1199.** As already noted by the Director-General, cost savings of US\$1.9 million had been made by re-profiling posts and abolishing upcoming vacant posts at headquarters, keeping the baseline level of the budget unchanged. A further US\$1.8 million had been saved through fixing the price of electricity for 2024 at a lower rate than forecast.
- 1200.** With regard to the International Labour Conference, given the ongoing renovations at the Palais des Nations, different options had been explored and it had ultimately been decided to hold the Conference at the Palexpo conference centre, as it was the only way to keep all three technical committees in a single location. The Director-General had proposed ring-fencing US\$7 million for that purpose and subsequently returning any savings on that amount to Member States.

- 1201.** The Office had looked into potential further savings during phase 2 of the building renovation project, but supply chain issues and other costs meant that savings were highly unlikely without compromising the works already planned.
- 1202.** The difference between the regular budget of US\$803.5 million for the 2022–23 biennium and the proposed US\$894 million in constant US dollars for the 2024–25 biennium was related to fluctuations in exchange rates between the Swiss franc and the US dollar. The budget rate of exchange would be set when the Finance Committee approved the budget and the Office would then make a forward purchase of US dollars in accordance with the Swiss franc assessment system.
- 1203.** The budget allocation for the senior management team had increased, this is within the envelope of the whole budget which remained constant overall. There were indeed more positions in the restructured senior management team and the Director-General's Office, which reflected a significant redistribution of responsibilities.
- 1204.** In respect of the overall budget, not including the one-off cost of holding the International Labour Conference at Palexpo, inflationary costs had increased by 3.6 per cent, over which the Office had no control. With zero real growth in the budget, the Office would only be able to absorb further cost increases with an additional reduction in its programmatic capacity, which would have a significant impact on the Office's capacity to deliver on the policy outcomes.
- 1205.** **The Worker spokesperson** said that, based on decisions made at the International Labour Conference and the Governing Body, his group would prefer to publish the flagship *Social Dialogue Report* annually. Furthermore, the Workers' group had objected to the wording of output indicator 2.3.2., which placed workplace cooperation on an equal footing with collective bargaining, which was a fundamental right; he therefore requested the Office to delete "workplace cooperation" from the results framework.
- 1206.** **Speaking on behalf of IMEC**, a Government representative of the United States expressed disappointment that the Office had not identified additional cost-efficiencies, as requested by her group. While IMEC supported the Director-General's programmatic vision, it considered the proposed budget level of over US\$890.6 million, reflecting a nominal increase of almost US\$37.9 million, to be too high. Some IMEC members saw no justification for an increase of more than 3 per cent. She once again requested the Office to identify additional cost-efficiencies.
- 1207.** **A representative of the Director-General** (Treasurer and Financial Comptroller) said that the Office had identified resources in the Special Programme Account that could be used to fund parts of the items in the budget. At its sessions in March 2008 and March and November 2011, the Governing Body had approved the use of funds from the Special Programme Account for a number of priority items. The remaining balance after expenditure on those items was CHF4.8 million, which included exchange rate revaluations and accrued interest. With the proposed adjustments, the nominal amount of the budget would be reduced by approximately US\$9 million and the cost increase had fallen from 4.6 to 3.8 per cent, including the costs associated with holding the International Labour Conference at the Palexpo centre in Geneva. The real inflation rate stood at 3.6 per cent.
- 1208.** **The Employer spokesperson** and **the Worker spokesperson** supported the draft decision.
- 1209.** **Speaking on behalf of the Africa group**, a Government representative of Cameroon said that the Office had not taken into account her group's request to amend the terminology used in paragraph 160. She would appreciate clarification of the practice regarding the

modification of documents since several had been reviewed during the current session despite the Office's assertion that they could not be modified after publication. She deeply regretted that her group's repeat requests for the withdrawal of certain points from paragraph 160 of the Programme and Budget proposals for 2024–25 had gone unheeded, and the Office's explanations had not addressed her group's concerns. Specifying certain groups of persons who faced discrimination could exclude other categories of persons who might also be victims of discrimination.

- 1210. Speaking on behalf of ASPAG**, a Government representative of China agreed that the Office should ensure policy coherence and coordination among all policy outcomes and outputs. Since the implementation of the Singapore Statement was a key priority of his region, he requested the Office to pay closer attention to ensuring that the priorities contained in the document were reflected in the programme and budget. He was glad to hear that part of the budgetary resources under output 3.5, on decent employment for youth, would be used to promote skills development for young people. While he noted the Office's explanation that output targets were set on the basis of ongoing and pipeline initiatives, he requested the Office to consult with constituents as part of the review of the results framework at the end of 2023 to ensure that the targets aligned with the regional and national priorities in the programme and budget.
- 1211.** With regard to geographical diversity and gender equality, he urged the Office to follow closely the guidance provided in the progress report on the implementation of the Human Resources Strategy when implementing enabler C, on effective, efficient, results-oriented and transparent management, and requested the Office to develop and incorporate relevant indicators on geographical diversity and gender equality in future programming exercises. He also requested the Office to report the unspent balances in the various accounts with funds from assessed contributions of Member States to the Governing Body at its 349th Session in November 2023. Considering the unexpected impact of ongoing renovation work at the Palais des Nations, ASPAG agreed to the reallocation of the unspent funds on an exceptional basis. However, in view of the 3.6 per cent cost increase, he encouraged the Office to continue its efforts to make efficiency savings. ASPAG supported the draft decision.
- 1212. Speaking on behalf of GRULAC**, a Government representative of Colombia welcomed the proposal to use funds from the Special Programme Account to lower the budget increase, and indicated that GRULAC supported the draft decision contained in the Director-General's proposals for adjustments. She reiterated her group's opposition to the two proposed amendments to the draft decision in the Programme and Budget proposals for 2024–25.
- 1213. Speaking on behalf of 38 members of IMEC**, a Government representative of the United States said that her group supported the proposal to use funding from the Special Programme Account and, while she would have preferred further measures to mitigate the anticipated cost increases, she supported the proposed budget level. The Office should make every effort to implement the programme and budget efficiently and in accordance with the quality standards referenced under enabler C. Her group supported the draft decision contained in the Director-General's proposals for adjustments.
- 1214. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that North Macedonia, Montenegro, Iceland, Norway and Albania aligned themselves with her statement. She welcomed the useful information provided by the Office on the Global Coalition for Social Justice and hoped that the priority action programmes would soon be presented to the Governing Body for discussion by the constituents. The EU and its Member States strongly opposed the amendment proposed by Pakistan on behalf of the OIC

countries except Albania and the amendment proposed by Saudi Arabia, joined by Pakistan, and supported the revised draft decision.

- 1215. Speaking on behalf of Indonesia and Malaysia**, a Government representative of Indonesia said that the two countries strongly supported the amendment proposed by Saudi Arabia, joined by Pakistan. He called on the ILO to use language that was general and inclusive and enjoyed universal consensus. Unfortunately, controversial notions contained in the proposed programme and budget had divided and diverted Member States' focus from the matter at hand. It was illogical that constituents had the authority to amend the ILO Constitution yet were unable to amend a Governing Body document containing controversial concepts that did not enjoy consensus and had no legal foundation in any international human rights framework.
- 1216. Speaking on behalf of the GCC countries**, a Government representative of Saudi Arabia said that many countries and regions had expressed their reservations about the wording of paragraph 160 of the Programme and Budget proposals for 2024–25 and his group had gone to great lengths to garner consensus on the programme and budget by engaging in dialogue and showing flexibility. However, the proposed amendment submitted by Saudi Arabia had not been reflected in the draft decision.
- 1217. Speaking on behalf of the countries of the OIC**, with the exception of Albania, a Government representative of Pakistan said that his group had received no response to the concerns it had raised on the legality and relevance of including the contentious terms of sexual orientation and gender identity in the Programme and Budget proposals for 2024–25. He would appreciate clarification as to why the authors had included those terms in the document, why they had decided to diverge from the internationally agreed wording on discrimination and why sexual orientation and gender identity had been chosen over other emerging forms of discrimination, including Islamophobia and discrimination against migrant workers. Financial contributions from Member States, which were approved by their national authorities, must not be used to fulfil objectives that directly contradicted the laws enacted by those same authorities. If paragraph 160 remained unamended, he wondered what legal arrangements and national laws would govern the relationship of the ILO field offices and implementing partners with the Member States, and what the implications would be for the immunities and privileges of those who implemented programmes on sexual orientation and gender identity.
- 1218. A Government representative of China** asked the Office to focus on establishing and strengthening universal social protection in Asia and the Pacific and integrate it into the priority areas. She also requested the Office to include funding for the Professional positions to implement the priority areas in the regular budget, since the RBSA could not provide sustainable funding. Her Government also requested the Office to consider fully the situation and practical needs of each region, and to address the under-representation of the region's States, including China. Her Government supported the revised draft decision, and the amendments proposed by Saudi Arabia and Pakistan.
- 1219. A Government representative of Japan** said that his Government supported the use of the Special Programme Account on an exceptional basis. It was regrettable that no cost-saving measures had been found other than to reduce electricity costs, and he urged the Office to explore further measures, such as more competitive procurement and the use of a virtual forum. Japan supported the revised draft decision.
- 1220. The Employer spokesperson** urged the Office to make every effort to ensure the continuity of the dedicated programme to strengthen the institutional capacity of employer and

business membership organizations and workers' organizations in future biennia. She asked what the operational budget was at the output level, given that the number of outcomes had more than halved since 2014–15, and how much of the operational budget would be dedicated to skills development. She requested the Office to propose an indicator for outcome 2, on strong, representative and influential tripartite constituents and effective social dialogue, that reflected the institutional capacity of the social partners and the outcome objectives. With regard to output 2.3, she insisted on maintaining the indicator on workplace cooperation in line with the Centenary Declaration and the 1944 Declaration of Philadelphia, which recognized the cooperation of management and labour as important elements of productive efficiency alongside the effective recognition of the right to collective bargaining. Noting that the restructuring of the senior management team had resulted in an increased proportion of staff based in Geneva, she asked the Office to monitor closely the impact of a larger senior management team on the frontline support offered to constituents in the field. She opposed further cuts of technical positions, particularly those related to the implementation of outcomes 1–7, because they offered frontline services that were crucial for carrying out the ILO's core work. The issue of discrimination was not relevant to the programme and budget discussion at hand but her group would support any consensus among the Governments with regard to outcome 5.

- 1221. The Worker spokesperson** said that under the Centenary Declaration, collective bargaining was a fundamental right, whereas workplace cooperation was merely a useful tool, provided that it did not undermine trade unions or collective bargaining. She asked the Office to take that distinction into account in relation to indicator 2.3.2 of the Programme and Budget proposals for 2024–25. The Workers' group could not support the amendment proposed by Pakistan on behalf of the OIC countries except Albania or the amendment proposed by Saudi Arabia together with Pakistan, since they called into question the basic principles of the ILO. Her group supported the revised draft decision.
- 1222. A representative of the Director-General** (Treasurer and Financial Comptroller) said that the Office would do its utmost to ensure that the budget was allocated wisely and steps were taken to ensure that spending was measured and reported correctly. The Office had taken note of comments made by the Employers' and Workers' groups and the Governments, including with regard to the RBSA, and would address them in the near future. No further technical positions would be cut. The Office would prepare a report on unspent balances for the Governing Body session in November 2023.
- 1223. Another representative of the Director-General** (Legal Adviser) said that, as had been explained at the Governing Body session in November 2022, no amendments to specific paragraphs of a published Governing Body document, other than the draft decision, could be proposed. However, according to established practice, the Office occasionally prepared a revised version of a document under discussion to facilitate achievement of a consensus, when there were clear signs that a consensus could be reached with specific modifications. The Office had at no point seen any indication that deleting the sexual orientation and gender identity terminology, as had been proposed by some members, or including the LGBTIQI+ terminology, as had been proposed by others, would bring the Governing Body any closer to the consensual adoption of the Programme and Budget proposals for 2024–25. Going forward, changes could be made to the programme and budget proposals if there was agreement on the specific changes to be made and those proposed changes were submitted to the Conference. In the past, the Director-General had included in an addendum changes that were technically feasible and in line with the overall discussion.

