



INTERNATIONAL LABOUR OFFICE

GB.297/PV
297th Session

Governing Body

Geneva, November 2006

Minutes of the 297th Session

Minutes of the 297th Session

The 297th Session of the Governing Body of the International Labour Office was held in Geneva, from Tuesday, 14 to Thursday, 16 November 2006, under the chairmanship of Mr Membathisi Mdladlana (South Africa).

The list of persons who attended the session of the Governing Body is appended.

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**MINUTES OF THE 297TH SESSION
OF THE GOVERNING BODY OF THE
INTERNATIONAL LABOUR OFFICE**

Geneva, Tuesday, 14 to Thursday, 16 November 2006

First item on the agenda

APPROVAL OF THE MINUTES OF THE 296TH SESSION
OF THE GOVERNING BODY
(GB.297/1)

1. The Office had received the following corrections:

At the end of paragraph 37, the following new sentence would be added: "For these reasons he believed that a culture of complete compliance with the law would make matters easier for the Government."

The following new paragraph 69 would be inserted:

In Case No. 2441, on Indonesia, the Committee urged the Government to cease harassing trade union officials and initiate an independent investigation forthwith. Mr Daud Sukamto, the trade union leader dismissed for advising his members to reject a proposed wage increase as too low, should be reinstated. Section 158(1)(f) of the Manpower Act of 2003 should be reviewed to prevent the term "gross misconduct" from including legitimate trade union activities. The Government should avail itself of ILO technical assistance.

Governing Body decision:

2. *The Governing Body approved the minutes of its 296th Session, as amended.*

(GB.297/1, paragraph 3.)

Second item on the agenda

PROPOSALS FOR THE AGENDA OF THE 98TH SESSION (2009)
OF THE INTERNATIONAL LABOUR CONFERENCE
(GB.297/2)

3. *The Chairperson* stated that the Governing Body had to choose which of the following six proposals would be considered in greater depth at its 298th Session (March 2007):

Developed proposals

- (a) employment and social protection in the new demographic context (general discussion based on an integrated approach);
- (b) HIV/AIDS and the world of work (standard setting);
- (c) gender equality at the heart of decent work (general discussion);

Proposals to be developed

- (d) child labour and protection of young workers (follow-up to the conclusions of the Working Party on Policy regarding the Revision of Standards);
 - (e) decent work in global supply chains; and
 - (f) the right to information and consultation in the framework of economic restructuring.
4. The Governing Body would also have to choose, from a series of proposals presented to it, the topics that should be developed in more detail with a view to their possible inclusion on the agenda of future sessions of the Conference.
 5. *The Employer Vice-Chairperson* stressed that the agenda of the International Labour Conference had to be adjusted to reflect the reality of the world of work. The issues that most interested employers included the creation of enterprises and employment, for young people in particular, social dialogue, freedom of initiative and enterprise, and social protection in the new production and demographic contexts. The international labour standards developed by the ILO in the course of its history covered almost all possible situations and relationships in the world of work. The important thing was therefore not so much to develop new general standards, but rather to ensure that the existing standards were applied more effectively. The process of developing Conventions and Recommendations, and other texts such as resolutions, had to be clearly defined in order to avoid conflicts or overlaps.
 6. The Employers' group agreed that items (a) and (c) should be examined further. Regarding item (b), there should be an evaluation of all activities undertaken, with a view to better synchronizing efforts and creating better synergies. He supported item (d), but not item (e) because the control and inspection functions were exclusively a State matter. The topic addressed in item (f) was already being addressed by the Working Party on Policy regarding the Revision of Standards.
 7. Referring to the items proposed for future sessions, he said that he was in favour of holding a general discussion on the new trends in the prevention and resolution of industrial disputes, as that was an example of social dialogue. The topic of hours of work in road transport would require technical consultations. With regard to occupational safety and health, it would be useful, before examining the issue in detail, to know the outcome of the related meeting to be held in December 2007.
 8. *The Worker Vice-Chairperson* said that it did not make sense for the ILO to stop developing standards on certain issues simply because there were already many international labour standards in general. Such thinking could only be justified in a static society. With reference to item (b), he warned that if the ILO did not adopt an instrument on HIV/AIDS and the world of work, it would lose credibility in the international community for the way in which it examined and tackled so serious a problem, which mainly affected people living in poverty and could potentially affect every human being. It was not enough to adopt measures whose positive outcome depended solely on the goodwill of those implementing them. He asked the Employers to reconsider their position and agree to the development of a Convention or a Recommendation. It was well known that, in the member States, international labour instruments stimulated thought and discussion at the legislative level, which then led to concrete action and the commitment to moving things forward.
 9. Secondly, the speaker supported item (c), which the Workers had firmly defended and for which they had obtained the necessary commitments, and which might be the subject of a

Recommendation. He supported item (d), including the issue of night work and the medical examination of young persons, and items (e) and (f). Of the items proposed for future sessions, he was in favour of the one regarding export processing zones.

10. *A Government representative of China*, speaking on behalf of the Governments of the Asia-Pacific group (ASPAG), stated that members of the group would each indicate their individual preferences for the items presented, but that the group as a whole felt disappointed by the proposed topics for standard setting because most of these were revisions or reiterations of other instruments. It was vital for the Conference to modernize obsolete standards through an integrated approach. She was pleased that reference had been made to the work done by the Working Party on Policy regarding the Revision of Standards.
11. She recalled that, on previous occasions, the Asia-Pacific group and other governments had advocated the development of a list of agenda items considered to be priorities within the ILO's strategic framework. A response to this suggestion should be presented to the March 2007 session. The Working Group could also consider possible improvements to the selection process of Conference agenda items.
12. Speaking on behalf of her own Government, she supported, in order of preference, item (a), which tackled a worldwide phenomenon; item (c) because equality between men and women in the workplace was central to the ILO decent work programme; and item (d), with a view to setting more concrete standards, to provide greater protection for young workers.
13. *A Government representative of Canada* stated that her Government was in favour of items (a), (b) and (c). She asked the Office to present further information, at the March 2007 session, on how the matter regarding HIV/AIDS and the world of work could be addressed. The selection of agenda items for the Conference should be undertaken with a more strategic focus and had to be based on the issues that constituents felt were the most urgent, significant and general in scope. The method of considering the issues selected, whether for standard setting or otherwise, should flow from that first decision and not vice versa, even if that meant that there was no standard-setting discussion at a given session of the Conference, or more than one. It was vital to continue consolidating and modernizing standards, as well as developing robust strategies and programmes for optimizing compliance with standards and achieving the objectives established therein.
14. *A Government representative of Sri Lanka* agreed with the statement made on behalf of ASPAG to the effect that the selection of agenda items for the Conference should be based on the ILO's strategic framework and that it was necessary to modernize or revise certain standards. In 2009, consideration should be given to the revision of the standards regarding night work of young persons and adolescents. He also supported item (a), given the socio-economic problems stemming from the ageing of the population, and item (b). Regarding items for the agenda of future sessions, he supported item (f) on the right to information and consultation in the framework of economic restructuring.
15. *A Government representative of Finland* supported items (c), (b) and (a). He agreed with the Worker Vice-Chairperson that globalization should go hand in hand with the necessary assurances with regard to the effects of restructuring and, therefore, believed that item (f) should be considered in 2009.
16. *A Government representative of Poland* stated his Government's preference for item (a), because the ageing of the population was one of the priority issues in his country. He referred to item (b) as a second choice. He was also in favour of item (f) for general discussion and in the framework of the move towards fair globalization and decent work.

17. A *Government representative of South Africa* chose item (b). Analysis of all the activities that had been undertaken with regard to HIV/AIDS and the world of work would enable them to take stock of the situation and recognize the seriousness of the problem. He also chose item (c), because gender discrimination continued to pervade the labour market. With regard to the proposals for future sessions, he supported the proposal relating to new trends in the prevention and resolution of industrial disputes.
18. A *Government representative of the Netherlands*, mindful of the need to respect a more strategic focus in selecting Conference agenda items, supported item (a) in the light of the new challenges arising from the ageing of the population. He expressed concern that a discussion on items (d) and (c) could lead to a weakening of existing standards. He supported item (b) because developing standards on HIV/AIDS and the world of work would consolidate the success of the ILO's action in that field, where collaboration should be maintained with other international organizations.
19. A *Government representative of India* supported items (c), (a) and (b). He proposed the following issues for future sessions: employment, training, skill development and social protection, in countries with a predominantly young population; and labour market flexibility, in developing and transition countries.
20. A *Government representative of the United States* stated that, while his Government would have preferred to address other issues, it supported item (a), because it reflected a current phenomenon, and proposed that item (b) be put to a general discussion. With regard to items (c) and (d), he believed that the ILO was working with success in those fields and did not need to extend its action. He expressed surprise that employment, the central theme of the Organization, did not figure in any of the proposals presented.
21. He proposed three items for future sessions: the role of ministries of labour in employment policy, given the major role played by those bodies in matching supply to demand; employment in new and growing enterprises, taking account of the fact that SMEs created the most jobs but also had the highest job losses; and product market regulation and job creation, because it had been shown that inflexible market regulation could hinder enterprise growth and, therefore, reduce its capacity to create employment.
22. A *Government representative of France* supported item (a), as the issue of ageing populations was almost universal, and item (c), because gender discrimination, although diminishing, was still far from being eradicated. She was not convinced that standard setting was the best way of addressing item (b). If such a course were adopted, the process would have to come within the framework of the policies for combating the HIV/AIDS pandemic adopted by the other international organizations.
23. A *Government representative of Greece* agreed that there should be a more in-depth examination of item (f), because, in a competitive and continually changing market, respect for the right of workers' organizations to receive information and be consulted in respect of economic restructuring was vital in establishing methods of dialogue and negotiation between the social partners.
24. A *Government representative of Brazil* reiterated the support of his Government for item (a) and, with regard to item (b), said that the implications of HIV/AIDS for the world of work would justify the ILO's examination of the issue at the Conference.
25. A *Government representative of Spain* objected to the agenda items for the Conference being chosen almost three years in advance; at least one item ought to be chosen just six months before the session was held. He believed that it would be more appropriate to

consider only certain aspects of the issues, such as, in the case of item (c), gender equality in management posts in the public and private sectors.

26. *A Government representative of Nigeria* supported items (a) and (b), the latter in consideration of the devastation that HIV/AIDS was causing in the younger segments of the working population, and item (c), in the light of the importance for women of participation in economic activity, which was often restricted for cultural or religious reasons. He also supported item (d), because protecting young workers was critical in countries ravaged by military conflicts.
27. *A Government representative of the United Kingdom* was in favour of two items which the Governing Body had already supported in previous sessions, namely, item (a), including labour market policy and skills development, and item (c). With reference to item (b), he reserved judgement on the suitability of adopting a standard on HIV/AIDS and the world of work until more information was provided about what was really needed. Regarding the topics proposed for future sessions, he expressed his preference for item (e), export processing zones and the issue of the safety of machinery.
28. *A Government representative of Romania* supported item (d), because effective abolition of child labour was one of the principles enshrined in the ILO Declaration on Fundamental Principles and Rights at Work. Consideration of item (c) should focus on carrying out awareness-raising campaigns about the rights of female workers and developing certain forms of flexible work to enable workers to reconcile work with family life. He also supported item (b).
29. *A Government representative of Australia* endorsed the statement made on behalf of the Governments of ASPAG about the selection process for Conference agenda items. The International Labour Code had lost its relevance, owing, among other things, to the complexity of the standards, the similarity or repetition of many of the issues addressed, the lack of cohesion between the instruments, and the profusion of technical or prescriptive details which in many cases prevented ratification of the Conventions. The revision, simplification and modernization of the existing International Labour Code should take priority over the adoption of new instruments.
30. He expressed preference for item (a) because he believed that the discussion would produce guidelines for developing national policies on the ageing of the population, demographic imbalances and skills shortages. He asked when the Governing Body would choose the third technical item on the agenda of the 2008 session of the Conference, selection of which had been deferred during the discussion which had taken place at the Governing Body's March 2006 session.
31. *A Government representative of Argentina* supported items (e) and (f) because they were both highly topical and referred to matters that called for original and urgent solutions. With regard to the proposals for future sessions, he opted for the new trends in the prevention and resolution of industrial disputes.
32. *A Government representative of Cameroon* preferred item (b), given the need for enterprises and governments in countries affected by the HIV/AIDS pandemic to have a reference framework for action. Additionally, he supported item (d), examination of which should also include youth employment, and item (c).
33. *A Government representative of the Bolivarian Republic of Venezuela* expressed his Government's preference for item (a), with particular emphasis on strengthening measures for enforcing the law, item (b) and item (c). The issue of HIV/AIDS and the world of work should be examined with a view to creating synergies with other international bodies. He

also supported item (f), because it was important to have an in-depth discussion on social dialogue and democratic participation. In the document due to be presented at the March 2007 session, two more items could be added: employment and social protection in SMEs and in micro- and small enterprises, in view of the potential of those enterprises to create employment; and new trends in the prevention and resolution of industrial disputes.