- 1224. Speaking on behalf of the countries of the OIC**, with the exception of Albania, a Government representative of Pakistan said that the amendments had been proposed to facilitate consensus-building in view of members' objections to the controversial terms regarding sexual orientation and gender identity, and not to impose any viewpoint or leave any group open to discrimination. The language of the proposed amendments was consistent with the laws of all Member States and was based on article 2 of the Universal Declaration of Human Rights, which contained all the internationally recognized grounds of discrimination. He was puzzled by attempts to introduce the contentious terms given the unambiguous and well-documented opposition from many members. He was disappointed that those members who had rejected out of hand the proposed amendments had not submitted any constructive suggestions themselves, and that they were willing to tear up a fundamental human rights document to impose their own worldview. The OIC called for a vote on the proposed amendments.
- 1225. Speaking on behalf of the GCC countries**, a Government representative of Saudi Arabia noted that the revised draft decision had not taken account of discussions in recent days or of the paragraph that he had proposed for inclusion. He had hoped that consensus would be achieved, but the revised draft decision took neither their remarks and concerns nor domestic legislation and sovereignty into account.
- 1226. Speaking on behalf of 38 members of IMEC**, a Government representative of the United States noted that the amendment proposed by Pakistan and the OIC members was misleading about the UN stance on the rights of LGBTQI+ persons. Moreover, the proposal to edit a document submitted by the Office was inconsistent with long-standing practice and unsustainable as a precedent. While the group also favoured an amendment of the language in the document, the Governing Body could not efficiently engage in detailed editing of the document. The amendment proposed by Saudi Arabia and Pakistan was not relevant to the programme and budget, which did not impose obligations or responsibilities on Member States, so imposing a caveat on the document was not acceptable. Those amendments did not contribute to a consensus decision.
- 1227. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden said that she aligned her statement with that delivered by IMEC. Her group would continue to strongly oppose all forms of discrimination. The European Union was committed to standing up for equality and non-discrimination. She strongly opposed the amendment proposed by Pakistan on behalf of the OIC countries except Albania, and the amendment proposed by Saudi Arabia joined by Pakistan.
- 1228. Speaking on behalf of the Africa group**, a Government representative of Cameroon noted the positions expressed and reiterated its position about the need to reword paragraph 160. The Africa group dissociated itself from any decision and took note of the decision to resort to a vote in the absence of consensus.
- 1229. A Government representative of Guatemala** said that Guatemala was committed to international labour standards. She had reservations as to the use of terms and conditions and provisions that might explicitly or otherwise infringe the Guatemalan Constitution, but believed it vital to adopt the programme and budget, since it would enable the Office to drive priority projects. Despite her reservations, she did not support either of the amendments tabled, finding that they were not constructive and would not foster consensus.
- 1230. The Employer spokesperson** requested a deferral of the vote to the following day to confer with her group. It was important to take a decision which would also be agreed to and ratified by the International Labour Conference. The matter invited the involvement of the leadership

of the Office to bring both sides in the Governing Body government group together, and it was disappointing that the Office leadership had made no effort to resolve the impasse. The Office should use the time until the following day to seek consensus.

- 1231. The Worker spokesperson** said that the lack of readiness to compromise at the current session was resulting in the need to hold votes. The Director-General was not the only leadership figure; leadership could also have been assumed by the social partners. The situation was undesirable and divisive and should have already been solved by everyone working together. It was not her position to decide on the timing of the vote, but she would not support that the discussion be postponed until the following day. She asked whether the Employers' group was ready to support the amendments.
- 1232. Speaking on behalf of the EU and its Member States**, a Government representative of Sweden fully supported the Chairperson in seeking a vote. She thanked the Director-General and the Office for their efforts. While the lack of consensus was regrettable, the issue at hand was clearly difficult.
- 1233. The Employer spokesperson** clarified that her support for the draft decision had related only to the point outlined by the Treasurer and Financial Comptroller. She stressed that the disagreement had preceded the current session of the Governing Body and much could have been achieved if the time since the previous session had been used more constructively. It was disappointing that a vote was now being forced.
- 1234. Speaking on behalf of GRULAC**, a Government representative of Colombia indicated that GRULAC was prepared to vote.
- 1235. Speaking on behalf of 38 members of IMEC**, a Government representative of the United States said that her group was also prepared to vote on the amendments and to take a decision on the item generally.
- 1236. The Worker spokesperson** noted that the Employer spokesperson had taken a very tough stance when the pending issue had arisen in the context of the adoption of Convention No. 190 and enquired as to the intention of the Employers' group.
- 1237. The Employer spokesperson** referred colleagues to the clear result obtained by the Conference in Convention No. 190, with which her group agreed.
- 1238. The Chairperson** expressed regret that it had not been possible to achieve consensus. The principles of non-discrimination were at the heart of protection of human dignity. She said that the amendments would be put to a vote.
- 1239. The Clerk of the Programme, Financial and Administrative Section** said that the Governing Body would proceed to a vote by show of hands on the amendment proposed by the Government of Pakistan.

(The amendment proposed by the Government of Pakistan was not adopted, with 11 votes in favour, 37 against and 4 abstentions.)

- 1240.** The Clerk of the Programme, Financial and Administrative Section said that the Governing Body would proceed to a vote by show of hands on the amendment proposed by the Government of Saudi Arabia.

(The amendment proposed by the Government of Saudi Arabia was not adopted, with 11 votes in favour, 37 against and 4 abstentions.)

- 1241. The Chairperson** said that given that neither amendment had been adopted, the draft decision contained in document GB.347/PFA/1/1(Rev.1) would now be considered. As it had

been supported by the Workers, 38 members of IMEC, GRULAC, the European Union and part of ASPAG, representing a large number of States, the question arose as to whether a vote was necessary.

- 1242. Speaking on behalf of the countries of the OIC**, with the exception of Albania, a Government representative of Pakistan said that if there was any scope for flexibility from the representatives who had objected to the amendment proposed by Pakistan and voted against it, then it should be brought to the Governing Body for consideration.
- 1243. Speaking on behalf of the Africa group**, a Government representative of Cameroon said she had taken note of the outcome of the votes. She deplored the lack of consensus on terminology that had already been included in consensus-based documents.
- 1244. Speaking on behalf of the countries of the OIC**, with the exception of Albania, a Government representative of Pakistan said that in view of the lack of constructive intent or response from the opposing side he was constrained to call for a vote on the draft decision.
- 1245. The Clerk of the Programme, Financial and Administrative Section** said that the Governing Body would proceed to a vote by show of hands on the draft decision contained in paragraph 7 of document GB.347/PFA/1/1(Rev.1).

(The draft decision contained in document GB.347/PFA/1/1(Rev.1) was adopted, with 42 votes in favour, 9 votes against and 2 abstentions.)

- 1246. The Worker spokesperson** said that it was a sad moment for the ILO. Thanks to all those who had voted in favour of the budget, the ILO could continue with its important work in all countries. It was contradictory that differences of opinion on language, under a principle agreed to by all, had resulted in a vote against a budget the ILO desperately needed to be able to function.
- 1247. A Government representative of Indonesia**, speaking in explanation of vote, said that the fact that a decision on programme and budget proposals had been taken by a vote was deeply regrettable. The outcome of the vote clearly demonstrated that the programme and budget had been jeopardized by the pursuit of a specific agenda beyond the mandate of the ILO. The Office had not heeded numerous calls and constructive proposals put forward by Member States to use consensual language. The introduction of a politically sensitive and controversial notion into the work of the ILO would jeopardize its proper functioning.
- 1248.** His Government had repeatedly stated its principled position on the paramount importance of upholding the universal right to be protected and enjoy human rights in all spheres of life free from discrimination on any grounds. However, it would support the work of the ILO only insofar as it was relevant to the Organization's mandate and in line with Indonesia's Constitution and legislation. His Government did not and would not support the inclusion in ILO documentation of controversial concepts, such as "sexual orientation and gender identity" and "lesbian, gay, bisexual, transexual and intersex persons", that did not enjoy international consensus and undermined the spirit of constructive engagement that the Governing Body should uphold. His Government could not accept a programme and budget that had been co-opted to promote contentious and legally untenable language that lacked universal acceptance among Member States. He urged the ILO to use, in all of its documents, language that was inclusive and enjoyed universal consensus and to avoid the recurrence of those terms.
- 1249.** Lastly, his delegation had witnessed a weakened spirit of consensus during the discussion of several agenda items during the current Governing Body session, which was worrisome. He

called on all constituents to offer compromise as far as possible in order to take decisions by consensus and to avoid introducing politicized issues that would divide constituents and divert the Governing Body's focus away from issues of common concern. He urged the Office to listen to and accommodate the concerns of all Member States in a balanced and fair manner in line with the mandate of the ILO. The needs and interests of the global labour force should be the main priority of the ILO and they would be fully realized only if the Organization and its constituents worked together.

- 1250. Speaking on behalf of the countries of the OIC**, with the exception of Albania, a Government representative of Pakistan, in explanation of vote, said that the fact that the Governing Body had been unable to reach consensus was regrettable but unsurprising. The terms sexual orientation and gender identity were not universally accepted and did not have a single and clear definition. Indeed, societal perspectives in that regard had varied over time and across regions and continued to evolve. Against that backdrop, using language that was legally sound and agreeable to all would have been a surer way of achieving consensus.

Decision

1251. The Governing Body decided:

- (a) **to approve the use of the balance of the Special Programme Account in the amount of CHF4.8 million (estimated at US\$5.3 million at the 2022–23 budget rate of exchange of CHF0.9 to the US dollar) to partially offset the one-off cost of US\$7 million to fund the two sessions of the International Labour Conference in 2024 and 2025;**
- (b) **to recommend to the International Labour Conference at its 111th Session (June 2023):**
 - (i) **to approve a provisional programme level of US\$885,303,443 estimated at the 2022–23 budget rate of exchange of CHF0.9 to the US dollar, the final exchange rate and the corresponding US dollar level of the budget and Swiss franc assessment to be determined by the Conference; and**
 - (ii) **to adopt the following resolution:**

The General Conference of the International Labour Organization,

In virtue of the Financial Regulations, adopts for the 79th financial period, ending 31 December 2025, the budget of expenditure of the International Labour Organization amounting to US\$... and the budget of income amounting to US\$... which, at the budget rate of exchange of CHF... to the US dollar, amounts to CHF..., and resolves that the budget of income, denominated in Swiss francs, shall be allocated among Member States in accordance with the scale of contributions recommended by the Finance Committee.

(GB.347/PFA/1/1(Rev.1), paragraph 7)

2. Delegation of authority under article 17 of the Standing Orders of the International Labour Conference (GB.347/PFA/2)

Decision

- 1252. The Governing Body decided to delegate to its Officers, for the period of the 111th Session of the International Labour Conference (2023), the authority to carry out its responsibilities under article 17 of the Standing Orders of the Conference in relation to proposals involving expenditure in the 78th financial period ending 31 December 2023.**

(GB.347/PFA/2, paragraph 3)

3. Scale of assessments of contributions to the budget for the 2024–25 financial period(GB.347/PFA/3)

Decision

1253. The Governing Body, in accordance with the established practice of harmonizing the rates of assessment of ILO Member States with their rates of assessment in the United Nations, decided to base the ILO scale of assessment for 2024 on the UN scale for 2022–24, and to propose to the International Labour Conference the adoption of the draft scale of assessment for 2024 as set out in the appendix to GB.347/PFA/3, subject to such adjustments as might be necessary following any further change in the membership of the Organization before the Conference is called upon to adopt the recommended scale.

(GB.347/PFA/3, paragraph 4)

4. ILO Strategy on knowledge and innovation (GB.347/PFA/4)

1254. The Employer spokesperson expressed disappointment at the lack of substantive detail in the ILO Strategy on knowledge and innovation. A strategy should provide a framework for action towards a stated purpose, and include a vision, a pathway for achieving that vision, goals for measuring progress, and an indication of the necessary governance and behavioural changes. Although the Strategy as it stood recognized that knowledge management and innovation were critical to enhance the ILO's delivery of services to constituents, it did not set out a true multi-year vision for knowledge management within the Organization. Strategic priority 1 on knowledge management appeared to duplicate existing work, as both that priority and the ILO Research Strategy aimed to systematically identify major knowledge gaps and adapt research according to the evolving needs of its constituents. In addition, it was unclear what changes would be introduced to allow the ILO to "optimize the identification, creation, analysis, representation, distribution, and application of knowledge in order to facilitate learning, innovation or uptake and create organizational value", as per the definition of knowledge management given in the Strategy.

1255. The remaining three strategic priorities did not duplicate existing work, but raised similar issues. The Employers' group wished to know which unit would be accountable for implementation of the Strategy. If it was the facility mentioned in the document, its official status should be clarified; in particular, it was unclear why the focal points for the facility would report to the Office of the Director-General under special initiatives, unless knowledge management and innovation would be considered a special initiative rather than being mainstreamed into the general work of the ILO. In addition, the Office should provide information on how the facility would support departments and units, namely on the kind of practical support envisioned, and efforts should be made to ensure that the facility did not become the sole locus for innovation. He further asked whether the proposed incremental development over the period to December 2025 indicated that the facility would be under continuous development for several years. Resources were also an issue. The Employers' group had expected the Office to provide a governance, structure and action plan, and a plan for the financial sustainability of the facility if donor resources were not readily available. Yet the document simply noted that the ILO would mobilize voluntary contributions from partners interested in promoting knowledge and innovation in the world of work, contrary to the

commitment by the Office at the 346th Session of the Governing Body that a proposal would be presented for consideration regarding funding between regular budget sources and extrabudgetary sources by the Governing Body at its 347th Session, to ensure that necessary funding was included within the Programme and Budget for the biennium 2024–25.

- 1256.** There were also clear inconsistencies in the document. For instance, it stated that specific outputs on knowledge management were set out in section IV of the Programme and Budget proposals for 2024–25, alongside a results-based framework with indicators and targets, whereas that section contained the draft budget of expenditure and income for 2024–25 and did not include any specific outputs on knowledge management. Similarly, enabling output A.3 referred to “innovative approaches to promote social justice”, but contained no reference to the functional innovation facility, while the associated indicator – the number of active networks and communities of practice on knowledge management and innovation – failed to capture the results of the Strategy.
- 1257.** On that basis, the Employers’ group could not endorse the Strategy, as significant work was still needed to ensure it could act as an enabler for delivery of constituents’ needs and priorities, and support the delivery of the Programme and Budget for 2024–25. The group therefore wished to propose an amendment to the draft decision, to read:

30. The Governing Body ~~endorsed~~ took note of the document concerning the ILO Strategy on knowledge and innovation and requested the Director-General to take into account its guidance in preparing a draft implementing the strategy on knowledge and innovation for its consideration at the 349th session (November 2023).

- 1258. The Worker spokesperson** observed that her prime concern was how the innovation facility would be incorporated into the overall ILO structure. She supported strategic priorities 1, 2 and 4; however, consultation through social dialogue with the ILO Staff Union should be prioritized. The Workers’ group was satisfied with strategic priority 2, which appeared to focus on constituents and sought to ensure a clear understanding of their needs, particularly the narrowing of the digital gap.
- 1259.** Priorities 1, 2 and 4 sought to improve the ILO’s ability to deliver results. Paragraph 17 mentioned four policy innovation facilities. The Workers’ group wished to know whether there had been an internal assessment of those facilities and, if so, what were the findings. It had previously expressed concern that the facilities might create unnecessary overlaps, especially with external partnerships.
- 1260.** The ILO Development Cooperation Strategy was being properly implemented. However, strategic priority 3 might duplicate the work of existing departments. With already well established processes for developing and managing partnerships, the rationale for a new facility was unclear. The Office should also indicate whether there were synergies or overlaps with the Global Coalition for Social Justice.
- 1261.** While acknowledging efforts to have a structure on innovation that was more integrated into existing ILO structures and accepting the potential usefulness of a network of departmental focal points as an approach to ensuring greater integration innovation products within the Office, she said that the proposal could not be fully endorsed due to a lack of clarity regarding the issue of partnerships. She consequently proposed an amendment to the draft decision, to read:

30. The Governing Body ~~endorsed the~~ requested the Director-General to take into account its guidance in implementing the ILO Strategy on knowledge and innovation and requested the Director-General to take into account its guidance in implementing the Strategy.

- 1262. Speaking on behalf of IMEC**, a Government representative of the United States welcomed the specific strategic priorities under the overarching Strategy, particularly their focus on internal and external knowledge and innovation. He also welcomed the focus on fostering an enabling ecosystem for innovation within the ILO through the innovation facility. It would be useful to know how the coordination would be staffed at headquarters and it was important to avoid too much bureaucracy.
- 1263.** Clarification on the operational and organizational aspects of the planned safe space for experimentation and freedom to try new approaches would be desirable, as would additional information on funding the Strategy, including to what extent its execution would depend on voluntary contributions. The Office had previously stated that the discontinued Business Innovation Unit had helped redeploy US\$80 million to front-line service delivery. He wished to know how the Strategy would help build on previous redeployments of funds. He welcomed the partnerships with innovation initiatives in the multilateral system envisioned by the Strategy, including the UN Innovation Network.
- 1264.** IMEC would like the Governing Body to receive a mid-term progress report on the implementation of the Strategy for discussion at its November 2024 session and consequently proposed a subamendment to the Workers' amendment, to read:
30. The Governing Body ~~endorsed the~~ requested the Director-General to take into account its guidance in implementing the ILO Strategy on knowledge and innovation and requested the Director-General to take into account its guidance in implementing the Strategy and to submit a mid-term report for discussion at the November 2024 Governing Body session.
- 1265. Speaking on behalf of the Africa group**, a Government representative of Algeria asked whether the innovation facility that was now being proposed instead of a new innovation and knowledge management unit would become a specific unit at headquarters, or elsewhere, while maintaining its virtual operating methods.
- 1266.** The Office should prepare a detailed action plan with clearly defined roles and objectives and provide further clarification on the virtual network of focal points within departments and in the field that was intended to improve uptake of knowledge and innovation services. Specifically, he asked what those services were and which department would be responsible for coordinating the focal points. His group strongly encouraged collaboration with other UN agencies, research centres academia and other institutions. A flexible approach to knowledge-sharing and capacity-building was also necessary, to avoid overlaps and duplication and to promote creativity.
- 1267.** The group noted with satisfaction that some objectives had been recast in the light of proposals made at the 346th Session. Outstanding questions included the outcome of the ILO Service Tracker impact analysis exercise and how the thematic knowledge exchange networks would be strengthened. The fact that the Strategy would cover some aspects of the Global Coalition for Social Justice could be leveraged to secure extrabudgetary resources. More information should be provided on plans to mobilize voluntary contributions, the redeployment of staff and resource allocation.
- 1268.** The priority of any such strategy should be capacity-building for developing countries. A regional training centre should be established in Africa and existing centres should be strengthened. His group supported the development of the Strategy and called on the Director-General to take into account the guidance and recommendations provided in that regard.

- 1269. Speaking on behalf of ASPAG**, a Government representative of Indonesia agreed that, in order to fulfil the ILO's vision of policy coherence and a human-centred approach, new and improved ways of working were needed. On strategic priority 1, more focus should be placed on the ILO's internal capacity for knowledge management and innovation in regional, field and country offices. On strategic priority 2, she emphasized that innovative policies, products and services should be applicable in all Member States, at any stage of development. On strategic priority 3, ASPAG supported the plan to connect with external partners in the multilateral system, in particular the UN's innovation initiatives. When the ILO innovation facility matured, the Office should strengthen it through regional partnerships. On strategic priority 4, it was appropriate to create a culture of knowledge and innovation for all ILO staff. However, every effort should be made to avoid errors that would be detrimental to the needs of the constituents by embedding risk management in the approach.
- 1270.** The Office should provide information on the resources required to implement the Strategy and on the possible evolution of the functional innovation facility into a specific unit. If such a unit were to be established, there must be balanced regional representation among its staff. The unit should also coordinate closely with those implementing the four priority action programmes proposed in the Programme and Budget proposals for 2024–25. ASPAG supported the original draft decision proposed by the Office, but was willing to consider the proposed amendments in order to reach consensus.
- 1271. Speaking on behalf of GRULAC**, a Government representative of Colombia said that her group was keen to hear the Office's response to the questions raised in respect of the proposed amendments and subamendment. In particular, the Office should explain further how the Strategy related to other ongoing Governing Body discussions, including those on the programme and budget and on the Global Coalition for Social Justice – especially in respect of its functional areas – and the discussions at previous sessions on the Research Strategy.
- 1272. A Government representative of China** said that the Office's efforts in the area of knowledge management and innovation not only promoted the efficient functioning of the Organization, but also drove continuous development in the world of work. Building on the discussions at previous sessions, the Office had further clarified and enriched the Strategy. Her Government supported the four strategic priorities and welcomed the establishment of a functional innovation facility. The Office should further clarify the management structure of that facility and enhance internal collaboration to ensure that any specific unit that was created would contribute to the priority action programmes. There should be geographical balance in the staffing of the unit, with priority given to candidates from under-represented Member States. Furthermore, the responsibilities of the unit should be clearly defined and further details should be provided on its budget and structure.
- 1273. A Government representative of Bangladesh** expressed support for the proposals to increase the ILO's internal innovation capacity and to foster innovative policies, as set out in strategic priorities 1 and 2. Strategic priority 3 should include more country-level development partnerships to meet country-specific needs. There should be innovative strategies to devise skill-recognition mechanisms for migrants, eliminate obstacles to the free movement of workers, and create jobs in climate-vulnerable and transition countries. The inclusion of constituents' and partners' satisfaction as an indicator was welcome; evidence-based impact analysis of the innovative steps taken at the country level should also be included.
- 1274. A representative of the Director-General** (Senior Advisor for Special Initiatives) said that the Office appreciated and had taken note of the comments made. The Office was committed to

providing a human-centred service that would enable the whole Organization to deliver on its mandate. The aim of the Strategy was to address identified and anticipated needs arising from the major transformations taking place in the world of work. It built on past achievements, including those resulting from the ILO reform since 2012, and sought to promote cooperation at all levels of the ILO, including among the constituents and with partners. It also sought to enable the ILO to be more innovative in crafting and implementing policies and in its approach to standard-setting, management and governance.

- 1275.** The new approach to knowledge management and innovation was decentralized and drew on existing structures and on in-house expertise and successes. While the proposal was for the functional innovation facility to be coordinated by a unit in the Office of the Director-General (CABINET), departments and offices themselves would be responsible for developing initiatives. Indeed, many had already been carrying out initiatives in areas covered by the Strategy and had indicated that they would like more support in order to take their initiatives forward.
- 1276.** Responding to a question by the Workers' group, she recalled that, although the Office had been using four policy innovation facilities since 2020, it had not yet started to evaluate its initiatives in those four areas, which were still at varying stages of development. The Office intended to continue to work on those areas and on other areas to respond to emerging challenges.
- 1277.** The Turin Centre was not only a necessary link in the chain, but a key vector for innovation and learning. In that regard, she recalled that the Turin Centre Innovation Lab had been established in 2022 to train people for the future of work. It was necessary to be outward-looking and adopt a cross-fertilizing approach to innovative policies. The fact that the innovation facility was being supported at the highest level of the Organization demonstrated the importance attached to it. Various departments had already been mobilized to contribute to the Strategy and communication campaigns would raise awareness of and ensure that people knew about the Office's vision in that regard.
- 1278. Another representative of the Director-General** (Treasurer and Financial Comptroller) said that the Programme and Budget proposals for 2024–25 maintained two knowledge management positions funded under the regular budget, which would continue within the functional innovation facility, meaning that a requirement for additional funding had not yet arisen. There were no specific extrabudgetary funding needs as yet, but cooperation was envisaged with the Multilateral Partnerships and Development Cooperation Department for implementing and funding projects as the need arose. As to the questions on funding and financial efficiencies, the Business Innovation Unit had achieved significant results over the last decade by identifying ways to work more efficiently, leading to some US\$80 million worth of savings, which had been ploughed back into the delivery of frontline services. When examining the programme and budget, consideration was given to whether efficiencies and changes in working methods had been made.
- 1279.** The Office had a history of being innovative and continued to be so; for example, it had worked recently with the UN on a number of innovations, including leasing vehicles from the UN fleet of vehicles and instituting mobile phone banking in Kenya – but it wished to nurture and foster more innovation. He explained that “safe spaces” were areas where people could approach senior officials with new ideas and proposals. Noting that ASPAG had raised the question of risk management, he said that innovation also entailed learning from mistakes.
- 1280. The Director-General** said that the Office had been working on change management for over ten years, seeking to identify efficiency gains. That work should now be expanded, by looking

at different and better ways of doing business in a changing world. He recognized that there were still divergent positions among the three groups in respect of the Strategy. He recalled that discussions were ongoing to determine the level of the Programme and Budget for 2024–25 and that, based on feedback received so far, an increase of US\$1.9 million might be unacceptably high. Thus, it might be more efficient and cost-effective to integrate the proposed innovation facility into the Special Initiatives Unit in CABINET. It was also important to make the best use of the Turin Centre Innovation Lab. Regardless of whether a facility was established, the substance of the work on innovation would not change. Any innovations that could lead to efficiency gains would be discussed with the representatives of the ILO Staff Union. Care would also be taken to avoid duplication of work within the multilateral system. He commended the innovation work of the World Food Programme and the UN, and said that the Office would build on that work. Although the intention was not to establish public–private partnerships, lessons could be learned from such partnerships in other contexts. Innovations in ways of doing business would also contribute to the goals of the Global Coalition for Social Justice, addressing inequality and gaps in social protection. Lastly, he said that the amendment proposed by the Workers’ group, as subamended by IMEC, was acceptable to the Office.

- 1281. The Employer spokesperson** said that his group still had serious concerns. The Governing Body had recognized the need to accelerate the pace of innovative change by harnessing and leveraging the ILO’s data and resources; however, innovative approaches to doing business required more than general statements. The Office should focus on operational and behavioural change and on developing methods to enable that change. He asked how the Governing Body would evaluate the Office’s progress in implementing the Strategy in November 2024, based on the information currently available. He did not agree with delaying a review until then. Any strategy should have clear and measurable milestones and objectives. The Office should take advantage of the current momentum of its work on innovation, and develop an implementation plan to provide a basis for evaluating progress prior to the 2024–25 biennium and suggest any necessary modifications. While he could accept the amendment proposed by the Workers’ group, the subamendment proposed by IMEC should be reworded to reflect that the Governing Body should discuss an updated Strategy and implementation plan in November 2023, rather than just a mid-term report in November 2024.
- 1282. The Worker spokesperson** welcomed the explanation of the decentralized approach to knowledge management and the Office’s work across departments to implement the Strategy. She thanked the Office for taking on board the concerns that had been raised. However, as there was so much work for the Office to do, specific care should be taken to ensure that it was not duplicating work being done elsewhere. Similarly, the Strategy should not become the focus of a recurring discussion in the Governing Body. Expressing a preference for a discussion of the Strategy to take place in November 2024, she said that, before agreeing to the latest proposed amendment to the draft decision, she would first prefer to hear the opinion of IMEC.
- 1283. Speaking on behalf of IMEC**, a Government representative of the United States said that his group required more time to discuss the proposed discussion on an updated strategy and implementation plan.
- 1284. Speaking on behalf of GRULAC**, a Government representative of Colombia said that her group had been ready to accept the subamendment proposed by IMEC, but would reserve its position until consultations had been completed.

1285. Speaking on behalf of the Africa group, a Government representative of Algeria reiterated that any strategy required targeted objectives and well-defined phases. She expressed support for the Strategy and its intentions, but called on the Office to fully address all of the concerns and questions that had been raised. She also requested more time to join consultations on the latest subamendments proposed to the draft decision.