34. A *Government representative of Kenya* supported the following items for general discussion: item (a), because protection systems needed to adapt to new social phenomena; item (c), examination of which would focus on the resolution on the promotion of gender equality, pay equity and maternity protection, adopted by the 92nd Session of the International Labour Conference (2004); and item (f), to strengthen social dialogue in the age of globalization. With regard to the proposals for future sessions, he supported hours of work in road transport, export processing zones, and new trends in the prevention and resolution of industrial disputes.
35. A *Government representative of Germany*, while considering that there was a lack of coherence between the topics proposed, supported item (a), because the matter of demographic change was a matter of international concern; item (b), in view of the ravages of HIV/AIDS in the working population and the high cost of the disease for everybody; and item (e), because trade unions were often sidelined from the global supply chains where corporate social responsibility was lacking.
36. A *Government representative of the Czech Republic* reiterated that his Government was in favour of items (a) and (c). He was not convinced that item (b) was suitable for standard setting. With regard to the proposals for future sessions, he opted for export processing zones, item (e), and the new trends in the prevention and resolution of industrial disputes, the latter item being for general discussion.
37. A *Government representative of El Salvador* supported items (c) and (d).
38. A *representative of the Director-General* explained that the agenda of the International Labour Conference had to be established substantially in advance, particularly when instruments were to be drawn up, so that the Office would have sufficient time to analyse the issues chosen and prepare the corresponding reports.
39. In response to the question from the Government representative of Australia, he said that the selection of the third technical item, which would complete the agenda of the 2008 session of the Conference, would be made at the November 2007 session of the Governing Body, so that account would be taken of the outcome of the general discussion due to be held in June 2007.
40. Summarizing the debate, he pointed out that the shortlist that would have to be submitted at the March 2007 session would be made up of the six items proposed by the Office. No delegate had opposed the inclusion of item (a) on employment and social protection in the new demographic context, or item (b) on HIV/AIDS and the world of work. With regard to the latter, opinions were divided between holding a general discussion or standard setting. Regarding item (c) on gender equality at the heart of decent work, delegates had insisted that it was essential to avoid diluting existing standards. Item (d), on child labour and protection of young workers, would be considered in the light of the work carried out by the Working Party on Policy regarding the Revision of Standards and without interference in the area already covered by two fundamental ILO Conventions. Item (f), on the right to information and consultation in the framework of economic restructuring, had been supported by the Workers but not by the Employers, and the Governments, for their part, had shown only slight interest in the issue; the Office would study the question in greater depth with a view to making the intended objective clearer.

Item (e) on decent work in global supply chains had been supported by the Workers but not by the Employers, and no more than three governments had commented on it.

41. Lastly, he summarized the proposals for the agenda of future sessions of the Conference which had been supported: assessment of the questions relating to occupational safety and health, new trends in the prevention and resolution of industrial disputes, export processing zones, and hours of work. Three Government representatives had made proposals in relation to the flexibility of the labour market. The Governing Body could examine those proposals in a document that would be presented in November 2007, as part of the preparations for the 2010 session of the Conference.
42. *The Worker Vice-Chairperson*, referring specifically to item (b) on HIV/AIDS and the world of work, which had initially been proposed for standard setting, urged delegates not to go back on the decisions that had been taken and asked his counterparts in particular not to oppose a standard-setting discussion. With regard to the new ideas that had been put on the table, their real relevance to the world of work should be examined at length.
43. *The Employer Vice-Chairperson* was pleased that the new ideas that had been expressed were being taken into account, including labour market flexibility, safety and health, social dialogue and the freedom of enterprise, and the resolution of labour disputes. With regard to item (b), he stressed that it was an extremely worrying issue and merited a general discussion with a view to making the most of the synergies that had been created, but it should not result in standard setting.

Governing Body decision:

44. *With a view to drawing up the agenda of the 98th Session (2009) of the International Labour Conference, the Governing Body requested the Office to prepare for the 298th Session (March 2007) of the Governing Body a document on the following issues:*
 - (a) *employment and social protection in the new demographic context (general discussion based on an integrated approach);*
 - (b) *HIV/AIDS and the world of work;*
 - (c) *gender equality at the heart of decent work (general discussion);*
 - (d) *child labour and protection of young workers (follow-up to the conclusions of the Working Party on Policy regarding the Revision of Standards);*
 - (e) *decent work in global supply chains; and*
 - (f) *the right to information and consultation in the framework of economic restructuring.*

(GB.297/2, paragraph 15.)

Third item on the agendaFOLLOW-UP TO RESOLUTIONS ADOPTED BY THE 95TH SESSION (2006)
OF THE INTERNATIONAL LABOUR CONFERENCE*Resolution concerning the employment relationship*
(GB.297/3)

45. *The Employer Vice-Chairperson* explained that his group could not support the entire point for decision, which contained elements that were not universally applicable in all circumstances. The group agreed to subparagraph (a) in respect of the distribution of the resolution, but not the other parts of the decision point. He recalled that the Employers' group had been against the adoption of the resolution and that it maintained its objections; however, the group was open to dialogue and analysis of certain aspects of the text.
46. *The Worker Vice-Chairperson* supported the point for decision and stated that the Employment Relationship Recommendation, 2006 (No. 198), had already made it possible to set out guidelines in many developing countries. The Workers wanted the Office to take the appropriate measures in the programme and budget for the next biennial period, and felt it was necessary to bring together a range of information that would enable the Office to promote good practice in respect of employment relationships.
47. *A Government representative of the United States* was in favour of subparagraphs (a) and (c) of the decision point; however, his Government could not support subparagraph (b), as the work involved in establishing a law and practice report was considerable, and was more appropriate in the case of a Convention than in that of a Recommendation. Regarding subparagraph (d), which related to the use of budgetary resources, the speaker considered that other Conventions, that he judged more important, should be given priority.
48. *A Government representative of Spain* considered that it was essential to define the employment relationship and regretted that a tripartite agreement on such an important question had proved impossible.
49. *A Government representative of Nigeria* stressed the importance of the resolution adopted by the Conference in the face of new, more flexible forms of employment relationships, which left an increasing number of workers without protection. He was in favour of the decision point.
50. *A Government representative of the Netherlands* considered that the resolution adopted was of great importance not only for workers, but also for governments, which required guidance. It was therefore essential that the resolution be applied effectively, and unreservedly. The Government of the Netherlands supported the point for decision.
51. *A representative of the Director-General* recalled that it was the follow-up to be given to a decision taken by the Conference that was under consideration, stressing that the Office needed a clear decision by the Governing Body on steps to be taken.
52. *The Employer Vice-Chairperson* stated that, in respect of subparagraph (b), his group had no objection regarding the first part of the text concerning the provision of information, but that it opposed the second part beginning with the words "and the extent to which".
53. *The Worker Vice-Chairperson* considered that this objection was in line with the position taken by the Employers in June, but noted that the Conference had gone further, and that this explained subparagraph (b).

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54. *A Government representative of the United States* supported the Employers' group and opposed the adoption of subparagraph (b).
55. *The Employer Vice-Chairperson* recalled that 21 countries and his group had voted against the Recommendation, which raised unavoidable legal questions.
56. *The Worker Vice-Chairperson* asked whether opposition to this point by the Governing Body did not call a decision of the Conference into question, and consequently that organ's primacy.
57. *Government representatives of Brazil, Finland and the Netherlands* supported subparagraph (b).
58. *The Legal Adviser* explained that, in the *Compendium of rules applicable to the Governing Body of the International Labour Office*, consensus was characterized by the absence of any objection presented by a Governing Body member as an impediment to the adoption of the decision in question, and that it was for the Chairperson, in agreement with the Vice-Chairpersons, to note the existence of a consensus. She also drew attention to article 19.6 of the Constitution of the ILO, under which a Recommendation adopted by the Conference would be communicated to all members for their consideration with a view to effect being given to it by national legislation or otherwise. The resolution was a decision of the Conference, which was the supreme body of the Organization. The substance of the resolution was not in question and, of course, the Governing Body was free to determine ways in which the resolution might be implemented.
59. *A Government representative of the United States*, in a spirit of consensus, accepted the Office's recommendations, but asked for the concerns expressed to be recorded.
60. *A Government representative of the Bolivarian Republic of Venezuela* stated that the text was in no way problematic for his Government.
61. *The Employer Vice-Chairperson* said that constitutional obligations were not being called into question. In the present case, the Governing Body was simply invited to consider measures it could accept or refuse.
62. *The Worker Vice-Chairperson* said that he considered it important to know what follow-up was to be given to the provisions of the Recommendation, if the Conference's decision was to remain meaningful.
63. *The Legal Adviser* again referred to article 19 of the Constitution, under which Members reported to the Director-General of the International Labour Office at appropriate intervals, as requested by the Governing Body, the position of the law and practice in their countries in regard to the matters referred to in the Recommendation, showing the extent to which effect had been given, or was proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it had been found or might be found necessary to make in adopting or applying them.
64. *A Government representative of Finland* stated that, in the light of the intervention by the Legal Adviser, there was no choice but to adopt subparagraph (b), which reproduced the terms of article 19 and therefore represented a constitutional obligation.
65. *A Government representative of Spain* considered that the Employers' position was coherent, but called on them to take account of the governments that had supported subparagraph (b). He stressed that, in removing this subparagraph, the Governing Body

would be contradicting a decision of the supreme body of the Organization: the Conference.

66. *The Employer Vice-Chairperson* indicated that, while his group was not enthusiastic about the adoption of this subparagraph, it would naturally respect the decisions of the Conference.
67. *A Government representative of the United States* indicated that in a spirit of cooperation he would not oppose subparagraph (d), though he could not support it.
68. *The Worker Vice-Chairperson* called on the Director-General to seek and accept all types of funding to provide follow-up to the Recommendation.

Governing Body decision:

69. *The Governing Body requested the Director-General:*

- (a) *to circulate the text of the resolution in the usual way to the governments of member States and, through them, to the national employers' and workers' organizations;*
- (b) *in accordance with article 19, paragraph 6, of the ILO Constitution, to request the governments and social partners concerned to provide information to the Office on the current position of law and practice in their countries with regard to the employment relationship and the extent to which effect has been given, or is proposed to be given, to the provisions of the Employment Relationship Recommendation, 2006 (No. 198);*
- (c) *to take the resolution into account when preparing the Programme and Budget proposals for 2008–09.*

(GB.297/3, paragraph 7, as amended.)

Resolution concerning asbestos
(GB.297/3/1)

70. *The Chairperson* indicated that the Employer and Worker Vice-Chairpersons had agreed on a proposed amendment, which consisted of adding the following sentence at the end of the point for decision in paragraph 3:

Taking into account that the ratification of Conventions, including the Asbestos Convention, 1986 (No. 162), and the Occupational Cancer Convention, 1974 (No. 139), gives rise to treaty obligations.

71. *The Worker Vice-Chairperson* confirmed his agreement with this proposal. He added that it was important that the Organization should set an example and address the question of asbestos in the ILO headquarters building.
72. *The Employer Vice-Chairperson* recalled that the Employers had already expressed their concern in respect of the contradiction between the resolution and the Asbestos Convention, 1986 (No. 162). The group supported the decision point as amended.
73. *A Government representative of France* was in favour of the decision point. She considered that the implementation of this resolution should be a primary objective of the ILO and its

constituents, so as to obtain a general prohibition of the use of asbestos throughout the world.

74. *A Government representative of Nigeria* supported the point for decision and called on the Office to supply technical assistance to member States, that requested it, to give effect to the resolution in their countries.
75. *A Government representative of Canada* recalled that, as he had already stated in June, his country could not support the resolution. The Conference Committee had not been technically prepared to discuss the issue, and this type of approach could only harm the credibility of the Organization and the resolutions it adopted. The ILO should give precedence to promoting the Asbestos Convention, 1986 (No. 162), among its member States.
76. *A representative of the Director-General* stressed that the ILO paid close attention to the question of asbestos and that the Advisory Committee on Occupational Safety and Health would shortly be addressing the issue.

Governing Body decision:

77. *The Governing Body requested the Director-General to circulate the text of the resolution in the usual way to the governments of member States and, through them, to the national employers' and workers' organizations, and to take appropriate action to give effect to the resolution on asbestos, taking into account that the ratification of Conventions, including the Asbestos Convention, 1986 (No. 162), and the Occupational Cancer Convention, 1974 (No. 139), gives rise to treaty obligations.*

(GB.297/3/1, paragraph 3, as amended.)