(The Governing Body resumed consideration of the item after the Office circulated an amended version of the draft decision following consultations.)

1286. Speaking on behalf of IMEC, a Government representative of the United States said that, during the consultations, it had been agreed that the item would be revisited in November 2024. IMEC could support the draft decision, as amended.

1287. Speaking on behalf of the Africa group, a Government representative of Algeria joined the consensus in supporting the draft decision as amended.

1288. The Worker spokesperson expressed support for the draft decision as amended.

1289. The Employer spokesperson also expressed support for the draft decision as amended.

Decision

1290. The Governing Body requested the Director-General to take into account its guidance in implementing the ILO Strategy on knowledge and innovation and to submit an updated strategy and implementation plan for review at the November 2024 session of the Governing Body.

(GB.347/PFA/4, paragraph 30, as amended by the Governing Body)

5. Financial implications of the adoption of the ILO Open Access Policy (GB.347/PFA/5)

1291. The Worker spokesperson welcomed the ILO's digital-first publications strategy as open access raised the visibility and impact of the ILO's work by facilitating its use, reproduction and distribution and was particularly important for the Workers' group. However, his group remained concerned about the digital divide and would like to reiterate its request that the Office should ensure that ILO materials remained available in print for those who did not or were not able to have access to digital materials. Regarding costs, he asked how the annual deficit would be covered once the Publications Revolving Fund was exhausted and whether the additional cost to be borne by authors and the ILO would create a barrier to developing new products. Lastly, he stressed the importance of quality control of the way in which ILO materials were used and asked the Office to provide information on the potential legal implications for the Organization in the event of the misuse of ILO materials. He supported the draft decision.

1292. The Employer spokesperson supported the draft decision.

1293. Speaking on behalf of the Africa group, a Government representative of Rwanda said that in view of the decrease in the Fund's income over the past decade and its projected exhaustion in 12 years, the Office should seek new ways to enhance internal efficiencies to avoid that eventuality and seek other sources of income to replenish the Fund. In addition, he expressed the hope that the Office would continue to provide institutional support to authors from developing countries and that such support would be unaffected by the projected diminishment of the Fund. He supported the draft decision.

- 1294. A representative of the Director-General** (Treasurer and Financial Comptroller) said that the balance of the Publications Revolving Fund would be exhausted in 12 years if use continued at the current rate. However, the Fund continued to receive income from existing publications in accordance with Financial Rule 3.31; the Office would find ways of ensuring that the Fund could be drawn on beyond that projection. Regarding concerns about access to digital materials, he said that the Office would endeavour to ensure that printing of all major publications was available on demand. As to quality control on the use of ILO materials, he said that the ILO, like the United Nations, was using a Creative Commons license, which was enforceable and could be used to control how data were used. Specifically, it could be used to prevent the use of open access data for profit and ensure that it was used for its intended purpose, namely, to disseminate information more widely. Lastly, he reassured the Africa group that support for authors in developing countries, and worldwide, would not be affected by the Open Access Policy.
- 1295. The Worker spokesperson** said that the question of whether the shift of costs from publishers to authors would create problems within the Organization remained to be answered. Noting that continued support would be preserved for authors from developing countries, he hoped that this would not be an issue in the future.

Decision

- 1296. The Governing Body took note of the adoption of the ILO Open Access Policy and its long-term financial implications on the Publications Revolving Fund, and decided that the current balance of the Fund be used to cover the projected annual net deficit until it is exhausted.**

(GB.347/PFA/5, paragraph 19)

6. Other financial matters

(No other financial questions were submitted to the Governing Body at this session.)

Audit and Oversight Segment

7. Report of the Independent Oversight Advisory Committee (GB.347/PFA/7)

- 1297. The Chairperson of the Independent Oversight Advisory Committee (IOAC)** said that the Committee's report presented an overview of the work carried out by its members during the period from February 2022 to January 2023, including a technical analysis of the submissions for the role of External Auditor of the ILO for 2024–27 and an independent peer review of the functioning of the Committee. She highlighted the policy and process improvements implemented by the Office and results achieved during the year, and drew the Governing Body's attention to the four recommendations made by the Committee. She noted the areas for improvement in the work of the Committee highlighted by the independent peer review and said that feasibility of implementing them would be assessed and any progress in that regard would be reported to the Governing Body in due course. She welcomed the support and cooperation provided to the members of the Committee by ILO management and staff throughout the year, and extended the Committee's appreciation to the Governing Body members for their interaction with the Committee.

- 1298. The Worker spokesperson** expressed support for the four recommendations made by the Committee. She noted that recommendation 3, on the skills-mapping exercise, reiterated a recommendation from 2022 that remained to be implemented. The ILO required more robust tools for workforce and succession planning, which would benefit from the data provided by the skills-mapping exercise. Concerning recommendation 4, on adequate staffing of the Investigation and Inspection Unit, she reiterated the importance of staff continuity in the investigation function and the need to strengthen the culture of reporting wrongdoings through clear procedures. Steps should also be taken to ensure confidentiality, strengthen accountability and minimize the risk of reprisals. The proposed budget increase in the Programme and Budget proposals for 2024–25 would enhance the capacity of the Office of IAO. She asked why only 5 per cent of staff from P5 to D2 levels, rather than the goal of 75 per cent, had completed risk training. Additionally, with particular reference to cybersecurity, she requested that progress reports on the delivery of the Information Technology Strategy be provided to the Governing Body for discussion, not merely for information. She encouraged the Office to find an adequate balance between the Committee’s mandate and the implementation of the outcomes of the independent peer review. She noted in particular the recommendation contained in paragraph 52(f) of the Committee’s report and urged the Office to organize annual meetings to clarify relationships with relevant oversight actors and develop synergies. She supported the draft decision.
- 1299. The Employer spokesperson** welcomed the Committee’s recommendations. In particular, the Office should review the delivery of outcome 6 of the 2020–21 Programme and Budget, which fell short of target; given the decision to include a dedicated policy outcome on gender equality and non-discrimination in the Programme and Budget for 2024–25, the Office must demonstrate its capacity to deliver to constituents, based on their needs, to advance the transformative agenda for gender equality and non-discrimination. The areas for improvement indicated no material weaknesses and the internal controls process appeared robust. Concerning the low take-up rate of risk training, the Office should set deadlines for all relevant staff to complete such training. On human resources management, it was crucial that the Office demonstrate effectiveness in implementing the Human Resources Strategy 2022–25 and associated learning action plan. Furthermore, the skills-mapping exercise must include all categories of staff at headquarters and in the field and assess the skills relevant to meeting constituents’ needs; the Office should report on the results of the exercise to the Governing Body in March 2024. The Employer’s group shared the concerns expressed by the Committee regarding the need for remedial actions to minimize the risk identified in the Staff Health Insurance Fund (SHIF) assurance audit and implement the related recommendations. He asked how the Office planned to strengthen the capacity of the IAO should the proposed budget increase in the Programme and Budget for 2024–25 be rejected. His group supported the appointment of a full-time Ethics Officer and requested that the work of the Ethics Office further support internal staff development activities to feed into staff policy and regulations. Lastly, the remaining recommendations for improvement must be addressed, especially on the need for better calibration between the Committee and the Evaluation Office to avoid overlap. He supported the draft decision.
- 1300. Speaking on behalf of the Africa group**, a Government representative of Nigeria acknowledged the progress made, including on the specific issues mentioned in paragraph 18 of the report and on implementation of outcomes 6 and 7 of the 2020–21 Programme and Budget. However, timely implementation of the outcomes should be based on consensus and national requests. Early completion of the action plans mentioned in recommendation 2 would benefit the Office. He looked forward to a progress report on the early completion of the skills-mapping exercise at the Governing Body’s next session. With reference to the

comment in paragraph 34 on activities curtailed due to the global pandemic, he asked whether lessons had been learned on further curtailing activities and costs without significantly affecting programme delivery. Additionally, he requested further information on the areas of underlying weaknesses in internal controls mentioned in paragraph 35. The risk identified in relation to operational control environment issues, specified in paragraph 36, required an appropriate response from the Office or remedial actions. He noted with satisfaction the improvements in the process for handling cases of wrongdoing at the ILO and endorsed the recommendation to ensure adequate staffing. He welcomed the outcome of the peer review and looked forward to the further improvements recommended. He asked how the areas of focus identified in the Committee's work plan for 2023 would be achieved. More frequent informal meetings with constituents would allow the exchange of views on progress and challenges.

- 1301. Speaking on behalf of GRULAC**, a Government representative of Colombia noted the analysis of the submissions for the role of External Auditor. The group supported the Committee's recommendations but was concerned by the recommendations on programme delivery, operational efficiency, and internal controls. In particular, GRULAC supported recommendation 4 and appreciated the corresponding proposal in the programme and budget. It was important that the Human Resources Development Department (HRD) demonstrate its effectiveness in the skills-mapping exercise and implementation of the Human Resources Strategy. She welcomed the information on the number of referrals for advice on ethics issues and on plans to prepare various policies for the Ethics Officer and requested that the annual report of the Ethics Office be published as an information document for the Governing Body at its annual March sessions. She noted the Committee's participation in the independent peer review and its findings on good practices and opportunities for improvement and looked forward to receiving further information in that regard. The implementation of recommendations that would enhance interaction between the Governing Body and ILO management was particularly relevant. The practice in other organizations whereby some committees held information briefings with Member States after their regular and extraordinary meetings could be usefully extended to the ILO.
- 1302. Speaking on behalf of IMEC**, a Government representative of the United States reiterated her group's call for timely and full implementation of the External Auditor's recommendations. It was encouraging that the areas for improvement related to the efficiency of operations, not to material weaknesses in the effectiveness of internal controls. She expressed strong support for efforts to ensure adequate staffing for the IAO, underlining the importance of staff retention and continuity; timely investigations were crucial to fostering a culture of accountability. She urged the ILO to conduct the fraud risk assessment without delay, address the low-risk training completion rate and enhance accountability for risk management more broadly. Additional information on efforts to incorporate the UN's system-wide policy on disability inclusion into the Human Resources Development Department's ongoing work on diversity and inclusion was welcome. She noted the ambitious activities and positive contributions of the Ethics Office to awareness-raising, training and capacity-building, and commended the Committee and ILO management for their participation in the peer review process and the resultant positive performance evaluation. She supported the Committee's work plan for 2023–24 and looked forward to future reporting on implementation of the recommendations.
- 1303. A Government representative of the Russian Federation** urged the secretariat to fully implement the recommendations of the Committee and requested a progress update on the implementation of past recommendations. Welcoming the decision to hold a meeting with

the JIU, he asked whether the JIU had commented on the extent of implementation of its recommendations and whether it was intended to meet with the JIU regularly. He agreed on the need to strengthen the risk management system in the ILO and asked whether the Office saw any advantage in taking a risk-based approach to preparation of the ILO programme and budget, as other UN organizations did. With regard to audits, he questioned whether remote audits could properly assess the situation on the ground. Lastly, he urged the Committee to hold regular briefings for Member States after its meetings, which would strengthen bilateral cooperation and enhance the oversight function in the ILO.

- 1304. The Chairperson of the IOAC** noted the comments, especially those relating to internal governance and improved coordination of internal oversight functions to avoid overloading staff. With regard to the detailed work plan, the secretariat ensured that the Committee covered every required topic at its annual meetings at least once. Certain important items were covered at each meeting, while others were addressed at one of the three meetings. If more time were needed, supplementary virtual meetings could be and had been used twice in the previous year. The Committee would discuss the feasibility of holding a briefing session after each of its meetings; if taken forward, such sessions would be held with all constituents of the Governing Body. She clarified that the only recommendation outstanding related to the skills-mapping exercise, which had been carried forward as a new item. Although the Committee did not follow up on the percentage of JIU recommendations implemented, the JIU had indicated that the percentage of recommendations accepted by ILO management was on a par with the UN average of 73 per cent. While acknowledging the challenges of remote auditing, she contended that investment in data analytics could enable efforts to be focused more strategically. Private firms were ahead of the UN in that regard; the Committee considered a positive development that the IAO had identified partners able to implement private sector best auditing practices at the ILO. Lastly, she indicated that the Committee would continue to have meetings with the JIU and to follow up on the regular briefing sessions.
- 1305. A representative of the Director-General** (Treasurer and Financial Comptroller) confirmed that the skills-mapping exercise had commenced. The initial results were expected by the end of 2023 and would be analysed before moving forward with the exercise in 2024. With regard to the low take-up of risk training, his office had written to all staff concerned to remind them to complete the training urgently and would follow up to ensure that the training was completed on a regular basis, across the board. It would be more appropriate to consider how the strengthening of the IAO might be impacted by the budget proposals during the scheduled discussion of document GB.347/PFA/1.
- 1306.** With regard to enterprise risk management, a new system had been put in place that provided every office with a risk register. The system software included a built-in template that enabled risks to be identified across the whole of the business, enabling the strategic risk register to be built from information collected from across the Organization at all levels. In future years, the data on risks and outcomes of those risks would be available to all offices around the world; that information would give senior management an understanding of what was happening and feed into the development stage of the programme and budget. The strategic risk register was taken into account in the programme and budget; the new software would also enable the information collected to be taken into account for technical cooperation projects on a regular basis. He took note of the comments about SHIF management; activities needed to strengthen controls in that regard had been discussed. All recommendations made by internal audit, external audit and the IOAC were reviewed in depth to ensure that

recommendations on key internal controls were met and that their requirements could be fulfilled.

Decision

1307. The Governing Body took note of the 15th annual report of the Independent Oversight Advisory Committee appended to document GB.347/PFA/7 and requested the Office to take into account the guidance it provided.

(GB.347/PFA/7, paragraph 4)

8. Report of the Chief Internal Auditor for the year ended 31 December 2022 (GB.347/PFA/8)

1308. The Employer spokesperson expressed concern at the record number of referrals received by the IAO in 2022. That number might attest to greater staff awareness and confidence in the system's ability to tackle inappropriate conduct, but also underlined the need to strengthen governance and improve standards of staff conduct. The IAO had made seven strategic recommendations to the Office. With regard to the Business Process Review, the document indicated that the cost of the ILO's partnership with the consulting firm had amounted to US\$13.5 million over four years. His group had requested an explanation of those costs at a previous session of the Governing Body, but the figures were not available; he therefore requested that a cost-benefit analysis be carried out and emphasized the need for management to put in place for any future major project a system to formally document all discussions justifying key decisions in order to enhance transparency and accountability, consistent with the recommendation. The internal audit report on the ILO Sexual Harassment Policy had commended the measures taken by the Office and made a number of positive recommendations, including that when cases of sexual harassment came to light, the measures taken should be reviewed at the highest level of management and protection offered to complainants, witnesses and whistle-blowers; the Office should update sexual harassment reporting procedures; and consideration should be given to extending the deadline for submission of a complaint, taking into account the seriousness and repetitive nature of the offence. He asked to what extent references were checked with candidates' former employers, as doing so could reduce risks to the Organization. The Employers would like to know where the Office stood on the need for a simplified reporting structure for audit and investigation procedures and a single internal body responsible for the entire procedure from receiving allegations to conducting investigations. Lastly, he noted that while anti-fraud measures in relation to the SHIF were improving, much remained to be done.

1309. The Worker spokesperson acknowledged the continued difficulties in conducting audits and leading investigations given the delays caused by the COVID-19 pandemic and resulting high level of referrals, noting with appreciation that the IAO was resuming normal operations, including field audits on location. She noted the audit reports submitted during 2022 and the IAO's seven strategic recommendations. She expressed full support for the recommendations made concerning the Business Process Review, as efforts to increase transparency and accountability for all management decisions were of the utmost importance. She welcomed the auditors' positive assessment of the ILO Sexual Harassment Policy and urged the Office to act on the recommendations made by the IAO to further strengthen a culture of zero tolerance. The Workers' group was firmly convinced that the Office should prioritize action against sexual harassment of any kind. She urged the Office to refrain from creating precarious employment conditions for its staff through the continued practice of issuing

external collaboration contracts to ILO staff to bridge timing gaps in development cooperation projects. The Office must seek more appropriate means of retaining staff in such circumstances. Lastly, she noted the upswing in referrals and investigations undertaken by the IAO and urged the Office to take into consideration the lessons learned in order to prevent further incidence of fraud and to update monitoring systems on its activities.

- 1310. Speaking on behalf of GRULAC**, a Government representative of Colombia reiterated the urgent call for the ILO to have in place effective communication channels for reporting sexual harassment. She requested the Office to hold a briefing session with Member States to set out in further detail the current strategy for preventing sexual harassment and responding to complaints, and the actions that would be taken to address the audit recommendation. She asked the Office to share the Director-General's letter to the UN Secretary-General highlighting the ILO's efforts to tackle sexual harassment and exploitation. Noting an increased budget allocation for the Human Resources Development Department and the IAO in the Programme and Budget proposals for 2024–25, she suggested that it should be used to support the prevention of and response to sexual harassment, and that the percentage of staff members who received the mandatory training should be included as an indicator under output C.3. Concerning the lessons learned from investigations, she urged the Office to adopt measures to enhance governance and management systems and reduce the risk of fraud in dependency benefits and outside activities.
- 1311. Speaking on behalf of the Africa group**, a Government representative of Eswatini commended the IAO for conducting its activities in conformity with the International Standards for the Professional Practice of Internal Auditing and other professional standards, and urged the Chief Internal Auditor to maintain his independence from management and other stakeholders in carrying out his activities. The group wished to know why the number of referrals for review had increased significantly compared to the previous three years. He urged the Office to address the IAO recommendations that had been rated of high significance in order to strengthen the implementation of the sexual harassment policy.
- 1312.** Given the inherent weaknesses in the old voting system, he welcomed the fact that it had not been used for the election of the Director-General and that a new electronic voting system would be fully implemented in the second quarter of 2023. He commended the implementation rate of the recommendations of previous years and urged the Office to ensure full implementation of all outstanding recommendations. His group supported the draft decision.
- 1313. Speaking on behalf of IMEC**, a Government representative of the United States urged the Office to follow up on the seven strategic recommendations of the IAO. Ongoing awareness-raising campaigns, mandatory training sessions and streamlined investigation mechanisms were critical to the effective implementation of the ILO Sexual Harassment Policy. She encouraged the Office to adopt a survivor-oriented approach when responding to allegations of sexual harassment and to take immediate action on all proposed recommendations in line with the UN System Model Policy on Sexual Harassment. She also called upon senior management to demonstrate their personal commitment to zero tolerance for sexual harassment.
- 1314.** Concerning the ILO's response to COVID-19, she asked whether all objectives of the IAO's planned review had been incorporated into the report of the Evaluation Office, the independent high-level evaluation. As to the assurance audits, she asked why management had not accepted four of the recommendations and what the nature was of those recommendations. Her group encouraged the Office to implement and report on all audit

recommendations adequately and in a timely manner. Concerning the investigations conducted, she urged management to consider and follow up on the lessons learned regarding fraud and professional misconduct, and expressed the hope that the increased number of referrals had been due to increased trust in the reporting system and decreased fear of retaliation. The growing backlog of cases was concerning, and might result in a perception that management was unresponsive; she enquired about the staffing of the IAO, and what strategies the IAO and senior management had put in place to address delays in investigations and the backlog of cases. She asked whether there had been any allegations of retaliation against whistle-blowers and whether, in substantiated cases of sexual exploitation, abuse and harassment, the ILO entered the names of the individuals responsible into the ClearCheck screening database. IMEC supported the draft decision.

- 1315. A Government representative of the Russian Federation** said that he welcomed the return to the practice of in-person audits, since it was the most effective method. With regard to the Business Process Review at ILO headquarters, he asked whether a preliminary quantitative evaluation of the improvements to business processes had been conducted and whether any significant financial advantages could be expected. He asked whether the IAO's reliance on consultancies to conduct audits was owing to insufficient qualified staff. He proposed that the IAO should consider evaluating the effectiveness of the policy on fraud and misconduct in the same way as it analysed the effectiveness of the ILO Sexual Harassment Policy. He asked whether there were any deadlines for the investigation of complaints and how quickly cases were handled. Lastly, he asked whether briefings were routinely held for the Governing Body members on the planned work of the IAO and whether the plan for 2023 could be consulted.
- 1316. The Chief Internal Auditor** said that it was difficult to pinpoint the reason for the increased number of cases, but he believed that it was due in part to increased confidence in the system resulting from efforts to raise awareness among staff and a policy that protected the identity of whistle-blowers. Furthermore, a series of allegations in one particular country had contributed to the increase.
- 1317.** The independent high-level evaluation of the ILO's COVID-19 response had covered almost all areas that would have been included in the IAO's review; any areas without an overlap would have been covered in the IAO's normal audits.
- 1318.** Regarding the four recommendations that had not been accepted, one was on responsibilities related to enhancing security in the approval process for purchase orders, where management had decided that the current system did not pose any increased risk and that the effort expended would exceed the benefits. A second recommendation concerned security arrangements over payments in electronic banking, and a third concerned ensuring correct completion of letters of representation; in both cases, management had taken other measures to reduce risk. The fourth recommendation concerned implementing set hours of access to the ILO's e-banking system; management had responded that the ILO operated globally and should not restrict its banking hours.
- 1319.** There were three core staff positions in the Investigation and Inspection Unit: one head of unit, one investigator position that was being filled on a temporary basis and one administrative position for which recruitment was nearing completion. In addition, two senior investigators had been hired using supplementary funding which could come to an end. The IAO had a long-term agreement with a consulting firm with expertise in investigations, particularly in sexual harassment, exploitation and abuse cases. Long-term agreements were used to boost capacity and supplement the skills of in-house staff, for example, in a digital world that was constantly evolving.

- 1320.** As investigations were demand-led, it was impossible to predict how many would be conducted in 2023. The strategy focused on clearing the backlog of investigations, and the additional funding proposed in the Programme and Budget for 2024–25 would help significantly in that respect.
- 1321.** According to the IAO Standard Operating Procedure, investigations should be completed within six months. However, the time frame might vary in practice depending on the complexity of the case and the number of allegations received in any given year. A system was in place to prioritize cases, and complaints initially categorized as low-risk would become high-risk after a set time period.
- 1322.** Regarding entry in the ClearCheck screening database, in the case involving an implementing partner, it was for the partner to take any such action. In the internal case, the Office had taken action against the individual responsible, but the sexual harassment was not so extreme as to merit summary dismissal or entry into ClearCheck. The sanction of censure had been applied in this case.
- 1323.** Allegations of retaliation could be brought to the Ethics Officer, who would conduct a preliminary review and, if he found them to be credible, would refer the allegations to the IAO for investigation. The IAO had investigated one allegation of retaliation in 2022 and had found it to be unsubstantiated.
- 1324.** With regard to the Business Process Review, financial savings had been made by streamlining back-office support processes and reallocating those resources to frontline activities. The Review had also helped increase efficiency, through workflows, and improve transparency, through dashboards.
- 1325.** It had not been standard practice for the IAO to give a briefing on its planned work to Governing Body members; the IOAC provided technical scrutiny. However, a bilateral briefing could be arranged if the Governing Body so wished. Furthermore, an indication of the IAO's planned work could be given in future reports.
- 1326.** **A representative of the Director-General** (Treasurer and Financial Comptroller) assured the Governing Body that the Office had taken the report on sexual harassment very seriously and work was under way to address the urgent elements in line with the UN System Model Policy on Sexual Harassment. With respect to the recommendations of the Business Process Review, all work related to projects, such as meetings, reviews and decisions, would be properly documented in order to leave an audit trail. Concerning the processes for the reporting and investigation of alleged wrongdoing, the Office had been working with the IOAC since 2022 to develop a model, which was reflected in a [flowchart](#). It was relatively complex, given the number of potential actors – including staff, consultants and contractors – and the different jurisdictions involved.
- 1327.** With regard to the four audit recommendations that had not been accepted, it was normal practice for the Office to review the IAO's recommendations and decide not to implement them if they had been addressed elsewhere or there was no net benefit in doing so. A statement on internal control, which outlined steps taken to address issues deemed critical, was prepared every year as part of the financial statements.
- 1328.** Lastly, he noted that great strides had been made in recent years to deter and detect fraud. The Office continuously monitored fraud risk to identify areas of the internal control system that needed improvement.

Decision

1329. The Governing Body took note of the report of the Chief Internal Auditor for the year ended 31 December 2022.

(GB.347/PFA/8, paragraph 4)

9. Appointment of the External Auditor (2024-27) (GB.347/PFA/9(Rev.1))

1330. The Worker spokesperson said that, since the decision to appoint the Comptroller and Auditor General of India had been unanimous, the Workers' group fully endorsed the decision and welcomed the new External Auditor of the ILO. She noted the Selection Panel's view that it would have been beneficial to interview all potentially qualified candidates and that the maximum of three interviews as established in the arrangements for the appointment of the External Auditor ⁶ could be reviewed for future selection processes.

1331. The Employer spokesperson said that his group endorsed the decision. He expressed confidence that the outcome would ensure continuity and benefit the governance and operational structure of the ILO.

1332. A Government representative of India said that the appointment of the Comptroller and Auditor General of India exemplified the ILO's willingness to promote diversity and equitable geographical representation in its policies and actions. It was an acknowledgment of India's expertise in auditing and its commitment to the highest standards of accountability and transparency, and presented an excellent opportunity for the Comptroller and Auditor General of India to contribute to the ILO by leveraging the latest technologies in data analytics, risk profiling and sampling.

Decision

1333. The Governing Body, based on the selection process as outlined in document GB.343/PFA/7 and the unanimous recommendation of the Selection Panel, decided to appoint the Comptroller and Auditor General of India as the External Auditor of the ILO for the 79th and 80th financial periods, with the appointment to commence on 1 April 2024 for a period of four years.

(GB.347/PFA/9(Rev.1), paragraph 5)

10. Other audit and oversight matters

(No other audit and oversight questions were submitted to the Governing Body at this session.)

Personnel Segment

11. Statement by the Chairperson of the Staff Union

(The statement by the staff representative is reproduced in [Appendix III](#).)

⁶ GB.343/PFA/7.

12. Amendments to Staff Regulations

(No amendments were submitted to the Governing Body at this session.)

13. Matters relating to the Administrative Tribunal of the ILO

(No matters were submitted to the Governing Body at this session.)