Fourth item on the agenda

REPORT OF THE CHAIRPERSON OF THE WORKING GROUP
ON THE INTERNATIONAL LABOUR CONFERENCE
(GB.297/4)

78. *The Chairperson of the Working Group* thanked the 24 members of the Working Group for their hard work during formal and informal meetings, as well as the representatives of the Office for their valuable assistance in allowing consensus to be achieved. He gave a brief presentation of the report and drew the attention of members to Appendix I, which contained practical proposals to be applied as of the June 2007 session of the Conference.

Governing Body decision:

79. The Governing Body:

- (a) *recommended the proposals put forward in document GB.297/4 to the 96th Session (2007) of the International Labour Conference for application on a trial basis within the framework of the ILO Constitution;*
- (b) *decided that the mandate of the Working Group should be renewed to permit it to undertake, during the 298th Session (March 2007) of the Governing Body, a review of the planning of the 2007 session of the Conference,*

followed by a review in November 2007 of the outcome of the practical application of the proposals during that 2007 session of the Conference, and to report on these matters to the 300th Session (November 2007) of the Governing Body;

- (c) decided that the preliminary constituent group meetings to be held on the day before the opening Conference plenary should be official preparatory Conference meetings requiring the attendance of tripartite delegations, whose credentials had been received on time; and*
- (d) requested the Office to advise member States, at the earliest opportunity as well as in the letter of convocation to the 2007 session of the Conference, of the modified programme format for that session.*

(GB.297/4, paragraph 8.)

Fifth item on the agenda

REPORT AND CONCLUSIONS OF THE 16TH AMERICAN REGIONAL MEETING
(BRASILIA, 2–5 MAY 2006)
(GB.297/5)

- 80.** *The Regional Director for the Americas* introduced the report, and praised the Government of Brazil for its firm support in hosting the Meeting, thereby contributing greatly to its success. The 16th American Regional Meeting had been preceded by a number of other events and summits, which had recognized decent work as a regional and global objective. Thus, the Regional Employment Conference of the Common Market of the Southern Cone (MERCOSUR) and the Andean Community (2004); the Tripartite Subregional Employment Forum for Central America, the Dominican Republic and Panama (2005); the Ibero-American Summits held in Santa Cruz, San José in Costa Rica and Salamanca; the Third European, Latin American and Caribbean Summit; the Fourteenth Inter-American Conference of Labour Ministers; and the Summit of the Americas held in Mar de Plata in 2005, had all referred to decent work as a tool for overcoming poverty. As a consequence, it was considered necessary to include decent work generation in the development strategies of the countries of the region. The Meeting had also been preceded by a series of tripartite consultations seeking out policies to generate more and better work, enhance competitiveness and productivity, while maintaining respect for labour rights and social dialogue. These consultations formed the basis of the Report the Director-General had presented to the Meeting: *Decent work in the Americas: An agenda for 2006–15*.
- 81.** The report provided an agenda with objectives and concrete goals to achieve these objectives, but left individual countries to decide whether to increase these goals and to determine the combination of policies most adapted to national circumstances. The Meeting's conclusions initiated a decent work decade in the Americas. Special attention should be paid to the joint declaration by the International Organisation of Employers (IOE), the Inter-American Federation of Workers (ICFTU-ORIT) and the Latin American Central of Workers (CLAT), calling on governments to take action to eliminate child labour, especially in its worst forms, in the Americas. The Regional Office and the team of Regional Directors in the region were working to ensure implementation of the conclusions of the Meeting, and were pleased to report that the Council of Ministers of Labour of Central America, the Dominican Republic and Panama had, in October 2006, decided to implement the Subregional Decent Work Programme. In the same month, the Caribbean Employment Forum had approved a plan of action to promote decent work in

the subregion, which was communicated to the Heads of State and Government of the Caribbean Community (CARICOM). The Forum had proved an excellent exercise in every way.

- 82.** *The Employer Vice-Chairperson* praised the quality of the consultations prior to the Meeting. They had permitted a real exchange of ideas and analyses, and the Employers' group had felt that they had genuinely participated in the preparation of the report. However, the group regretted that the Caribbean countries, despite the efforts made, were insufficiently represented at the Meeting. It was also regrettable that a representative from the Bolivarian Republic of Venezuela, the President of the Venezuelan Federation of Chambers of Commerce and Manufacturers' Associations (FEDECAMARAS), had had difficulty in obtaining a visa, or in leaving her country, and this had prevented her from attending. The Government representative of the country should note that a person representing the business world at this level must have freedom of movement. There had been a technical problem in respect of the list of participants, which had been the official list submitted by the governments, and did not take account of all the additions and modifications made during the Meeting. The list should be the true reflection of those present. The Employers' group accorded great importance to the joint statement issued by the IOE, ICFTU/ORIT and CLAT on eliminating the worst forms of child labour in the Americas. The exploitation of children was a grave violation of human rights and of the principles of social justice. Much remained to be done in this area and concrete action should be taken forthwith. The statement was a bipartite document, but called for the full involvement of governments and of the ILO.
- 83.** *An Employer member from Brazil* stated that the Brazilian employers were proud to have hosted the American Regional Meeting in their country's capital city. The climate of frank and open dialogue was translated into the conclusions of the Meeting, which constituted a positive response to the Director-General's Report. The role of the ILO in following up and promoting the agenda would be critical.
- 84.** The Employers reaffirmed their support for decent work, but stressed that the means of attaining this goal must be established by each country, according to its circumstances and possibilities. The first challenge facing the region was to create sustainable, productive employment, particularly in Latin America and the Caribbean. This called for improvements in the institutions and in the economic and social infrastructure. To generate wealth and distribute it equitably, so as to build social cohesion and sustainable development, greater regional integration and competitiveness at the global level were required. However, it should be noted that, in many countries of the region, elections were taking place against a background of frustration at the quality of life and the absence of work opportunities. This scenario appeared to favour the rise of leaders spouting ideology of sorts and proposing populist measures, rather than attacking the true roots of the problems, and could only worsen conditions for generating decent work. Government policies should recognize the essential role of enterprises in creating and maintaining employment. They should encourage the creation of enterprises and the development of business, through trade regulations which insisted on equity and legal certainty, to stimulate entrepreneurship and attract investment. The group reaffirmed the need for respect of property rights, for employers and workers alike; they also stressed that enterprises should be free to operate in accordance with the modern concept of corporate governance based on solidarity, as promoted by the IOE.
- 85.** The joint IOE, ICFTU/ORIT and CLAT statement was of great significance, as the Employers accorded the highest priority to the eradication of child labour, particularly its worst forms. The speaker noted with regret that the Credentials Committee had two complaints of non-payment of travel and subsistence expenses of an Employers' delegate from Guatemala, and an Employers' adviser from the Bolivarian Republic of Venezuela,

both of which countries were members of the Governing Body. He deplored the fact that Ms Alabis Muñoz, former President of FEDECAMARAS, the most representative employers' association of the Bolivarian Republic of Venezuela, had been prevented from travelling to Brazil, although she had correctly applied for, and obtained on 26 April 2006, the requisite authorization, which she had transmitted the same day to the Ministry of Justice and of the Interior, as required. In closing, he thanked two departing ILO officials, Mr Daniel Martínez and Mr Ignacio Espinosa, for the great contribution they had made to improving social conditions within the region.

- 86.** *A Worker member from Brazil* stated that Brazilian workers were proud that the Regional Meeting had been hosted by their country. She was concerned that the Meeting had been held only a month before the 95th Session of the International Labour Conference, thereby rendering participation difficult for Workers, as for Employers. The division of the sittings into panels had facilitated interactive participation, and was a more favourable format than that of previous Meetings. By putting democratic governance, freedom of association and the rule of law at the centre of the *Agenda for the Hemisphere 2006–15*, the Director-General had laid the foundations of a route out of poverty through the generation of decent work. The themes of employment, dialogue and social inclusion should be placed on the agenda of the regional integration process. The speaker joined the previous speakers in highlighting the importance of the joint IOE/ICFTU/ORIT statement concerning the eradication of child labour, and pointed out that the Global Report showed how the Americas had made progress in the domain. Of the 35 countries of the region, 25 had ratified both the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182). The United States and Mexico, two of the largest countries of the region, had not yet ratified Convention No. 138. The region had made considerable advances in the elimination of child labour, which had fallen by two-thirds, so that only 5 per cent of children now entered the world of work. Most countries had adopted policies and strategies to eradicate the phenomenon. In Brazil, child labour for the 10–17 year age group had fallen by 36.4 per cent, while for the 5–9 year age group, there had been a fall of 60.9 per cent. Much credit for this could go to a national forum established for the prevention of child labour, together with education policies under the banner of “Every child at school”. The trade unions and employers of Brazil had acted to eradicate child labour, and the national programme for the eradication of child labour had taken 1 million children out of work. This progress had doubtless been brought about by political changes in various countries and by the consolidation of democratic practices such as dialogue between the social actors. The workers should be included in the implementation of the Decent Work Country Programmes (DWCPs). In closing, the speaker regretted the small percentage of women participating in the Regional Meeting. This number had fallen from 18.8 per cent in 2004 to 8.6 per cent in 2006.
- 87.** *A Government representative of Mexico*, speaking on behalf of the Governments of Latin American and Caribbean States (GRULAC), thanked the ILO Regional Office for the Americas, ILO Geneva headquarters, and the Government of Brazil for organizing an event that had allowed discussion on the promotion of decent work in the Americas. The proposed *Agenda for the Hemisphere 2006–15* had been well received, and the Report had prompted a wide-ranging debate. GRULAC supported the Director-General's analysis of the situation in the region, and reaffirmed its commitment to taking up the challenges listed, by promoting economic growth and social inclusion, and by implementing fundamental principles and rights at work. However, GRULAC believed that while internal efforts made by countries to attain these goals were important, a favourable international context was also needed.
- 88.** The proposed *Agenda* was an important initiative. In particular, the DWCPs provided a tool to promote sustainable economic and social development. This required concerted action between governments and the social actors in drawing up and implementing policies and

programmes. The Global Report on the Elimination of Child Labour had been launched on 4 May 2006 in Brasilia. GRULAC recognized the progress made, as shown in the Report, and again stressed its commitment to eradicating the worst forms of child labour. It therefore took note with interest of the joint IOE, ICFTU/ORIT and CLAT statement; it also stressed the recent South-South cooperation that had taken place in this field, and urged the ILO to follow these initiatives closely.

89. GRULAC welcomed the launching of a Decent Work Decade for the Americas. The countries of the region should design and apply national public policies that incorporated social dialogue, attracted national and foreign investment, and promoted the economic growth needed to generate decent work. Of special importance were the Report's suggestions for policies to create more and better jobs; those related to the fundamental principles and rights at work; and the international labour standards ratified by individual countries. The discussions held at the Meeting showed a considerable degree of agreement between countries in respect of the efforts required to promote decent work in the Americas.
90. Speaking on behalf of the Government of Mexico, she informed the Governing Body that the Secretary of Labour and Social Security of Mexico, as President *pro tempore* of the Fourteenth Inter-American Conference of Ministers of Labour of the Organization of American States, held in Mexico in September 2005, had recognized that the biggest challenges in the region were the eradication of poverty, the reduction of inequality and the promotion of social inclusion. The Secretary had emphasized that employment was central to policies that stimulated investment, growth with equity and social inclusion. That Conference had clearly confirmed that any migrant, irrespective of their migratory condition, should enjoy full protection of his or her labour rights as part of the reinforcement of the human dimension of globalization in the hemisphere. In this connection, the speaker highlighted the common ground shared between the Director-General's Report, the Mexico Declaration and the new labour culture being developed in Mexico, which involved placing greater weight on the human element, on democratic governance, the rule of law and on social dialogue.
91. A Government representative of Argentina endorsed the GRULAC statement, and thanked the Government and the social partners of Brazil for the smooth organization of the Meeting. The Director-General's Report was excellent, and presented several valuable innovations; it had contributed greatly to the success of the event. The Government of Argentina attached great value to the conclusions of the Meeting and was pleased to hear from the Regional Director of the follow-up already being implemented on the basis of the conclusions. Argentina was committed to undertaking the necessary action at national level, and would participate in regional and subregional processes as well.
92. A Government representative of the Bolivarian Republic of Venezuela endorsed the statement made on behalf of GRULAC. With reference to the comments made by the Employers' group, the speaker stressed the need for wide representation of the different social actors at the Meeting. The choice of representation should not be exclusive. The delegation of the Bolivarian Republic of Venezuela had included employers from organizations representing the small and medium-sized enterprise (SME) sector. These organizations had existed in the country for more than 30 years. The importance of SMEs in the world of work was clear, and had been much discussed in the ILO, and during the present session of the Governing Body by the Committee on Employment and Social Policy in particular. The 2002 resolution concerning tripartism and social dialogue called for a "meaningful consultative process in labour reforms, including dealing with core Conventions and other work-related legislation", and for "in-depth studies of social dialogue", as well as examining means to render international standards more flexible in order to facilitate the full participation of these sectors, fundamental to the generation of

decent work. The tripartite work and efforts of the ILO would be a dead letter if the representatives of SMEs were not present at regional and other meetings. The importance of the sector, which was fundamental to development in countries of the region, was acknowledged in paragraph 7 of the Meeting's conclusions. As regards the regrettable absence of Ms Muñoz, former President of FEDECAMARAS, the Government had been in no way responsible. The principle of the separation of powers was rigorously upheld in the Bolivarian Republic of Venezuela. This issue concerning Ms Muñoz was currently being examined by the judiciary, and it would appear that the unfortunate incident was the result of that organ failing to supply sufficient information to the emigration authorities. It should however be noted that Ms Muñoz was present at the International Labour Conference in June 2006, three weeks after the Regional Meeting. In closing, the speaker drew attention to paragraphs 24–26 of the report of the Credentials Committee, which referred to this question.