14. Progress report on the implementation of the Human Resources Strategy for 2022–25 (GB.347/PFA/14)

- 1334. The Employer spokesperson** said that outcome 1 was a key priority for the Employers' group, as a diverse workforce needed to encompass diversity of thought based on differences in experience and expertise. Practical knowledge of the world of work and its constituents, including employers' organizations, was very important to strengthen the diversity and relevance of the ILO. With regard to the update on recruitment, she asked whether all the 77 vacant positions had been filled, and if not, what the reasons were. The Employers' group agreed that merit-based recruitment was the most important consideration to deliver quality service to constituents. Concerning the need to increase the number of ILO staff with experience relevant to the three constituent groups, she requested the Office to provide information from the analyses of applicants since 2018 and of current staff in future updates on the composition and structure of staff, as that was critical for monitoring progress.
- 1335.** The Employers' group would have appreciated additional information on the skills-mapping exercise for policy departments and technical specialists. The mapping must also assess gaps relating to effectively serving the three constituent groups and those gaps should be addressed before the March 2024 session of the Governing Body.
- 1336.** On outcome 2, progress made on performance management was appreciated. She highlighted that the Human Resources Development Department should give managers the means, support and resources to manage poor performance, otherwise the motivation of strong performers might be undermined. Furthermore, the Office should consider taking into account the results of performance appraisals when recruiting internally, reclassifying posts or offering internal promotions. Negative performance appraisals should be used to reassess the capacity or conduct of staff based on the operational requirements of their position and to support justified discontinuation of service. She requested information on the number of contracts that had been terminated based on performance issues.
- 1337.** With regard to focus area 2.3 on creating a respectful and ethical workplace, she reiterated that the Office needed to be a role model, including by having a zero-tolerance policy towards workplace violence and harassment. When harassment was substantiated, senior management should raise awareness on actions taken to address it, while offering protection to complainants, witnesses and whistle-blowers. It was important that staff, both at headquarters and in the field, were fully aware that all allegations would be taken seriously, that potential perpetrators should know that they could not act with impunity, that unjustified complaints would have consequences and that any individuals who were unjustly accused would not suffer as a result.
- 1338.** On leveraging technology for efficient human resources service under outcome 3, the Employers' group expressed appreciation for the ILO's talent management system, but noted that the dashboards developed for recruiters should show not only the gender breakdown, but also geographical diversity and experience relevant to the three constituent groups.

- 1339.** She reiterated her point from the previous session that the key indicators established for the Strategy had not been adequately designed to monitor and track the ILO's performance on all focus areas. In particular, no indicator under outcome 1 enabled the Office to measure progress on enhancing experience among staff relevant to the three constituent groups; she urged the Office to include a comprehensive analysis of its efforts and results in the specific reporting compiled at the end of 2023. The Employers' group supported the draft decision.
- 1340. The Worker spokesperson** welcomed the progress that had been made in implementing the Human Resources Strategy. Regarding outcome 1, it was encouraging to see that progress had been made on recruitment requirements and corresponding negotiations with the Staff Union. He requested more information on the plans to revise the minimum requirements for languages. With regard to the timely filling of vacancies, it would be useful if the Office calculated the timelines for regular budget and development cooperation vacancies in the same manner: either from the posting of the vacancy or the close of applications. He asked whether it took much longer to fill regular budget posts and, if so, why.
- 1341.** Efforts to engage diverse staff were positive; however, more effort was needed to increase the number of staff with experience and expertise relevant to the three constituent groups. He requested more information about the specialist company that was providing support in outreach to international and humanitarian organizations, including whether it applied any recruitment criteria in that regard. The Workers' group welcomed the developments related to parental leave, which was important in enhancing gender equality in respect of family responsibilities.
- 1342.** With regard to outcome 2, the Workers' group welcomed the fact that the new Office-wide policy on flexible working arrangements was being negotiated with the Staff Union; he asked the Office to indicate when it would be finalized. The workshops on managing hybrid teams seemed to be very useful in relation to flexible working arrangements. He strongly encouraged ILO leadership to pursue the ILO action plan on mental health and well-being at work and requested more details on its timeline. With regard to digitalization under outcome 3, he reiterated the comments made by the Workers' group in November 2021 and stressed the need to strike the right balance between virtual and face-to-face contact. The Workers' group supported the draft decision.
- 1343. Speaking on behalf of the Africa group,** a Government representative of Gabon lauded the new minimum education and experience requirements for recruitment to positions in the Professional and General Service categories, although she asked what measures were planned to ensure that they did not become a barrier to diversity. She also wished to know which job families would be subject to variations in the minimum language requirements; for her group, knowledge of one of the ILO's working languages must be a minimum requirement for all jobs.
- 1344.** The Office should continue its efforts to improve geographical diversity among staff by cooperating with under-represented countries, create indicators to measure the progress made towards gender equality, particularly in managerial posts where the gender gap was especially evident, and promote the recruitment of persons with disabilities. With regard to the capacity to deliver, the Office should take the measures necessary to bolster training in the use of digital tools for staff in ILO regional offices.
- 1345.** The Africa group welcomed the forthcoming e-learning module on the ILO's performance management framework and the new Office-wide policy on flexible working arrangements, although it believed that in-person work was best suited to meeting operational needs.

- 1346.** Her group welcomed the Office's initiatives to support the mental health and well-being of its staff and noted with interest the ongoing update of the anti-harassment policy. Her group supported the draft decision.
- 1347. Speaking on behalf of ASPAG,** a Government representative of Japan said that the Office, having made steady progress in implementing the Human Resources Strategy, should redouble its effort in that regard. Recalling the importance of geographical diversity in guaranteeing the effectiveness of the ILO's work, he encouraged the Office to exceed its geographical diversity target, decrease under-representation, provide detailed data on its progress and increase diversity in positions not counted for the purposes of monitoring geographical representation. Job descriptions should not contain excessive requirements or hidden language requirements; there had been reports that candidates for positions requiring one of the ILO's working languages had been expected to answer questions in more than one working language at interview. Awareness of that issue should be raised among staff involved in the recruitment process. Geographical diversity, disability inclusion and gender parity, were of equal importance.
- 1348.** Functional and geographical mobility should be promoted. Geographical mobility, which served as motivation for high-performing staff members, should be considered in applications for more senior positions at headquarters, with high-performing staff at ILO regional and country offices recruited to headquarters to improve the work undertaken there. ASPAG requested the Office to draw up specific plans to improve geographical mobility and to report on its progress at future sessions of the Governing Body.
- 1349.** The Office should require that all staff complete the e-learning module on the prevention of sexual exploitation and abuse; make progress on the investigations into the more than 80 active cases involving allegations of violence, harassment or misconduct that had been carried forward from 2022 to 2023; and ensure that senior leadership completed risk management training. ASPAG welcomed the introduction of teleworking and hoped that the specific teleworking guidelines would be revised as necessary to reflect technological developments and to ensure that flexible working arrangements did not affect the quality of services for constituents. His group also requested the Office to conduct an analysis to identify the hybrid working styles most suited to the ILO and to continue to support staff members' mental health.
- 1350.** The Office should continue to prioritize the technology most conducive to the achievement of outcomes 1 and 2, which were more urgent than outcome 3. Moreover, when promoting innovation and digitalization in human resources, it should ensure internal coordination between strategic areas, such as human resources and information and communication technologies. ASPAG supported the draft decision.
- 1351. Speaking on behalf of GRULAC,** a Government representative of Colombia said that the Office should follow the example of other international organizations and designate focal points in under-represented countries to attract local candidates. While GRULAC welcomed the launch of the ILO Career Mentoring Programme for Women, it urged the Office to adopt much more ambitious systematic measures to close the gender gap at the P5 and D1 levels, for example by adapting posts to women's needs. An in-depth analysis of the barriers women faced in moving up to senior and managerial positions should also be carried out and policies created to address gender inequality. GRULAC encouraged the Office to continue to increase the inclusion of persons with disabilities, for instance by drawing on the experience of the Committee on the Rights of Persons with Disabilities.

- 1352.** GRULAC welcomed the introduction of a policy on flexible working arrangements and the drafting of an action plan on mental health and well-being at work and would be grateful for more information on those initiatives, which could be replicated in other organizations and even in Member States. GRULAC reiterated the importance of addressing shortcomings in disciplinary measures and introducing a much broader range of sanctions with clearer procedures and mandatory courses on the prevention of sexual exploitation and abuse. More information on those measures would be welcome. Lastly, GRULAC agreed on the importance of staff mobility, particularly in view of the intention to increase the number of cooperation projects at the regional and country levels.
- 1353. Speaking on behalf of IMEC,** a Government representative of Canada recalled that the ILO's human resources processes should be merit-based and transparent. IMEC urged the Office to exceed the 42 per cent target for women's representation in senior positions and strengthen its efforts to address geographical under-representation. She asked how the Office would track the recruitment of persons with disabilities and build on the ILO Disability Inclusion Policy and Strategy 2020–23. The Office should complete the skills-mapping exercise as soon as possible to inform the implementation of the Human Resources Strategy, include digital and green transition skills among future skills needs and foster the use and learning of all the official languages of the ILO. Her group would welcome information on how the results of the reverse mentoring programme would influence work practices, and it encouraged the Office to take further steps to accelerate recruitment processes.
- 1354.** IMEC welcomed the newly introduced disciplinary measures which must be incorporated into a comprehensive strategy and accompanied by swift investigations into allegations of all forms of violence, harassment and misconduct. The Office must prioritize clearing the worrying backlog of over 80 active cases that had been carried over from 2022 to 2023 and ensure that all staff members completed the e-learning module on the prevention of sexual exploitation and abuse. IMEC commended the Office for using ClearCheck to perform background checks prior to hiring new staff members and would be interested to know whether the Office was considering joining the Misconduct Disclosure Scheme.
- 1355.** It would be interesting to hear from members of the Office's senior management on how they intended to promote inclusion, particularly through support for groups more vulnerable to stigma and discrimination. IMEC would also be interested to hear about efforts to address racism, including measures specific to the ILO under the Strategic Action Plan on Addressing Racism and Promoting Dignity for All, such as any steps to review human resources policies and practices to determine whether they might have a disproportionate impact on staff members of a particular race, colour or ethnic background or national origin. IMEC also requested information on the reporting mechanisms, support and resources available to staff experiencing racism and racial discrimination. With regard to outcome 3, IMEC looked forward to learning more about the positive steps taken to achieve efficiencies and introduce interactive, real-time dashboards to support decision-making. IMEC recommended that another progress report should be submitted to the Governing Body in autumn 2024, or in due course, and supported the draft decision.
- 1356. Speaking on behalf of the Association of Southeast Asian Nations (ASEAN),** a Government representative of Indonesia said that the Office should recruit more widely, particularly from ASEAN Member States, while also strengthening its staff's capacities. ASEAN Member States had adopted the ASEAN Declaration on Human Resources Development for the Changing World of Work and its Roadmap and promoted technical and vocational education and training.

- 1357.** The creation of a respectful and empowering environment for workers and employers under outcome 2 was an important task. Regarding outcome 3, further effort must be made to prepare workers and businesses for – and protect them against – the transformative impact of technology. ASEAN would strive to support businesses, including MSMEs, in harnessing technologies to improve the quantity and quality of jobs in existing and emerging sectors. ASEAN supported the draft decision.
- 1358. Speaking on behalf of the countries of the GCC,** a Government representative of Oman welcomed the Office's skills-based approach to recruitment, its efforts to build its staff's capacities in response to skills gaps and its steps to improve the working environment. Its increased use of technology would improve flexibility and productivity. The GCC countries were among the least represented in the Organization, and Arabic-speaking countries were under-represented in category D positions. The Office should therefore consider organizing activities, such as career fairs, to promote its vacancies in those countries, and it should keep the Governing Body informed of its progress in implementing the Human Resources Strategy.
- 1359. A Government representative of China** expressed support for many of the Office's efforts, including its work to build a respectful and empowering work environment, introduce clear provisions for flexible working arrangements, improve the quality of human resources management and encourage staff mobility to ILO regional and country offices. He noted with concern, however, the slow progress made in improving geographical representation. The Office must adopt concrete measures in that regard, including by continuing to review second language and international work experience requirements in job descriptions and enhancing training for all staff involved in recruitment processes to ensure that those processes were fair and non-discriminatory for all applicants, particularly those from Asia and the Pacific. It should also strengthen communication and cooperation with under-represented Member States; increase the visibility of vacancies through social media, outreach activities and job fairs; and support Member States interested in participating in the Junior Professional Officer and secondment programmes. China supported the draft decision.
- 1360. A Government representative of Indonesia** highlighted the importance of quality human resources for national and regional development. He strongly encouraged the Office to prioritize recruitment from under-represented regions, particularly ASPAG and ASEAN Member States, to benefit both the Office, which would gain staff members with an in-depth understanding of local contexts, and Member States. Indonesia supported the draft decision.
- 1361. A Government representative of the Russian Federation** said that participation in a broader range of career fairs would likely encourage more balanced geographical representation among Office staff. The Office could harness advances in behavioural science to improve diversity. He would be interested to know how the Office was increasing diversity in terms of age.
- 1362.** Staff members could most effectively realize their potential and discharge their duties, and managers vouch for the quality of their output, through in-person work. The Office's existing methods for motivating staff and sanctioning misconduct were already effective and should be administered through the integrated talent management system. His country supported the Office's efforts to keep up to date with technological advancements. He would therefore be interested to know whether it might consider developing a staff data portal that could be accessible to Member States similar to existing portals in the UN secretariat, such as Umoja. Lastly, he called on the Office to implement the recommendations and decisions of the International Civil Service Commission.