93. *A Government representative of Spain* said that his Government's observer delegation had been led by the Deputy Minister of Labour and Social Affairs, Ms Aurora Domínguez. He thanked the Brazilian authorities and the ILO Regional Office for their meticulous organization and hospitality, and reaffirmed his Government's commitment to the region.
94. *The Employer Vice-Chairperson* drew the attention of the Government representative of the Bolivarian Republic of Venezuela to article 3, paragraph 5, of the ILO Constitution, which established that delegations to the Conference, and to ILO Regional Meetings, should nominate non-government delegates and advisers chosen in agreement with the industrial organizations most representative of the employers and workers of the country. FEDECAMARAS was one of the oldest organizations belonging to the IOE, and its representative status had been verified by the ILO supervisory bodies, and by the Credentials Committee in particular. The Employers' group did not oppose other sectors being represented on delegations, but insisted on the right of FEDECAMARAS to participate in the Conference and in Regional Meetings.

Governing Body decision:

95. *The Governing Body requested the Director-General:*

- (a) *to draw to the attention of the governments of member States in the Americas and, through them, to the attention of national organizations of employers and workers, the conclusions adopted by the Meeting;*
- (b) *to take these conclusions into consideration when implementing current programmes and in developing future programme and budget proposals; and*
- (c) *to transmit the text of the conclusions:*
- (i) *to the governments of all member States and, through them, to national organizations of employers and workers; and*
- (ii) *to interested international organizations, including international non-governmental organizations with consultative status.*

(GB.297/5, paragraph 163.)

Sixth item on the agenda

REPORT AND CONCLUSIONS OF THE 14TH ASIAN REGIONAL MEETING (BUSAN, 29 AUGUST–1 SEPTEMBER 2006) (GB.297/6)

96. *The ILO Regional Director for Asia and the Pacific* warmly thanked the tripartite constituents of the Republic of Korea and the municipal government administration of Busan for their support of the Meeting and the hospitality extended to delegates and to ILO staff. The Meeting had adopted concrete, pragmatic and forward-looking conclusions. The Meeting considered that the Decent Work Agenda could contribute to a sustainable route out of poverty, to addressing growing economic inequality within and between countries of the region, and to the attainment of the Millennium Development Goals. The constituents in the region had pledged to continue to provide global leadership in making decent work a central objective of relevant national, regional and international policies, as well as national development strategies, and had welcomed the initiation of an Asian Decent Work Decade up to 2015. National action plans were built around tangible outcomes and practical measures for the implementation of time-bound policies and programmes. Participants placed great emphasis on the need to promote tripartism, social dialogue and capacity building, as mentioned in paragraph 9 of the conclusions. Stress was also laid on extending regional cooperation, a call which had been made at the opening ceremony by President Roh of the Republic of Korea, as well as by Prime Ministers Wickremanayaka of Sri Lanka and Bakhit of Jordan. The Office would need to develop its programme, including the DWCPs, to support the commitments undertaken by the constituents following this highly successful Meeting.
97. *An Employer member from Japan* agreed that the 14th Asian Regional Meeting had been very rich in substance and had set the scene for an Asian Decent Work Decade. The opening remarks made by the visiting dignitaries, and by the Director-General were all future oriented. The subjects dealt with in the parallel sessions had been very pertinent to the current situation in the region, and the Employers felt that they had fully contributed to the conclusions of the Meeting. The subject of the special session of labour ministers was an issue of great importance to the region, that of *developing workers' skills for decent jobs in a globalization context*; a panel session of regional and international organizations with IOE and ICFTU participation had also been very informative. The conclusions provided a clear plan of action and had the Employers' full backing. The group thanked the Government of the Republic of Korea and its social partners for their efficient organization and hospitality.
98. *A Worker member from Pakistan* thanked the Government of the Republic of Korea and its social partners for the role they had played in the organization of the Meeting. The Asia-Pacific region contained more than half the world's population, and a great effort was required to make up the decent work deficit, since the region also had the largest segment of poor in the world, who worked mostly in the informal and rural sectors, with a very high level of youth unemployment. Despite a high rate of development and economic growth since 1995, poverty and social exclusion had not decreased. The Workers' group stressed the need for regional cooperation to make decent work a reality, as outlined in paragraphs 4–10 of the conclusions, the promotion of national action, highlighted in paragraphs 11–13, the regional initiatives and partnerships in paragraphs 14 and 15 and the proposals for ILO action in paragraphs 16–18; they strongly supported the initiation of the Asian Decent Work Decade, set out in paragraphs 19 and 20. The group called for the promotion and ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), as only 17 out of 40 member States from the region had ratified this instrument. The problems faced by migrant workers should be dealt with through greater cooperation between countries, and a multilateral framework should be put

in place. The ILO, through its Regional Office, should use the DWCPs to strengthen the role of the social partners, and reinforce social dialogue. Regional Meetings should be held regularly, at four yearly intervals, to help the region to close the gap between the life of its workers and that of those in more developed countries. The Workers' group supported the reaffirmation of the conclusions of the 95th Session of the International Labour Conference in respect of Myanmar, and appreciated the work done by the Organization for countries struck by natural disasters, including the recent tsunami and the earthquake which had hit Pakistan. It also welcomed the Director-General's assurance that the ILO would continue to work in the occupied Arab territories, as in other war-torn areas.

- 99.** *A Worker member from France* stated that the Workers' group was not divided into sectors, and that a member from Europe was legitimately concerned at what was happening in another region of the world. Accordingly, he noted that ratifications of ILO Conventions were less numerous in the Asia-Pacific region, and that the conclusions of the Meeting referred to this in paragraphs 12 and 16, which called for the promotion and ratification of ILO instruments. As the conclusions had been adopted unanimously, it was to be supposed that all who participated at the Meeting would therefore support the ratification and promotion of ILO Conventions. The speaker had noted with interest that China had ratified, on 12 January 2006, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). He called on China, the most populous country in the world, with the highest current annual growth rate, now to proceed to ratify 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).
- 100.** *A Government representative of China*, speaking on behalf of ASPAG, commended both the Office and the Government of the Republic of Korea for having organized the Meeting, which had revealed a common will to achieve decent work throughout the region. The group noted and endorsed the outline for national action in the conclusions and the commitment to implementation of measures in accordance with national circumstances and priorities. Greater cooperation within the region was required to implement the Asian Decent Work Decade. The Office should fully utilize the Regional Office for Asia and the Pacific as an operational centre, and should mobilize available resources to assist governments and social partners in the region. Its work should be accomplished after full consultation with the constituents. The Meeting showed the way forward for future Regional Meetings.
- 101.** *A Government representative of the Republic of Korea* thanked the delegates from all member States and the Office for their support and cooperation in making the Meeting successful. The Republic of Korea had benefited from the discussions, which enabled it to reflect on the challenges faced by many countries in dealing with globalization, and to identify priorities and policies needed to realize decent work in the region. The country would continue to cooperate with the other member States from the region and with the ILO.
- 102.** *A Government representative of Sri Lanka* thanked the Government of the Republic of Korea for having hosted the Meeting. At the 13th Asian Regional Meeting, member States had made a commitment to establish national plans of action for decent work. Several countries had done this, including Sri Lanka. The national policy for decent work in Sri Lanka was developed with tripartite and regional participation. Financial provisions to implement the policy had been made in the national budget for 2007, integrating it closely into national economic and social development plans. The countries of the region had recognized the need for regional cooperation and had affirmed their commitment to tangible outcomes and practical measures for implementing time-bound policies and programmes for generating decent work for all and reducing poverty. Regional cooperation between member States would reveal common needs, enable countries to share good

practices, and to develop strategies to address areas of mutual benefit and concern. ILO DWCPs had been recognized as the means for delivery of coordinated support to member States, and the ILO had an important role to play in assisting countries to develop further initiatives. Sri Lanka was committed to working closely with the countries in the region and the ILO in implementing the Asian Decent Work Decade.

- 103.** *The Worker Vice-Chairperson* recalled that great efforts had been made to make sure that the Meeting could take place, after it had been initially delayed, on account of workers' concerns that the Republic of Korea had failed to implement the recommendations of the Committee on Freedom of Association (CFA). The Workers' group had managed to persuade its members from the Republic of Korea that the Meeting should go ahead on the grounds that it would give a high profile to the country. It was therefore surprised to receive information, almost coinciding with the last day of the Meeting, that certain Republic of Korea workers had been imprisoned for exercising freedom of association and the right to organize. Attempts to approach the authorities of the Republic of Korea through the embassy to rectify this situation had proved fruitless. Given that the country had been given the opportunity, as host of the Regional Meeting, to stand out as a State that respected the decent work ethic, the group strongly condemned this flouting of freedom of association.
- 104.** *Mr Anand, an Employer member from India*, was both proud and grateful that the Director-General had invited him to address the Asian Regional Meeting. He recalled that the South Asia region, including Afghanistan, Bangladesh, India, the Islamic Republic of Iran, Nepal and Sri Lanka, was amongst the hardest hit by poverty in the world. There was a serious education deficit in the region, coupled with a lack of training and of skills development. The Meeting had recognized that, over the next ten years, 250 million jobs would need to be created in Asia. The conclusions set out clear guidelines as to how this problem should be tackled. The Meeting placed emphasis on the employment sector, but without accelerated skills development, jobs would not be created.
- 105.** *The Employer Vice-Chairperson* recalled that two Regional Meetings had been held in 2006 in locations other than the Regional Offices. An evaluation of the pros and cons of these experiences should be conducted, not exclusively on the basis of, but including, financial implications, etc., with a view to seeing whether the practice should be continued, and what form the Meetings should take.
- 106.** *The Worker Vice-Chairperson* agreed that this evaluation should be carried out.

Governing Body decision:

- 107.** *The Governing Body requested the Director-General to:*
- (a) draw the attention of the governments of member States of the region and, through them, that of their national employers' and workers' organizations, to the conclusions adopted by the Meeting;*
 - (b) bear the conclusions in mind in executing ongoing programmes and in preparing future programme and budget proposals; and*
 - (c) transmit the text of the conclusions:*
 - (i) to the governments of all member States and, through them, to national employers' and workers' organizations; and*

- (ii) *to the international organizations concerned, including the international non-governmental organizations having consultative status.*

(GB.297/6, paragraph 114.)

Seventh item on the agenda

ENHANCED PROGRAMME OF TECHNICAL COOPERATION FOR THE OCCUPIED ARAB TERRITORIES (GB.297/7)

- 108.** *The Employer Vice-Chairperson* expressed his group's grave concern at the situation in the occupied Arab territories and the resulting social and labour problems, as well as the problems for enterprises. The group had noted the progress made in applying the programme, but felt that still greater efforts were required in the reconstruction and capacity building of employers' and workers' organizations, the reinforcing of entrepreneurship and assistance in vocational training, particularly for disabled persons, as well as the strengthening of social dialogue. The group therefore requested the Office to increase its technical assistance activities in the occupied Arab territories.
- 109.** *The Worker Vice-Chairperson* said his group believed that the ILO programme, though good, was insufficient. Since the formation of the new Government in March, there had been economic paralysis in the occupied Arab territories. The imposition of international embargoes deprived the people of the resources needed for the functioning of their institutions, for the development of their workers and no doubt of their enterprises as well. This situation was exacerbated by the permanent blockade imposed on the territories. A commitment should be made to strengthen the Palestinian Fund for Employment and Social Protection (the Fund); the group requested that the necessary financial resources be made available, even from the regular budget, as well as from other donors, to reinforce technical cooperation for workers, employers and for the Government. The Workers called on all ILO member States to make all efforts to raise the blockade of the territories, thereby allowing freedom of movement of persons and goods between Palestine and Israel.
- 110.** *A Government representative of Morocco*, speaking on behalf of Arab governments, noted the increasing tension in the occupied Arab territories and deplored the action taken by the Government of Israel in the region. The result was a humanitarian disaster, with rising unemployment and all economic activity paralysed. The Arab governments represented on the Governing Body called on the ILO to take measures to dissuade Israel from pursuing its policy of aggression, and cease violation of Palestinian rights. Israel should cease its blockade, which prevented workers from reaching their workplaces, and withdraw from the Gaza Strip. Israel should release the taxes due to the Palestinian Authority under bilateral agreement. The group called on the Governing Body to continue to follow the situation of Arab workers and employers in the occupied territories very closely. It was important that international standards should be applied, including the ILO Declaration on Fundamental Principles and Rights at Work. The ILO should make every effort to support the Government and its social partners in the territories, and should pursue its technical cooperation activities to answer to the short- and medium-term needs of the Palestinian people. The funding for this should come from the regular budget. Finally, Arab governments called on the Governing Body to adopt the same policy of firmness towards Israel that it had applied to Myanmar.
- 111.** *A Government representative of Tunisia* noted that the presence of this item on the agenda indicated the constant concern of the tripartite constituents to follow closely the situation

of Arab workers in the occupied territories. The Palestinian people, especially women and children, were subject to violations of basic rights recognized in international labour standards. Tunisia wished to see the ILO's programme of technical cooperation in the occupied territories reinforced; the Fund had insufficient resources and should be revitalized with financing through donor States and from multilateral sources. Tunisia supported the strengthening of the ILO office in Jerusalem.

- 112.** *A Government representative of South Africa* stated that his Government again called on the Israeli authorities to allow staff from the ILO Regional Office for the Arab States access to the occupied Arab territories, to continue to provide the required technical assistance. The international community should review its stance on funding projects in the occupied territories, including those of the ILO. South Africa supported an intensified mobilization of extra-budgetary resources, and the reinforcement of the ILO office in Jerusalem.
- 113.** *A Government representative of the United States* stated that his Government had worked continuously to support the social and economic development of the Palestinian people, through significant assistance and consistent support of the ILO enhanced programme. While the general situation meant that it was very difficult to implement the programme, the United States Government hoped that the ILO would focus on delivering practical advice and technical services to those in need. The Organization should not be used as a forum to advance unbalanced views of the Israeli-Palestinian conflict. The question of supplementing the fund through regular budget resources was a matter that would require the careful consideration of the Governing Body in March 2007. The United States position remained however that no assistance should go to the Palestinian Authority as long as it was under Hamas control.
- 114.** *A Government representative of Australia* stated that the issue of using the regular budget to supply the Fund was a question that should be dealt with by the Governing Body at its 298th Session (March 2007). Australia could not provide assistance to a Hamas-led Palestinian Authority. At the same time, Australia continued to provide significant development assistance to the Palestinian territories, and had in 2006–07 allocated US\$16.2 million in humanitarian assistance, to be distributed through the UN and non-governmental organizations. The ILO cooperation activities in the occupied territories should be focused on continuing to provide practical help to those in need.
- 115.** *A Government representative of Canada* said his Government supported the ILO's enhanced programme. In view of the call for regular budget funding of this programme, he reiterated that his Government opposed any financial or technical assistance directed to the Hamas-led Palestinian authority.
- 116.** *The Director-General* noted the calls that had been made on the ILO to focus on the practical assistance it could supply on the ground. The aim of the programme was to assess the situation in the occupied territories, and then to determine what action should be taken to alleviate the lives of those living and working there. The ILO was wholly committed to this course of action, and the Director-General had been able to discuss with Mr Shaher Sa'ed, General Secretary of the Palestine General Federation of Trade Unions, on the occasion of the recent formation of the International Trade Union Confederation (ITUC), particular activities that would be helpful. The Fund had not been conceived as an entity to be financed by the ILO, as its needs were far in excess of such funding. The ILO had made an initial investment and had allocated resources to initiate certain projects. Some resources from the ILO regular budget could be directed to the Fund, but these would not be in any way sufficient for it to operate, and basically it required the commitment of countries that wished to put resources into it. The Director-General noted

the suggestions that the ILO Jerusalem Office should be strengthened, and agreed that this would be useful, given the increasing complexity of the situation.

Governing Body decision:

- 117.** *The Governing Body noted the developments regarding the enhanced programme of technical cooperation for the occupied Arab territories and took full note of the discussion that had been held.*

(GB.297/7, paragraph 21.)

Eighth item on the agenda

DEVELOPMENTS CONCERNING THE QUESTION OF THE OBSERVANCE BY THE GOVERNMENT
OF MYANMAR OF THE FORCED LABOUR CONVENTION, 1930 (No. 29)
(GB.297/8/1)

*Legal aspects arising out of the 95th Session of the
International Labour Conference*
(GB.297/8/2)

- 118.** *The Ambassador of Myanmar* referred to the moratorium on the prosecution of persons lodging false allegations of forced labour announced by the Government in June 2006. The moratorium would remain in place until the mechanism for dealing with complaints of forced labour was functioning. Since June 2006, in response to the conclusions of the 95th Session of the International Labour Conference, Aye Myint had been released from prison, and the prosecutions against the three persons involved in the Aunglan case had been dropped. Preliminary discussions had been held in early September 2006, with respect to the establishment of a credible mechanism for dealing with complaints, and these had led to an ILO mission visiting Myanmar in the second half of October 2006, when two rounds of talks had been held. The Myanmar side had been led by the Deputy Minister of Labour. The difficulties that remained concerned the confidentiality of the complaints made to the ILO Liaison Office; the personnel required by the ILO representation in Yangon; and the trial period for the mechanism. As regards the issue of confidentiality, this was inconsistent with national law, and particularly the Code of Criminal Procedure. Means would be explored to find a mutually acceptable solution to this problem, which would require adjustments to the legislation. In respect of the personnel required by the ILO representation, on the basis of the agreement concluded between Myanmar and the Organization, it had been understood that there was to be only one ILO representative in the country. The authorities were prepared to review this in relation to the Liaison Officer's workload and had proposed a formulation to be included in the draft supplementary agreement to this end. A compromise would be possible. As regards the trial period, the ILO had suggested a period of not less than six months and not more than 18 months, and it was felt that this provided the flexibility necessary to arrive at an agreement. The Government would continue to engage with the ILO to resolve these three issues as early as possible.
- 119.** *The Worker Vice-Chairperson* recalled that the Selection Committee of the International Labour Conference had issued some very specific instructions on what action the ILO was to take with regard to Myanmar. This included the preparation of material to be submitted to the UN Economic and Social Council (ECOSOC), and putting the ILO's position clearly before the Council. The group understood that a letter had been sent to ECOSOC, but apparently the ILO representation had not chosen to make a statement of its views. The group felt that more work should have been done to foster awareness among governments,

employers' and workers' organizations of the issues, involving them more in the implementation of the measures; a user-friendly questionnaire had been foreseen, as part of an enhanced reporting process, as well as multi-stakeholder conferences to exchange ideas as to the implementation of the measures. The conclusions also called for the use of public diplomacy, by drawing public attention to the practice of forced labour in Myanmar.

- 120.** Forced labour continued in Myanmar. Relations with the Government of that country must depend on the discontinuation of that practice. The speaker urged Governments that had adopted a sympathetic stance towards the Government for diplomatic reasons to take a more enlightened position so that a united front could be presented to convince the Myanmar authorities that action was necessary, precisely in the interests of ongoing diplomatic and economic relations. A multi-stakeholders' conference must be organized as a matter of urgency, and widely publicized. As part of the public diplomacy, the ILO should design and post a special page on the Organization's web site, devoted to the issue of forced labour in Myanmar, and setting out the action already engaged by the ILO, as well as planned future action. This would inform the public of what Myanmar was doing, and of what remedial action the ILO was undertaking. The web page should be continuously updated to show progress.
- 121.** Referral to the International Court of Justice (ICJ) had also been envisaged in the conclusions of the Selection Committee, and the related materials should be prepared by the Office to allow the Governing Body to refer the matter to the ICJ, should it consider this course of action appropriate. The group believed that the matter should now be referred to the ICJ for an advisory opinion, because forced labour was still exacted in Myanmar, and because the Government did not appear to wish to create an atmosphere in which people might confidently come forward and give evidence before an ILO representative in the country. The Court would deliver an advisory opinion within six months. In March 2007, the Governing Body would be able to judge whether the Government of Myanmar had taken steps to come into line with Convention No. 29 and, if not, the opinion would arrive shortly afterwards, opening up other courses of action.
- 122.** One of these would be to take the matter before the International Criminal Court (ICC), and the Director-General should take steps to prepare this submission, in case no success had been achieved by the March 2007 session. The UN Security Council could subsequently be involved. It should be made clear to the Government of Myanmar that the international community considered the situation in Myanmar to be extremely serious. The Governing Body should make the ILO's detailed information on forced labour in Myanmar available to Security Council members through the UN Secretary-General, to allow the Council to examine and consider action to be taken to address the situation, with the possibility of referring the matter to the ICC Prosecutor. The ILO should already submit all information on the issue to the ICC, to allow the Prosecutor to begin work forthwith.
- 123.** *The Employer Vice-Chairperson* expressed his group's frustration at the fact that recourse to forced labour clearly continued in Myanmar. The group noted the authorities' continued reluctance to allow the ILO Liaison Office to make a preliminary, confidential assessment of complaints of forced labour. This was a primary requirement to enable the Liaison Office to carry out its functions. A second point of contention was the duration of the trial period. The group felt that the trial period of 18 months, proposed by the Office and so far rejected by the Government of Myanmar, was already too short a time to evaluate the effectiveness of the steps to be instigated. It felt that there should be a period of three to five years, to allow a proper judgement to be made in respect of so wide-ranging a process. The third point of contention was that of the staff resources to be allocated to the Liaison Office. In seeking to limit the resources available to the Officer, the authorities were trying to restrict the execution of the Officer's duties.

- 124.** The task before the Governing Body was to initiate the mechanisms to eradicate forced labour in Myanmar, and to ensure that the regime of impunity for the perpetrators did not remain in place. The group supported, firstly, recourse to the ICJ, for that Court to be able to issue an advisory opinion. The Office should nevertheless submit further, developed alternatives to the Governing Body, as soon as possible. Secondly, the Employers believed that if the credibility of the Organization was to be maintained, it was essential that measures were adopted rapidly to guarantee the rights of those affected by forced labour. Thirdly, the group wished it to be understood clearly by the Government of Myanmar, that the maintenance of recourse to forced labour, and the impunity of those who exacted such labour, were impediments to the good relations of Myanmar with the international community as a whole.
- 125.** *A Government representative of the Philippines*, speaking on behalf of the Governments of the ASEAN, acknowledged the importance of the ILO presence in Myanmar and appreciated the efforts of the ILO Liaison Officer ad interim in assisting the authorities in the observance of Convention No. 29. The Government had committed itself to the eradication of forced labour in the country, and dialogue and cooperation between Myanmar and the ILO should continue. Myanmar had announced a moratorium on prosecutions of persons making false complaints of forced labour in June 2006, and had renewed this moratorium before the Governing Body. Various prisoners had been acquitted, as called for in the Selection Committee's conclusions. This showed that the authorities were cooperating in a genuine fashion with the ILO. While the deadline of the end of October 2006 for the establishment of a credible mechanism for dealing with complaints of forced labour had passed, discussions were continuing between the ILO and Myanmar, both in Yangon and in Geneva. The speaker called on both sides to intensify the dialogue and demonstrate the flexibility necessary to arrive at mutually agreeable solutions.
- 126.** *A Government representative of Finland*, spoke on behalf of the Governments of the European Union (EU), the acceding countries, Bulgaria and Romania, the candidate countries, Turkey, Croatia and the former Yugoslavian Republic of Macedonia, the countries of stabilization and association processes and potential candidates, Albania, Bosnia and Herzegovina, Montenegro, Serbia, as well as Ukraine, the Republic of Moldova and Switzerland. He noted that the human rights situation in Myanmar had been under the scrutiny of the international community for many years. The Conference in June had made it clear that progress was only possible if the Government committed itself fully to ending forced labour. The EU supported the ILO's efforts in continuing to negotiate on the establishment of a credible and effective mechanism to protect victims of forced labour in Myanmar, and welcomed the release of the imprisoned persons, and the Ambassador's personal commitment to the negotiations. However, the Conference's deadline of 31 October 2006 had passed, and the negotiations had broken down, principally over the requirement that the Liaison Office should be able to operate unhindered by the authorities, and with sufficient staff. The EU urged Myanmar to conclude the negotiations forthwith, giving concrete assurances that there would be no prosecutions for submitting complaints of forced labour to the Liaison Office. A clear agreement was needed at this stage, with inbuilt means as to its correct functioning. The EU wished to see Myanmar move towards democracy, and to cooperate fully with the international community as a whole. At present, the EU was obliged to maintain the measures presented in its common position against the military regime in Myanmar. The Office, in consultation with the Officers of the Governing Body, should take such action as was needed to enable the Governing Body in March 2007 to reach a decision in respect of the various legal options, including referring the case to the ICJ. At that stage, further complementary action, as expressed in the conclusions of the Conference should also be pursued as appropriate.