- 1363. A representative of the Director-General** (Officer in charge, Human Resources Development Department) said that the Office had noted Member States' concerns regarding gaps in geographical representation among staff. The ILO would work more closely with Member States, for example to hold recruitment fairs and other events to improve outreach. Concerning the need to attract candidates with experience that was relevant to the tripartite constituents, an initial review of applications had revealed that few candidates had experience working with employers' and workers' organizations. The Office would meet with the tripartite constituents to develop outreach strategies and gain a better understanding of what kind of experience was needed.
- 1364.** The Office was strongly committed to gender parity and had strategies in place with the aim of exceeding the gender parity targets. Diversity targets were sometimes hard to reach because they applied to very few of the positions that were open each year. To increase outreach, the ILO had partnered with Impactpool, and this company could also assist with identifying potential candidates matching specific recruitment criteria once specific parameters had been defined.
- 1365.** The Office took note of the Governing Body's encouragement to do more to prevent racism and racial discrimination in the ILO. The JIU of the UN system would release a report on that topic in the near future and the ILO would closely follow its recommendations. One of the gaps to be addressed is the absence of specific racial identifiers or groupings in the UN system, which is a challenge for assessing and reporting on racism and racial discrimination. Regarding disability and inclusion, the Office will work more closely with the newly established Employee Resource Groups to support ILO staff members with disabilities. Although tracking the number of staff members with disabilities posed a challenge, a recent staff engagement survey had revealed that they made up 4 per cent of all staff. Work was ongoing with other organizations on disability issues, and outreach would continue.
- 1366.** While the time taken by the ILO to fill vacancies was comparable to other UN agencies, at an average of 172 days compared to 160 elsewhere, its separate procedures and special requirements meant that regular budget positions were filled more slowly; he understood that the time taken to fill vacancies needed to be reduced. Steps had been taken to lower the international experience and academic requirements in job descriptions when they were not strictly necessary. It was more difficult to lower language requirements because ILO staff often needed language skills to adequately serve the constituents. However, the Office would work to ensure that applications from candidates with just one of the ILO's working languages would be considered.
- 1367.** The new policy on flexible working arrangements, which had been negotiated with the Staff Union and built on lessons learned during the COVID-19 pandemic, focused primarily on serving the constituents and meeting operational needs and staff expectations. It was expected to come into effect after the International Labour Conference in 2023 and would be accompanied by a communications campaign and a change management process. While performance management was used as a development tool, the Office addressed underperformance appropriately. For example, in 2022 the contracts of 13 staff members had not been renewed for performance-related reasons.
- 1368.** The ILO's internship and Junior Professional Officer programmes were among the best in the UN system. Efforts were being made to increase diversity among applicants, scale up the Junior Professional Officer programme and open more junior positions so that interns and Junior Professional Officers could remain in the Organization. A robust mentoring programme

had been in place since 2018, and the ILO had joined a UN mentoring scheme open to all staff at all grade levels.

Decision

1369. The Governing Body requested the Office to take into account the guidance provided in the further implementation of the Human Resources Strategy for 2022–25.

(GB.347/PFA/14, paragraph 36)

15. Other personnel matters

(No other personnel matters were submitted to the Governing Body at this session)

▶ Appendix I

Opening Address of the Director General to the 347th Session of the Governing Body and presentation of Programme and Budget proposals for 2024–25 (Monday, 13 March 2023)

Welcome to this 347th Session of the ILO Governing Body.

Welcome, also, to Mia Seppo, the Assistant Director-General for Employment and Social Protection, Laura Thompson, Assistant Director-General for External and Corporate Relations, and Hao Bin, Assistant Director-General for Corporate Services.

Before speaking of the work of the Governing Body, allow me to refer to the recent publication of an article in the *New York Times* concerning the ILO's work in Qatar. We firmly reject the allegations set out in that article. The Office's response is available on our website. The ILO Department of Communication and Public Information is actively responding to questions and comments through the media, including through social media, where our response is also available.

Since our last Governing Body session in November 2022, the challenges we continue to face remain critical and urgent.

First and foremost, the extremely serious situation in Ukraine. The Office aligns itself with the recent statement made by the United Nations Secretary-General on the first anniversary of the Russian Federation's aggression against Ukraine. In that statement, he recalled that the invasion of Ukraine by the Russian Federation is a flagrant violation of the Charter of the United Nations and international law.

Inflationary pressures and their impact on the purchasing power of workers and populations living in precarious situations, and the debt crisis facing several low- and middle-income countries present us with great challenges.

I would also like to recall the forecast made by our Organization, the ILO, that global employment is expected to increase by 1 per cent. We anticipate an increase in global unemployment of 3 million, which would mean 208 million people would be unemployed in 2023, while unemployment would reach 211 million in 2024.

Our primary concern is the impact of this global situation on worsening inequalities, and we recognize that, unfortunately, the poverty gap is continuing to grow. This confirms the urgent need to launch the Global Coalition for Social Justice.

I am grateful for the firm support that we continue to receive in this regard, not just from the Member States, Employers and Workers, but also from several other development actors, namely those from the United Nations system, international financial institutions and many others.

I would like to emphasize that I fully recognize the enormity and complexity of this initiative. I am aware that some clarifications still need to be made, but this is normal, given the nature of this initiative. It is an initiative that we must build together, and I am determined and convinced that we will be ready to launch it in June 2023 during the International Labour Conference. This would be in time to adopt an effective approach to the SDG Summit in September 2023 in New York, as well as to prepare for the United Nations Summit of the Future

to be held in 2024, and, if the General Assembly approves it, a social justice summit in 2025. This Governing Body is therefore called upon to endorse the Global Coalition.

Following that endorsement, official invitations will be sent to all Heads of State and Government, and we will also formalize our approaches to the United Nations agencies, international financial institutions and other relevant actors. This will be done in continuous consultation and collaboration with the tripartite constituents: the Governments, Employers and Workers.

This session will also enable the Governing Body to discuss the programme of work that we intend to implement in Ukraine. I recently held a virtual tripartite meeting with our Ukrainian constituents, who provided an update regarding the conditions they are facing there, which could not be more desperate. This programme of work includes our proposal to open an office in Kyiv.

We all know that the consequences of this situation extend well beyond the borders of Ukraine. It is in this context that I visited the neighbouring state of the Republic of Moldova. We must and we will strengthen our assistance to the Republic of Moldova, to Ukraine and to other affected areas.

The agenda also includes a number of individual cases raised through the complaint mechanisms provided for in the ILO Constitution. Among them is a case related to Belarus, where several trade union leaders and members were arrested for carrying out their lawful trade union activities. These arrests follow several years of rights violations. As a result, this Governing Body will consider a draft resolution to be submitted to the International Labour Conference, in order to take the steps provided for in article 33 of the ILO Constitution.

Before making a few remarks about my programme and budget proposals, I would like to highlight some of the other items on the Governing Body's agenda:

- First, of particular note, is the ILO Development Cooperation Strategy. I am delighted that the Managing Director of the International Finance Corporation, Mr Makhtar Diop, has accepted my invitation to engage in this discussion. We see his participation as part of an overarching mutual willingness to strengthen our collaboration within the multilateral system, particularly with regard to due diligence in supply chains, especially in relation to social questions and the world of work.
- Second, the Governing Body will consider the final report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance.

I would like to reaffirm my commitment to working with you to ensure that the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986, enters into force. As you know, it has already been approved or ratified by 125 Member States. Only 3 more ratifications by Members of chief industrial importance are needed.

- Third, the Governing Body will examine the procedural framework needed in the event of referrals to the International Court of Justice, in line with article 37 of our Constitution.
- Fourth and last, we have two important discussions before us on supply chains and on the platform economy. My recent mission in Ghana and Côte d'Ivoire with the German Minister of Labour and the German Minister for Economic Cooperation and Development threw into sharp relief the potential of supply chains but also the need to integrate social chapters in order to improve supply chains in the future.

Presentation of Programme and Budget proposals for 2024–25

In line with the vision that I have outlined before, the programme will focus on global social justice and will be organized into eight policy outcomes and three enablers. These are structured on the basis of the five parts of the global social justice programme.

The proposed regular budget for 2024–25 is US\$854.7 million. This represents a modest increase of US\$1.9 million compared with the 2022–23 budget, or a 0.2 per cent increase in real terms. This increase is needed to:

- support the work of the Standards Review Mechanism Tripartite Working Group, which is essential to the modernization of the ILO's standards system; and
- strengthen the Office's capacity for internal audit, monitoring and mediation.

In nominal terms, the regular budget is the equivalent of US\$894.3 million, which represents an increase in nominal terms of US\$39.6 million, or 4.6 per cent. This increase reflects inflation, exchange rate fluctuations and other factors, including the US\$7 million cost of financing the International Labour Conference in 2024 and 2025 since meeting rooms in the Palais des Nations, which is currently under renovation, are not available.

These budget proposals also aim to strengthen our technical capacity on the ground and, to that end, an additional US\$3.1 million will be allocated to the five regional programmes.

Some important changes have been made to the policy outcomes since November to incorporate the guidance you shared during the November Governing Body session.

One of these changes is the inclusion of a new policy outcome. The goal of policy outcome 5 is to implement a programme that promotes gender equality, equality of treatment and equal opportunities for all.

Second, the wording regarding population groups subject to discrimination and exclusion has been reviewed. On this point, I would like to recall my remarks during the November Governing Body session: it is the duty of the ILO to continue to fight against all forms of discrimination, exclusion and inequality at work, directed at all groups, including those most marginalized and most vulnerable, at the national, regional and global levels. I stated this in November and I consider it necessary to reiterate it today.

Madam Chairperson, members of the Governing Body, it goes without saying that this is a profoundly divisive issue. But this is the precisely the moment at which we should all – and I would go as far as to say that we are obliged to – endeavour to find a solution that allows us to live side by side. That concept is, after all, the very essence of multilateralism.

During this difficult period, when the multilateral system is under strain, we must not allow the programme and budget to be taken hostage. The ILO must pave the way forward by addressing issues that are, indeed, difficult with our legendary sense of compromise and consensus.

Thank you

▶ Appendix II

Reply by the Director-General to the debate on the Programme and Budget proposals for 2024–25 (Thursday, 16 March 2023)

I would like to start by thanking the Governing Body for the rich and constructive debate that took place.

My colleagues and I have been listening very carefully to capture all the comments and questions. It is heartening that we heard global support for the strategic direction of the Programme and Budget for 2024–25.

At the same time we heard a number of concerns. Let me focus on five key areas.

First, the fight against discrimination.

I was very much impressed that, despite the diversity of views, all constituents in their interventions reaffirmed their commitment to the principle of non-discrimination on any grounds. This is about social justice, this is about fighting against inequalities, this is about principles, this is about the *raison d'être* of our Organization. This is about what the ILO stands for. Fighting against discrimination has been and shall remain core and central to ILO actions. And the programme of work of the Office of the International Labour Organization, that I have the privilege of leading, shall continue to encompass all groups that are subject to any form of discrimination, including on the grounds of sexual orientation and gender identity. As I mentioned at the November 2022 Governing Body and reiterated in my opening remarks last Monday, our work shall continue at all levels, national, regional and global. You cannot be effective at the national level without knowing what is happening at the regional and the global levels.

Second, let me turn to the Global Coalition for Social Justice.

Your support for the Coalition has been clear from the very beginning.

At the same time, we heard very clearly that you do not want what could be seen as a blank cheque. You want us to confirm the Coalition's **objectives, its priorities, its criteria for engagement, and its governance**. We will respond to all those issues when we return to that item next week.

You also raised a range of concerns and questions in relation to the Coalition's articulation in the programme and budget, and its implications in terms of human and financial resources. In that regard, let me reiterate that the Global Coalition is an overarching goal for the ILO as a whole. It is not an outcome in itself; it cuts across and will be **embedded into all policy outcomes and enablers**, drawing on the contributions of all units across the Office.

This explains why my programme and budget proposals do not include a specific budgetary provision for the Coalition.

Pending the outcome of the discussion on that agenda item, let me reiterate that the Global Coalition is rooted in the ILO Constitution **and is aimed at fulfilling the ILO's mandate, that is, advancing social justice through decent work with a human-centred approach**.

Building on the guidance of this Governing Body, we will organize the necessary tripartite consultations in order to gain your full confidence. We will try to do that next week or make proposals through an acceptable consultation that the tripartite parties feel comfortable with.

We also took note of the communication from the Africa group and the Employers about the convocation letter. I want to reiterate that there was no ill intent; the objective was solely to save the date. But I recognize that the letter as it went out could be interpreted in the way you did, and I take full responsibility for that.

Third, several speakers, including the Employers, the Workers, the group of Latin American and Caribbean countries (GRULAC), the group of industrialized market economy countries (IMEC) and Regular Budget Supplementary Account (RBSA) donors, requested further clarifications on the **use of the RBSA**.

Over the years the Office has made steady progress in the strategic allocation of RBSA funds to achieve results, thanks to the support of and continuing dialogue with RBSA donors.

The proposed allocation of RBSA resources for 2024–25 pursues the same approach, with an upfront targeted focus on the priorities of the programme and budget – notably the priority action programmes because of their central role in leveraging advocacy and policy convergence, and to galvanize resource mobilization from other sources.