- 127.** *A Government representative of Canada* said his Government supported the Office in its efforts to negotiate with the Myanmar authorities. The release of the political prisoners was a positive outcome, but otherwise the authorities were displaying little sincerity. Indeed, the record showed that this had been the case for many years. The fact that Ang San Suu Kyi remained under house arrest was symptomatic of the oppression under which the people of Myanmar lived. The Selection Committee of the 95th Session of the International Labour Conference had produced a series of proposals to move the situation forward. Canada urged members to consider the role they might play in implementing the options set out in the second, third and fourth paragraphs of these conclusions. The negotiations should continue, but other forms of action should also be pursued. The Office and Governing Body members should discuss ways of achieving this to allow the Governing Body to take a decision on supplementary measures at its next session in March 2007.
- 128.** *A Government representative of Australia*, speaking on behalf of the Governments of Australia and New Zealand, supported the Office in its efforts to negotiate with the Myanmar authorities. It remained extremely disappointing that the Government of Myanmar continued to refuse to implement the recommendations of the Commission of Inquiry, and had failed to demonstrate commitment at the highest level to a substantive dialogue to address the forced labour problem. The announced moratorium on prosecutions of those complaining of forced labour was worthless without the establishment of a credible mechanism for dealing with such complaints. Australia and New Zealand strongly urged Myanmar to establish this mechanism without delay, as spelt out by the ILO in the draft Memorandum of Understanding. A first step would be to permit the ILO to strengthen the Liaison Office in Yangon with the additional staff required, and to allow the office to work without hindrance. The visit, in November 2006, of UN Under Secretary-General Gambari to Myanmar showed the importance accorded by the international community to progress in the country. Australia and New Zealand reiterated their call to the Government to comply with its obligations under Convention No. 29.
- 129.** *A Government representative of Japan* said the report showed some positive developments, but also noted the points of divergence. The Government of Myanmar should return to the negotiations concerning the protection mechanism for those filing complaints; extend the period of the moratorium until the mechanism was established and operating; continue to cooperate with the ILO until a solution was forthcoming. He stressed that these remarks were made in a spirit of friendship towards Myanmar, and not a spirit of conflict.
- 130.** *A Government representative of the United States* noted that little, if any, progress had been made. The practice of forced labour continued, and was especially utilized by the military; perpetrators went unpunished; the National League for Democracy, which had been overwhelmingly elected in 1990, had still not taken its place in the Government; and Ang San Suu Kyi remained under house arrest. The United States would continue to support the ILO's efforts to address forced labour in Myanmar, but would only be satisfied when the authorities had implemented all the recommendations of the Commission of Inquiry. Complaints of forced labour should be submitted to the Liaison Office on a confidential basis; the trial period for the mechanism should be indefinite, but not less than 18 months; the Liaison Officer should have freedom of movement; the Liaison Office should be staffed at a level to allow it to carry out its duties. The United States was interested by all other suggestions by the Office, by governments, or by the social partners, to put an end to forced labour in Myanmar.
- 131.** *A Government representative of India* noted that the Government of Myanmar had taken steps, in negotiation with the ILO, towards facilitating a mutually acceptable mechanism to eradicate forced labour from the country. These were positive developments, and the cooperation and dialogue should continue. India commended the efforts made by the

Director-General thus far, and remained strongly opposed to recourse to forced labour, which was forbidden under the Indian Constitution.

132. *A Government representative of China* said the Government of Myanmar had taken realistic steps, showing its will to cooperate and demonstrate flexibility. This should be encouraged and maintained. Dialogue and cooperation, rather than referral to other international institutions, would result in an acceptable solution to the problem. The imposition of sanctions would only exacerbate social unrest and poverty in Myanmar. The international community should seek ways of providing effective, tangible assistance to Myanmar to develop economically and socially.
133. *A Government representative of the Russian Federation* stressed that forced labour was unacceptable, and that it must be eradicated in Myanmar. This could only be achieved through cooperation between the Government of Myanmar and the ILO. Myanmar had released political prisoners, and had taken other steps that were to be welcomed. As regards the report submitted in respect of legal aspects arising out of the 95th Session of the Conference, the delegation reserved the right to return to this question in greater depth in future. The speaker nevertheless expressed doubts concerning referral of the case to the ICJ. It appeared that the Government of Myanmar recognized that there were problems in respect of its observance of Convention No. 29, so there was no clear divergence of opinion as to the application of the instrument. As regards the question of obtaining a possible binding advisory opinion, it did not appear clear that the statute of the ICJ provided the court with the jurisdiction to issue a judgement in respect of forced labour in Myanmar. The act of exacting forced labour could not be qualified as a crime against humanity as defined by the Rome Statute.
134. *A Government representative of the Republic of Korea* recognized the encouraging elements in the report, but expressed disappointment and frustration that the negotiations appeared to be at a stalemate. The Government should demonstrate its willingness to cooperate with the ILO by addressing the three remaining key issues forthwith. A mutually agreeable solution should be found as soon as possible, before recourse to further, more coercive, steps became necessary.
135. *A Government representative of Cuba* said his Government rejected all forms of forced labour in the world, but believed nevertheless that cooperation and dialogue would provide the solution to this problem. The Government's efforts should be recognized: it had put forward suggestions to solve the three outstanding issues. Use should not be made of coercive measures, which would only result in greater confrontation and distress to the population of Myanmar. The other measures exposed in the document GB.297/8/2 would, by involving instances outside the ILO, create doubtful precedents without helping to enhance the present situation.
136. *The Chairperson* presented the following conclusions, which had been approved by the Employer and Worker Vice-Chairpersons.

Governing Body conclusions:

137. *The Governing Body considered all the information before it, including the comments of the Permanent Representative of Myanmar, in the framework of the conclusions adopted by the International Labour Conference in June 2006. In this regard, regret was expressed by the Workers' group and some Governments that not all options contemplated by the Conference had been followed up. It was recalled in this context that the Conference conclusions, inter alia, provided that "in the light of the developments or lack thereof, the Governing Body would have full delegated authority to decide on the most appropriate course of action,*

including as appropriate on the basis of the ... proposals for the enhanced application of the measures”.

138. *It was acknowledged that the Myanmar authorities had released Aye Myint and ended the prosecutions in Aunglan. The Permanent Representative furthermore gave assurances in his opening comments that the moratorium on prosecution of complainants would remain in place.*
139. *However, the Workers, Employers and the majority of Governments, expressed great frustration that the Myanmar authorities had not been able to agree on a mechanism to deal with complaints of forced labour within the framework set out in the Conference conclusions. The authorities had therefore missed a critical opportunity to demonstrate a real commitment to cooperating with the ILO to resolve the forced labour problem, which once again raised serious questions as to whether any such commitment existed. There was widespread and profound concern that, at the same time, the practice of forced labour continued to be prevalent in Myanmar.*
140. *The general conclusions were that:*
- *The Myanmar authorities should, as a matter of utmost urgency and in good faith, conclude with the Office an agreement on a mechanism to deal with complaints of forced labour, on the specific basis of the final compromise text proposed by the ILO mission.*
 - *Irrespective of the status of the moratorium on prosecutions of complainants, it must be clearly understood that any move to prosecute complainants would be a violation of Convention No. 29 and would open the way to the consequences contemplated in paragraph 2 of the Conference conclusions.*
 - *Following the Conference conclusions in June 2006, a specific item would be placed on the agenda of the March 2007 session of the Governing Body, to enable it to move on legal options, including, as appropriate, involving the ICJ. The Office should therefore make necessary preparations for the Governing Body to request an advisory opinion of the ICJ on specific legal question(s), without prejudice to the possibility that a member State could take action on its own initiative.*
 - *As regards the question of making available a record of the relevant documentation of the ILO related to the issue of forced labour in Myanmar to the Prosecutor of the ICC for any action that may be considered appropriate, it is noted that these documents are public and the Director-General would therefore be able to transmit them.*
 - *In addition, the Director-General could ensure that these developments are appropriately brought to the attention of the UN Security Council when it considers the situation in Myanmar, which is now on its formal agenda.*
 - *As provided for in the Conference conclusions, the Governing Body in March will revisit the question of placing a specific item on the agenda of the 2007 session of the International Labour Conference to allow it to*

review what further action may then be required, including the possibility of the establishment of a special committee of the Conference.

- *The other options contained in the Conference conclusions should also be appropriately followed up by the Office.*

Ninth item on the agenda

MEASURES TAKEN BY THE GOVERNMENT OF BELARUS TO IMPLEMENT THE
RECOMMENDATIONS OF THE COMMISSION OF INQUIRY ESTABLISHED TO EXAMINE
THE OBSERVANCE 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.297/9)

- 141.** *A representative of the Director-General* reported that, at the request of the Government of Belarus, the Office had held informal consultations with a delegation from Belarus, headed by the Deputy Prime Minister, in Geneva in October 2006, in order to examine the implementation of the recommendations of the Commission of Inquiry.
- 142.** As stated during the consultations, the Government of Belarus considered that it had already complied, or was in the process of complying, with almost all the recommendations of the Commission of Inquiry. It had stated that, in order best to disseminate the recommendations, the texts and other relevant information had been published in *Respublika*, the official gazette of the Council of Ministers, with a print run of 114,364 copies. It had also announced that the National Commission for the Registration of Public Associations had been dissolved and that the Government would include in draft legislation the new concept of trade union being developed with the assistance of the Office, and that a representative of the Congress of Democratic Trade Unions of Belarus (CDTU) had been granted a seat on the National Council for Labour and Social Issues.
- 143.** The speaker confirmed that the Office was working with the Government of Belarus on a new trade unions bill, in accordance with Conventions Nos. 87 and 98. In addition, the Office would cooperate in the organization of a seminar on the principles of freedom of association for judges and court officials. The ILO's supervisory bodies would be responsible for establishing whether the measures taken by the Government of Belarus were in line with the recommendations of the Commission of Inquiry. The Committee of Experts on the Application of Conventions and Recommendations would examine the situation, and the Committee on Freedom of Association (CFA), which would be responsible for follow-up to the recommendations, would submit a report to the Governing Body in March 2007.
- 144.** *A Government representative of Belarus* emphasized that the consultations held with the Office had enabled an agreed position to be reached on a set of complex issues. The Government had undertaken to examine the relations between enterprises and unions in a systematic manner through the National Council for Labour and Social Issues. The Ministry of Labour and Social Protection had established an independent body responsible for examining complaints filed by trade unions, some of whose members were representatives of the Federation of Trade Unions of Belarus (FPB) and the CDTU. The draft trade unions act would be prepared in 2007 on the basis of the text approved by the President of the Republic and in accordance with ILO standards.
- 145.** Within the context of the transition to a market economy, the Government had made considerable efforts to reduce poverty, which stood at a rate of 12 per cent. Unemployment

affected 1.2 per cent of the working population, and prevailing income disparities were at socially acceptable levels. The main pillars in the construction of civil society were trade unions and employers' organizations.

- 146.** The speaker was concerned that not all of the measures taken by the Government had been included in the documents submitted to the Governing Body, and that some of the information was out of date. He recalled that five of the six Worker members of the CFA, including three regular members, had been part of the delegation that had previously filed a complaint against the Government of Belarus under article 26 of the ILO Constitution. He further recalled that, at its 292nd Session (March 2005), the Governing Body, having examined a complaint against the Government of the Bolivarian Republic of Venezuela under the same article, had decided that the persons bringing the complaint could not participate in the examination of that complaint in the Committee; it was not permissible to act as judge and jury in the same case.
- 147.** Given these circumstances, the Government of Belarus, a regular member of the Governing Body, recommended that any decisions adopted by the Governing Body at its 297th Session acknowledge the progress achieved with regard to compliance with the recommendations of the Commission of Inquiry, include no reference to a possible application of article 33 of the ILO Constitution with respect to Belarus, and indicate that the assessment of measures adopted by the Government of Belarus would be undertaken by the Committee of Experts on the Application of Conventions and Recommendations, which would report to the Conference Committee on the Application of Standards. The speaker stated that the Government of Belarus was prepared to continue engaging in dialogue with all interested parties and to take the measures necessary to comply with the recommendations of the Commission of Inquiry.
- 148.** *The Worker Vice-Chairperson* expressed satisfaction that the consultations held in Geneva had brought together senior members of the Government of Belarus and representatives of the social partners. If the Government stated that it was complying with Conventions Nos. 87 and 98, it needed to provide reliable evidence that freely constituted trade unions were able to operate without interference from the public authorities. Such evidence, rather than being presented to the Governing Body in the form of documents of questionable reliability, should be presented to the ILO's supervisory bodies. The recommendations of the Commission of Inquiry dated from 2004 and, since that time, the Workers' group had received a wealth of information that contradicted the Government's statements. It was essential for a trustworthy source of information to be found. Even if the Government of Belarus continued to express its intention of introducing improvements, beyond merely adopting a trade union representation agreement and issuing information which shed no real light on the situation in the eyes of the public, the Workers agreed that the Governing Body should examine the possible application of article 33 of the ILO Constitution in March 2007.
- 149.** *The Employer Vice-Chairperson* welcomed the active participation of senior members of the Government of Belarus in the examination of the issue. He expressed the hope that the willingness for change shown by the Deputy Prime Minister would, before March 2007, be translated into concrete action to implement the recommendations of the Commission of Inquiry. He recalled that the Committee on the Application of Standards had been hoping that the Governing Body would, at its 297th Session, begin consideration of whether to adopt other measures under article 33 of the ILO Constitution. While the Employers' group understood the concerns expressed by the Government of Belarus, there could be no compromise when freedom of association and exercise of the right to collective bargaining were at stake.

- 150.** *A Government representative of Finland* took the floor on behalf of the Governments of the Member States of the EU, Bulgaria and Romania (accession countries), Croatia, The former Yugoslav Republic of Macedonia, and Turkey (candidate Members), Albania, Bosnia and Herzegovina, Montenegro and the Republic of Serbia (countries involved in the stabilization and association process and potentially candidate Members), Norway (a Member of the European Free Trade Association (EFTA)), Ukraine and Switzerland. Considerable concern had arisen in the EU over the persistent failure to implement the recommendations made by the Commission of Inquiry to the Government of Belarus. Despite repeated appeals to the Government, the ILO's supervisory bodies had found no evidence of progress with regard to respect for democratic principles and human rights. The EU noted with interest the information concerning the repeal of a presidential decree and the plans for drafting a new trade unions act, and welcomed the initiative taken by the Government of Belarus to examine, in collaboration with the Office, any legislative amendments and overall compliance with the recommendations. It was important for all trade unions, whether or not they were registered, to be allowed to exercise their rights without hindrance as this process moved forward. It was for the CFA to undertake an assessment of the situation, the measures proposed and their effects. The Governing Body would be able to take a decision in March 2007 as to the possible inclusion of the question on the agenda of the 2007 Conference. The EU would meanwhile continue to monitor developments in Belarus closely, particularly with regard to the principles of freedom of association and collective bargaining.
- 151.** *A Government representative of the Russian Federation* said that the progress reported by the Deputy Prime Minister of Belarus, which had been duly acknowledged by the Employers, Workers and the statement on behalf of the EU, constituted tangible evidence of interest on the part of Belarus in furthering collaboration with the ILO. Given that positive development, it would be counterproductive to rush into an examination of the possible application of article 33 of the ILO Constitution, a process which entailed serious consequences. He proposed instead that dialogue with Belarus be continued, that technical assistance be offered and that the necessary time be allowed for the implementation of the Commission of Inquiry's complex recommendations.
- 152.** *A Worker member from the Russian Federation* said that, according to information received in Moscow from the CDTU, none of the trade unions had been able to register because the enterprise had refused to accept their official addresses. The dissolution of the National Commission had not led to any improvements in registration conditions. While one trade union member had indeed been reinstated in his post, that had not been the case for any of the others. The text of the future draft trade unions act contained certain provisions that posed a threat to the principles of freedom of association. Representation of the CDTU on the National Council for Labour and Social Issues had to follow official procedures. Officials from the ILO's Subregional Office for Eastern Europe and Central Asia needed to be able to travel to Belarus and meet freely with trade union representatives and there should be unhindered issuance of visas. The speaker considered that, in March 2007, the Governing Body should examine the possibility of applying article 33 of the ILO Constitution in the present case.
- 153.** *A Government representative of the United States* stated that, despite the efforts made by the Office, the Government of Belarus had not honoured its international commitments. He agreed that the Governing Body should, in March 2007, examine the issue of the possible application of article 33 of the ILO Constitution.
- 154.** *A Government representative of India* noted with satisfaction the information communicated by the Deputy Prime Minister of Belarus. In view of the decision adopted at its 292nd Session (March 2005), the Governing Body would need to examine the situation of the Government of Belarus in an appropriate fashion. The document from the Office

contained out of date information and should not be used as a basis for future discussions and decisions. The Governing Body should defer examination of the matter until the Committee of Experts on the Application of Conventions and Recommendations had undertaken its own assessment of the situation.

- 155.** *A Government representative of Canada* considered that the sending of a high-level mission to Geneva was a telling indication of the seriousness with which the Government of Belarus was addressing the complaint, which had taken on greater gravity as a result of the failure to implement the recommendations of the Commission of Inquiry. He was extremely concerned by the flagrant violation of democratic principles and human rights in Belarus, as well as by the continued denial of freedom of association. He hoped that the Government would use the months remaining before the March 2007 session to continue its forward progress, and that the Governing Body would then be able to take a decision in the light of the examination by the Committee of Experts on the Application of Conventions and Recommendations.
- 156.** *A Government representative of the Islamic Republic of Iran* acknowledged the openness to dialogue shown by the Government of Belarus and the progress achieved. He urged the ILO to provide the Government of Belarus with the necessary technical assistance, and requested the Governing Body to delete all references to the possible application of new measures.
- 157.** *A Government representative of Cuba* said that, in view of the willingness demonstrated by the Government of Belarus to continue giving effect to the recommendations of the Commission of Inquiry, there was no justification for the matter to continue being included in the agenda of the Governing Body. The Committee of Experts on the Application of Conventions and Recommendations should be the only body with responsibility for monitoring the measures taken by the Government of Belarus.
- 158.** *A Government representative of China* acknowledged the tangible effort made by the Government of Belarus since the 95th Session (2006) of the Conference to implement the recommendations of the Commission of Inquiry. She believed that the ILO and the Government of Belarus should persevere with constructive dialogue with a view to promoting Conventions Nos. 87 and 98. She was opposed to the Governing Body examining the possible application of article 33 of the ILO Constitution.
- 159.** *A Government representative of the Bolivarian Republic of Venezuela* maintained that the Government of Belarus had provided evidence that it was complying with the recommendations of the Commission of Inquiry thanks to technical assistance from the ILO. He stated that his Government would continue to support any measures that would enable cases to be examined in a transparent manner by the ILO's supervisory bodies. He recalled that, when various members of the CFA had filed a complaint against his country's Government, the Governing Body had decided to defer examination of the case until the membership of the Committee on Freedom of Association had been renewed.
- 160.** *A Government representative of Viet Nam* expressed opposition to any measure other than dialogue or cooperation in seeking an acceptable solution to the issue.
- 161.** *A Government representative of Pakistan* requested that the openness to dialogue displayed by the Government of Belarus, as well as the progress achieved, be taken into account. He advised against the possible application of article 33 of the ILO Constitution.
- 162.** *A Government representative of Belarus* said he was convinced that it would be possible to find acceptable solutions through dialogue and consultation. He explained that all the matters mentioned by the Worker member from the Russian Federation had been examined

during the consultations held in October, and that the new trade unions act, once enacted, would enable some of these matters to be resolved. The National Council for Labour and Social Issues would be collaborating with the Government to ensure that the legislation was entirely in conformity with the ILO Conventions on freedom of association. With regard to the question of visas, that had been a technical problem which had been solved immediately.

- 163.** The speaker pointed out that the conclusions of the Committee on the Application of Standards provided for implementation of the recommendations of the Commission of Inquiry in a number of stages, and that the Governing Body could not examine the possibility of adopting other measures unless an absence of progress had been noted. In the case of the Government of Belarus, the progress achieved was clear to see, and the speaker therefore requested that all references to the possible application with respect to Belarus of article 33 of the ILO Constitution be deleted from the decisions of the 297th Session of the Governing Body. He said that any measures taken by Belarus should be assessed by the Committee of Experts on the Application of Conventions and Recommendations, which in turn would report to the Conference Committee on the Application of Standards.
- 164.** *The Worker Vice-Chairperson* insisted that the publication released by the Government of Belarus reflected neither the principles nor the values of the ILO. He trusted that the Government would use the months remaining before the March 2007 session to provide reliable evidence of its willingness to make substantive rather than cosmetic changes.
- 165.** *The Employer Vice-Chairperson* said that the Employers' group was not merely seeking the application of article 33 of the ILO Constitution but, rather, the respect in Belarus of the freedoms enshrined in Conventions Nos. 87 and 98, the defence of which was a matter for all stakeholders within society. He believed in the willingness shown by the Government of Belarus to bring about change, but maintained the position adopted by the Employers' group.

Governing Body decision:

- 166.** *The Governing Body decided to include on the agenda of its 298th Session (March 2007) an item entitled "Measures taken by the Government of Belarus to implement the recommendations of the Commission of Inquiry established to examine the observance 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)". In the interim, the Governing Body wished to encourage the Government of Belarus, given the urgency of the case, to continue working in collaboration with the Office on implementation of the recommendations made by the Commission of Inquiry in 2004. It urged the Government of Belarus to follow strictly the advice that it had requested on trade union-related legislation and practice, including registration. The Governing Body requested the Office to collate all relevant information, including information supplied by the ILO's supervisory bodies, in one document, thus enabling the Governing Body to examine the matter.*

Tenth item on the agenda343RD REPORT OF THE COMMITTEE ON FREEDOM OF ASSOCIATION
(GB.297/10)

- 167.** *The Reporter of the Committee on Freedom of Association* (CFA) informed the Governing Body that the Committee had 127 cases pending, and had examined 30 cases on their merit. Of these, 15 concerned Latin America; five concerned Africa; five concerned Asia; and five concerned North America and Europe. Urgent appeals were launched to the Governments of Argentina, Barbados, Canada, Djibouti and the United Kingdom (Jersey), which had failed to submit complete observations in respect of complaints. In following up progress regarding the Committee's recommendations, the Committee noted the reinstatement of trade union members and officials in Cases Nos. 2208 (El Salvador); 2429 (Niger); and 2087 (Uruguay). Cases Nos. 1787 (Colombia); 2449 (Eritrea); and 2313 (Zimbabwe) were listed as serious and urgent.
- 168.** Case No. 1787, on Colombia, was before the Committee for the 19th time in 11 years. New allegations had been made by the complainant trade unions of 49 murders of trade unionists since April 2006 and of disappearances, detentions, threats and other forms of harassment. The Committee strongly urged the Government to initiate and pursue investigations, to end the situation of impunity and provide protection for all trade unionists. It was particularly concerned at the so-called "Operation Dragon", allegedly aimed at eliminating trade unionists and requested further information on the ongoing investigation. The Committee expected the tripartite agreement signed in respect of Colombia in June 2006 to yield results. On 4 November 2006, the CFA was visited by the Director of the Human Rights Division of the Attorney-General's Office of Colombia, together with the Colombian Ambassador, who provided an update on progress in judicial investigations, of which 1,369 were pending. One hundred and twenty-eight cases had been selected, after consultations with the trade unions, for priority treatment, and eight additional attorneys had been appointed to deal with this work. The Director said that links with the ILO should be strengthened to provide information on these investigations.
- 169.** Case No. 2449, on Eritrea, concerned the arrests in March and April 2005 of three trade union leaders and their detention incommunicado since then. The CFA, in its recommendations, deplored this failure to observe fundamental human rights and urged the Government to release the prisoners and provide information on the reasons for their arrest.
- 170.** Case No. 2445, on Guatemala, concerned the murder of two trade union officials, death threats to the wife of one of the officials, attempted murder, assault, theft of trade union property, and overall shortcomings in the institutional protection of trade union and labour rights. The Government was requested to report urgently on the inquiries and procedures under way, and should take immediate steps to safeguard the lives of those under threat of death. It should also submit observations regarding the allegations of non-compliance with judicial reinstatement orders, and establish a system of protection against acts of anti-union discrimination, with dissuasive sanctions and the possibility of reinstatement as a means of redress. An independent inquiry should be instigated in respect of the other allegations. ILO technical assistance was at the Government's disposal.
- 171.** In Case No. 2313, on Zimbabwe, the CFA deplored the Government's failure to reply urgently to the allegations of arrest of trade unionists, harassment and beatings. The Government should take steps to drop the charges brought under the Miscellaneous Offences Act immediately, and provide proof that the trade unionists charged under the Public Order and Security Act were not simply being tried for participating in the human rights demonstrations of November 2003. The Government should instigate independent

inquiries into the allegations of beatings of Messrs Dengu, Khumalo, Mandinyenya and Munyukwi and, if necessary, compensate them, punish the guilty parties and ensure that no repetition of such acts against trade unionists recurred. The Committee again expressed deep concern at the general trade union climate in Zimbabwe.