The RBSA will also be instrumental in mobilizing resources in support of the institutional capacity of employers' and workers' organizations. The RBSA will also be used, together with other resources, to reinforce integrated responses to key decent work challenges and as seed money to kick-start activities, with a view to attracting other donors and boosting our resource mobilization capacity.

The 15 positions proposed for RBSA funding are **all technical positions** focused on the priorities of the programme and budget. These positions are for the next biennium alone and **will not generate long-standing liabilities for the Office**. We will ensure that they are absorbed in the 2026–27 biennium within the regular budget and extra-budgetary resources mobilized for this purpose.

In addition, the RBSA will continue to be used to develop activities in the field in key areas. I was pleased that in the statement led by Belgium on Monday, activities in the field were again highlighted.

Fourth, several of your interventions, including from the Africa group, the Asia and the Pacific group (ASPAG) and the Employers' group, expressed concerns about the projected reduction in the regular budget allocation for **outcome 3**, and the fact that skills and lifelong learning is now subsumed as an output under this outcome.

Let me reassure you that employment and decent work creation remains a priority of my proposals for 2024 and 2025. Globally, there is no reduction. The apparent "reduction" of the regular budget for the outcome stems from the fact that some resources that were dedicated to employment creation in the social and solidarity economy in the current biennium, especially in rural areas, will be redirected to the new output 4.5.

In addition, some of the resources dedicated to crisis and post-crisis situations have been redeployed to the priority action programme under outcome 8.

In fact, **we anticipate an increase in the extrabudgetary resources available for outcome 3**. Skills and upskilling was one of the major issues I advocated during my campaign, and it certainly will not be abandoned.

As regards the integration of skills and lifelong learning under outcome 3, this reflects the importance of addressing skills development as part of comprehensive employment policy frameworks. It is based on the recognition that an integrated approach is needed, to ensure that skills and training ultimately lead to real and decent job opportunities.

In terms of resources, **output 3.2 is by far the output with the highest regular budget allocation**. On top of that, a significant amount of resources attributed to other outputs are also dedicated to skills development.

All of this reflects the significance of the skills agenda that will be required to correspond to the huge changes that the world of work will face in the years to come. So once again, I can assure you that **the resources dedicated to skills and lifelong learning will actually increase in the next biennium**.

Fifth, the last point that I want to make is related to the **level of the budget**. We have taken seriously the concerns expressed by ASPAG and IMEC, among others.

To address these concerns – and despite the fact that upcoming vacancies and retirements were already taken into account at the time of the preparation of these proposals, yielding cumulative savings of some US\$18.4 million – we undertook a further in-depth review of the need to fill all remaining upcoming vacancies, including those arising through retirements. The review resulted in further reprofiling, and in some cases the elimination of posts that will become vacant, resulting in an additional saving of US\$1.9 million.

This amount will be used to fund the two meetings of the Standards Review Mechanism Tripartite Working Group. It will also be used to reinforce the capacity of the offices of Internal Audit and Oversight and of the Mediator as I said on Monday.

This will keep the baseline level of the budget unchanged in constant terms.

These new savings will of course have a corresponding negative impact on other parts of our activities. However, I can assure you that this is the only way to address these critical priorities within the limits of a zero-real-growth budget, as was requested.

A number of concerns were raised in relation to cost increases, in particular by IMEC, GRULAC, China and Japan. And I am well aware of the impact of inflation and rising costs on everyone in this room.

I am pleased to report that, since the preparation of my proposals, the ILO was able to set the price of electricity for 2024 at a more favourable rate than forecast in the proposals. This reduces the level of anticipated cost increases by some US\$1.8 million and brings down the overall cost adjustment from 4.6 to 4.4 per cent.

If we consider separately the exceptional and one-off adjustment of US\$7 million for relocating the Conference to Palexpo, which we propose to ring-fence, the overall percentage adjustment for cost increase stands **at what I believe to be a very reasonable level of 3.6 per cent across the Office**. This amount is largely due to International Civil Service Commission (ICSC)-related staff costs and existing contractual obligations for ILO premises around the world.

Let me underline the importance of reaching agreement on adopting the budget.

Yes, it requires trust; it requires mutual understanding. I know it is difficult, but we have a responsibility to come with very clear support to this programme and budget. As I said on Monday, it should not be paralysed because of the ongoing difficult discussion that we are having.

So often in the past, you, the constituents of the ILO, have overcome divisions and differences and achieved consensus. But consensus or not, my plea – not only with regard to the decision on this programme and budget – is to ensure that two years from now we do not

find ourselves in the same situation. Having policy discussions is very welcome but we have to preserve the programme and budget and move forward.

I therefore invite you to recommend the proposed programme and budget for adoption by the International Labour Conference in June this year.

That will be crucial for the future of the ILO and, **above all, for the people we serve.**

Thank you.

► Appendix III

Statement by the Chairperson of the Staff Union Committee

347th Session of the Governing Body (14 March 2023)

Chairperson, Director-General, members of the Governing Body, dear colleagues and all of you here today, in the room or online,

I address you today with great humility and strength as the Chairperson of the Staff Union Committee.

With humility, because this opportunity that is given to the Chairperson of the Staff Union Committee to address the Governing Body twice a year is a chance to give a voice to the 3,600 staff members serving this Organization. In doing so, I certainly do not take the expectations of my colleagues lightly and I thank you for giving them your attention by listening to me now. This humility is also what we need to fulfil the mandate that you have entrusted to us. It is this humility and devotion that is needed for our colleagues who are continuing to work, whether in countries in situations of conflict, war, economic or social collapse, in situations of human rights violations, or even, as happened recently, those colleagues who have lost loved ones in earthquakes.

I also take the floor with strength. Strength given to me by a Union that represents almost two thirds of the staff, at headquarters and in the field, in all categories. It is therefore with the strength of that mandate that I share with you the resolution that was adopted by a large majority at our general meeting this past February: the Resolution on the impact on salaries of the International Civil Service Commission (ICSC) Reform. This resolution calls on the Organization to exercise its duty of care towards affected colleagues, as the decrease could represent the equivalent of up to a month and a half's salary in annual earnings. This resolution demands information to be communicated transparently and accurately. It also reserves the right to examine the legal validity of the ILO Administration's decision, which the Union is currently doing. Lastly, it gives me the mandate to urge you to instruct the Office to work for ICSC governance reform, in accordance with the fundamental principles of the ILO, including collective bargaining, and with the participation of the federations of United Nations staff associations and unions. Remember this when you read document GB.347/PFA/INF/11 on Matters relating to the Administrative Tribunal of the ILO: Amendments to the Statute of the International Civil Service Commission and update on the review of the jurisdictional set-up of the United Nations common system. I will also come back to this document briefly later on.

The strength that I have today is also the strength of a Union that embodies the principles and the DNA of our Organization, by engaging in constructive social dialogue with the Administration, by working to prevent and resolve conflicts and to prevent occupational risks, by negotiating staff regulations and collective agreements, so that our rules keep up with the times and the fundamental rights at work.

Since my predecessor, Carlos Carrión Crespo – who I salute and thank – spoke before you last November, the Staff Union has continued to hold discussions and negotiations, with the wind in our sails provided by a new Administration and the commitments made by the Director-General. As a result, we have made progress towards a new parental leave policy, for which we still need to finalize the provisions of a collective agreement in the coming weeks. We have also

drawn up a new policy on flexible working arrangements. Fundamentally, these negotiations enable the Office to align itself with the other United Nations agencies and funds, they are also based on the principle that the rules should apply to all colleagues, however their contracts are financed and wherever they are, in an inclusive, human-centred manner. In form, these negotiations have been conducted in a “win-win” spirit, identifying shared interests and constantly seeking solutions that take all interests into account. I commend the Administration, in particular the Human Resources Development Department, on this progress and on the implementation of social dialogue.

I would now like to share with you, as is customary, the thoughts of the staff on the items on the agenda of this Governing Body session, and their potential implications on our working conditions.

Ladies and gentlemen, members of the Governing Body, the staff would like you to consider the documents submitted to you here for information or adoption with determination, courage and kindness.

Indeed, it is with determination that you must ensure that the programme and budget has the necessary resources, particularly human resources, for its implementation. We cannot say often enough that it might be dangerous to do more with less, and that the ILO's main resource are its women and men, with all their diversity and expertise. The Director-General's programme and budget calls for a return to the basics: social justice. We are often apprehensive of additional efforts that we are asked to make, to deal with non-renewals of retirements, budgetary transfers that turn “staff costs” into “non-staff costs” – that is to say externalization, through the increasing use of consultants rather than staff employed according to the rules. In the service of social justice, it is important to reaffirm that labour is not a commodity.

Many of the documents to be discussed that do not theoretically have budgetary implications need to be viewed from the perspective of their human implications, including the promotion of a safe and healthy working environment as a new fundamental principle and right at work, measures concerning the organization of future sessions of the Governing Body and other meetings, the Global Coalition for Social Justice and the ILO Strategy on knowledge and innovation. To be able to achieve these goals, the Office needs to have a structure in place – and this still seems very unclear to many colleagues as well as to the Staff Union – that can also build on a solid foundation, valuing and providing opportunities to colleagues with in-house experience and skills. Favouring calls for applications and competitions does indeed seem to have taken a back seat in the ongoing recruitment processes for a number of posts.

It is also with determination that I ask you to consider document GB.347/PFA/INF/11 on “Matters relating to the Administrative Tribunal of the ILO: Amendments to the Statute of the International Civil Service Commission and update on the review of the jurisdictional set-up of the United Nations common system”. Our position remains the same regarding the legal basis for the application of the changes to the International Civil Service Commission (ICSC) Statute. The ILO Administrative Tribunal has declined to give its opinion, as it cannot be an advisory body, and only a ruling following a petition to the Tribunal would provide certainty on the legal validity of the division of powers between the ICSC and the United Nations General Assembly and on the application of the methodology for calculating the post adjustment. This document also presents the follow-up to the second report of the Secretary-General on the review of the jurisdictional set-up of the United Nations common system, namely, as far as we are concerned, the jurisdiction and the recognition of the ILO Administrative Tribunal. I cannot repeat the points that my predecessor, Carlos, made to you in November. He did so with all his

legal expertise, in a detailed and well-founded manner. I can only reiterate the importance of preserving “our” Tribunal, the operation and excellence of which make it an example for many courts. It is with your determination that the Office will be able to continue to make its voice heard in the work of the United Nations secretariat.

Let me now appeal to your goodwill. Admittedly, this is unusual in a context such as this speech. And it is even more unusual given that I am appealing to your goodwill with reference to document GB.347/INS/16, “Report on developments relating to the resolution concerning the Russian Federation’s aggression against Ukraine from the perspective of the mandate of the International Labour Organization”. Paragraphs 39 and 40 do indeed refer to the situation of ILO staff in Ukraine and the Russian Federation, and confirm the arrangements made for the process of relocating staff to Kyiv, the maintenance of the operational capacity of the Moscow office and the duty of care at the heart of the approach adopted in the region. The Staff Union would like to acknowledge again the support provided by the Office, its security services and administration. The Staff Union would also like to ask for your kindness in recognizing the dedication of our colleagues who have continued to work and to reinvent themselves to be able to carry out their tasks and to be present, despite difficult personal and professional circumstances.

There is one more document to which I would like to refer: GB.347/PFA/14 “Progress report on the implementation of the Human Resources Strategy for 2022–25”. The reading and subsequent discussion of this document requires courage and determination. One of the reasons why you elected Mr Hougbo was his commitment to harmonizing the working conditions of the staff. This agenda gave us a lot of hope. It is indeed untenable that more than half of the staff is today employed on the basis of precarious contracts and that these differences have persisted for many years. This reality and its professional and personal implications have already been reported to you by my predecessors, and you can find more details in the results of the survey conducted by the Staff Union among all of our colleagues last year. Tackling these inequalities cannot wait any longer: do you find it normal, when we talk about the International Labour Office and social justice, that more and more of our colleagues sign year after year, sometimes for more than 25 years, contracts of one year maximum duration, and do not have the same rights as their colleagues with regular budget positions? The administration and the Staff Union must be able to engage in negotiations that will lead to harmonization and an improvement in working conditions. An ILO official is an official, whether his or her contract is financed by development cooperation funds or by the annual contributions of our Member States. We have a duty to deliver results so that we can continue to carry out the tasks you entrust to us.

Ladies and gentlemen members of the Governing Body, the administration and the Staff Union are determined to engage in these negotiations, and we have agreed with the Administration that we will also examine the rules on mobility. But I will not hide the fact that these negotiations can be daunting because they have stalled for too long. We need you to give us a mandate to think outside the box, and to implement courageous and innovative solutions that will position the ILO as a leader in the promotion of working conditions that respect the dignity of all and value diversity in all its forms.

To conclude, allow me to share a personal reflection. When I took up office as Chairperson of the ILO Staff Union last December, one of the remarks I often heard from my colleagues was: “Is the speech at the Governing Body going to be okay? Aren’t you scared?” Yes, ladies and gentlemen, you are certainly intimidating! Intimidating because of your collective power to make decisions that could potentially “impose” on us, the ILO staff, an unworkable programme and budget, ever more precarious working conditions, or a mandate that we would find

meaningless. Intimidating because it is after all rare that we are able to share our feelings and opinions with you.

I come to you, however, admittedly a little anxious, but confident. Confident in your determination, your courage, and above all in your kindness, towards me and towards all the staff for whom I speak.

Thank you for your attention.