- 172.** Case No. 2405, on Canada (British Columbia) concerned a five-year extension of a collective agreement in the public sector, in which the Government had made recourse to retroactive legislative intervention in the collective bargaining process. The Government should refrain from this course of action. The recommendations made in the report of the Industrial Inquiry Commission should help resolve the difficulties in the British Columbia collective bargaining system, and the offer of ILO technical assistance was open to the Government in respect of Case No. 2405. In a second case concerning Canada, No. 2430 (Ontario), the Committee recommended that the Government of Ontario, in consultation with the social partners, should take the legislative measures necessary to ensure that academic and part-time staff in the colleges of applied arts and technology should enjoy fully the right to organize and bargain collectively.
- 173.** *The spokesperson for the Employers' group* stressed that his group considered the work of the CFA to be extremely important. To strengthen a tradition of consensus, the Employers and Workers had been consulting bilaterally on an informal basis, and would continue to do so, to consider ways of improving the functioning of the Committee. The Government group and the Office would be involved in these discussions later.
- 174.** The Employers had been concerned that in some cases recommendations were being issued without allowing the governments a reasonable chance to reply; there were however instances of genuine intransigence. A suggestion was made to distinguish clearly between these two possibilities in the text of the cases. Among those Governments ignoring requests to respond to serious allegations were Eritrea, Case No. 2449, and Zimbabwe, Case No. 2313. In the case on Eritrea, the group noted that employers as well as workers were being detained without a fair hearing.
- 175.** In respect of Case No. 2265 concerning Switzerland, the group wished to stress the need to consider redress through paid compensation, where redress through reinstatement was not possible. The Employers had sought a balance in this case between dealing with matters expeditiously, while leaving adequate time for national processes to deal with complaints to find an internal solution. The group was alarmed at a report in the local papers stating that the Swiss authorities did not accept the legitimacy of the CFA. This had in no way been the Committee's experience in its dealings with the Government.
- 176.** The Employers were concerned that a new edition of the *Digest of decisions and principles of the Freedom of Association Committee* had been published, without prior consultation with their group. Furthermore, the group argued, with reference to Case No. 2438 concerning Argentina, that paragraphs from the *Digest* should be quoted in full, to avoid misinterpretation and the production of new principles. In Cases Nos. 2440, on Argentina, and 2472, on Indonesia, the Employers argued that a reference to Article 8 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), should be included in the recommendations, as well as, in the case concerning Argentina, that paragraphs 598 and 599 of the *Digest* should be referenced. These paragraphs concerned a matter of importance for employers: respect for national law by workers exercising the right to strike.
- 177.** In respect of Case No. 2405, on Canada, which concerned public education, the Employers were concerned that the Government should remain autonomous in matters of public policy, and that tripartite consultations should only be engaged were appropriate in such

matters. They acknowledged that the ILO could play a role in this case, one of the few where the Committee suggested that the Government seek ILO technical assistance.

- 178.** In respect of Case No. 1787, on Colombia, the Employers commended the Government for its commitment to concrete action, including the signing of the 2006 tripartite agreement, and for its detailed reporting on the situation. The text in the report included a paragraph to this effect. The visit by members of the Colombian Government to the CFA on 5 November 2006 once again bore witness to the Government's determination to redress the situation.
- 179.** Case No. 2319, on Japan, was an example of government using internal, national processes to deal with issues successfully. The case was closed.
- 180.** *The spokesperson for the Workers' group* endorsed the Reporter's statement and asked the Governing Body to adopt the Committee's conclusions and recommendations.
- 181.** In respect of Case No. 1787, on Colombia, the group deplored additional reports of the murder of 44 trade unionists in 2005, five murders in 2006, one disappearance and seven cases of serious threats. There was also an alleged plan within the Department for Security to eliminate trade unionists. The group expected the Government to take measures to provide protection for trade unionists, to combat impunity and to implement the 2006 tripartite agreement.
- 182.** In Case No. 2449, on Eritrea, the group was deeply concerned about the safety of the three trade union leaders arrested one and a half years previously. The speaker suggested that other governments in the region might be able to convince the Government to be more forthcoming regarding the prisoners' whereabouts and well-being.
- 183.** Also of great concern was Case No. 2445, on Guatemala. The case included murders, death threats and assaults on trade unionists, and a legal system that seemed unequal to the task of providing the necessary protection. The Government should take up the offer of ILO technical assistance.
- 184.** Case No. 2313, on Zimbabwe, involved violent harassment and mass arrests of members of the Zimbabwe Congress of Trade Unions. The group deplored the very grave situation in the country, and the fact that the Government refused to cooperate with the CFA.
- 185.** Case No. 2443, on Cambodia, again came before the Committee. Mr Sok Vy, worker representative, and 100 of his worker colleagues, mostly trade unionists, were dismissed by the Fortune Garment Factory after a strike. Mr Sok Vy was charged with incitement to commit criminal acts and to damage property and sentenced to 14 months' prison, although there was no proof. He was further accused of falsely claiming to be over 25, the threshold, under section 286 of the existing labour law, for holding trade union office. The Committee requested the Government to ensure that Mr Sok Vy was fully reinstated; to amend the law establishing 25 years as the minimum age for trade union office; and an independent inquiry into these anti-union dismissals, with reinstatement of the workers or, if this was impossible, the payment of adequate compensation. The group was concerned that this case, and others in Cambodia, bore witness to a deteriorating trade union situation in the country.
- 186.** In Case No. 2265, on Switzerland, the Committee requested the Government to take steps to reinstate a trade union representative that had been dismissed for anti-union discrimination. Tripartite discussion on the matter should be engaged. The Government should reply to the most recent allegations as soon as possible and take advantage of the offer of ILO technical assistance.

- 187.** Case No. 2472, on Indonesia, concerned the refusal by the company PT Musim Mas to recognize the SP Kahutindo union. After harassment of union members, workers organized protest action; subsequently 701 of these workers were dismissed and, with their 1,000 family members, including 350 children, were evicted from the plantation housing estate at the company's request. Three hundred children were expelled from the plantation schools as a result. Criminal charges were made, and trade unionists received sentences of between 14 months and two years. In prison, the trade unionists were compelled to sign a "settlement agreement" under which they renounced their right of appeal to the Supreme Court of Indonesia, and received small financial compensation. Two hundred and eleven of the dismissed workers renounced their right to appeal against their illegal dismissals and were each paid US\$123, which was also intended to bribe these workers into persuading the Building and Wood Workers' International Union to withdraw its complaint. The Committee recommended that the Government should observe the fundamental principle that no one should be penalized for taking legal strike action; that the hiring of strike replacement workers was a violation of freedom of association and that police intervention should be in proportion to the threat to public order, avoiding excessive violence.
- 188.** In Case No. 2348, on Iraq, the Committee repeated its previous conclusions that Decree No. 16 of 28 January 2004, imposing a trade union monopoly, should be amended to allow workers to join unions of their own choice; and that the 1987 law banning strikes in public enterprises should be reviewed, and restricted to essential services in the strict sense of the term.
- 189.** In Case No. 2432, Nigeria had failed to reply to the CFA's urgent requests for information. The recommendations urged the Government to amend its legislation to limit the definition of essential services to the strict sense of the term, to enable certain categories of public sector workers to organize and bargain collectively, and to allow workers' organizations to take strike action in protest at the Government's economic and social policy having a direct impact on their members and workers in general. The Government could take advantage of ILO technical assistance if it wished.
- 190.** Case No. 2292, on the United States, obliged the Committee to indicate that an ever-enlarged definition of work connected to national security in the country was excluding increasing numbers of federal employees from the collective bargaining provisions of the Federal Services Labor-Management Relations Statute. These decisions should be reviewed and the 56,000 federal airport screeners should be allowed to bargain collectively, through freely chosen representatives, on terms and conditions of employment not related to national security issues. The right to organize, without a corresponding right to bargain collectively, was of limited value. The United States should seriously consider taking up the offer of ILO technical assistance in this connection.
- 191.** In March 2006, the CFA had called on the Government of Canada (British Columbia), under Case No. 2405, to refrain from legislative intervention in the collective bargaining process for teachers. It now noted that the Government had not only failed to act on its recommendations, but had passed a new bill imposing conditions of employment with continued restrictions to the right to strike. Bill No. 19/2004 and Bill No. 12/2005 should be amended in line with freedom of association principles and the international commitments undertaken by the Government of Canada. The reference to central Government was a reminder to the Government that it was responsible for upholding such principles throughout the entire country. Technical assistance was available, if required.
- 192.** The Workers' group hoped that the Government of the Republic of Korea would supply information in respect of Case No. 1875 as soon as possible.

193. Finally, in response to the comment by the Employer spokesperson in relation to the *Digest*, the speaker pointed out that this publication, for which the Office was responsible, contained the results of previous CFA cases and, as such, its text was not open to discussion by the groups. As with the Employers' group, the Workers' group had not been consulted on its contents.

Governing Body decision:

194. *The Governing Body took note of the introduction to the report of the Committee on Freedom of Association and adopted the recommendations in paragraphs 229 and 247 of the report.*

195. A Government representative of Burundi, referring to Cases Nos. 2425 and 2426, pointed out that the larger part of the complaints in the cases dated from before August 2005, at which time Burundi was governed by a transition government, and still suffering the effects of a crisis which had begun in 1993. During this period social dialogue had been stifled by the Government's refusal to recognize certain trade unions, such as the Union of Magistrates (SYMABU) and the Confederation of Trade Unions of Burundi (COSYBU), and through the harassment of the officers of these unions. The 2005 elections had put a legitimate government into place, which entertained excellent relations with both unions and which had, by a decree of July 2006, which would enter into force on 1 January 2007, established the salary scales and other benefits as called for by the SYMABU. Negotiations had also been engaged with the new committee directing the COSYBU, and all the trade union representatives cited in the complaint had been reinstated in their functions; the Trade Union Confederation of Employers of Burundi (CESEBU) had lost its status as the most representative employers' organization of the country, and had been replaced in this role by the Employers' Association of Burundi, in conformity with the Labour Code. Other measures, such as increasing the wages of public and private sector workers had also been taken.

Governing Body decision:

196. *The Governing Body adopted the recommendations in paragraphs 261, 285, 317, 338, 363, 374, 427, 483, 557, 597, 632, 648, 688 and 704 of the report.*

197. A Government representative of the United States, referring to Case No. 2292, noted serious problems in the procedure followed. The case was based on information submitted in 2004. On a request for further information from the Committee, the Government had not responded, as the request was made to both parties. The Government had therefore waited to comment on the additional material supplied by the complainant, which the Office had confirmed as standard practice. In the meantime, the complainant, the American Federation of Government Employees (AFGE), had dropped a large part of the case and had not, to the best of the Government's knowledge, submitted any additional material. It was to be regretted therefore that the CFA had proceeded to act on further information from the complainant, of which the Government had not been informed. Due consideration would nevertheless be given to the recommendations.

Governing Body decision:

198. *The Governing Body adopted the recommendations in paragraphs 798, 823, 835, 858, 905, 928, 968, 978 and 1010 of the report.*

199. A Government representative of Nigeria, referring to Case No. 2432, explained that workers in essential services in his country were represented on joint consultative committees for hearing grievances with a view to attaining amicable resolution. Since this

mechanism had been in place, it was illegal for essential service workers to strike. The Constitution allowed for public gathering, but not for action “disrupting or obstructing the flow of essential services of the country”. It was alleged in the complaint by the Academic Staff Union of Universities (ASUU) that the Trade Union (Amendment) Act, 2005, had not been subject to tripartite consultation. This was not the case: the Act had been discussed with the social partners, including ASUU representatives, who had provided input. The Act was not intended to weaken trade unions in Nigeria, but to allow the formation of more federations, so that Convention No. 87 might be more fully implemented. Paragraph 1020 of the complaint indicated that the Government had failed to respond to the allegations; however, the Government’s response had in fact been delivered by hand to the Office at the end of May 2006.

Governing Body decision:

200. *The Governing Body adopted the recommendations in paragraphs 1029, 1048 and 1064 of the report.*

201. *An Employer member from Switzerland, referring to Case No. 2265, expressed astonishment at the amalgamation made in the recommendations between the Code of Obligations (the Swiss Labour Code) and the Gender Equality Act. Protection against unfair dismissal was guaranteed in private law under article 336 of the Code of Obligations with a sanction fixed at up to six months of salary, which represented a heavy penalty, especially for SMEs. The Gender Equality Act was an instrument of public law. The group regretted that the CFA’s recommendation failed to take account either of the Government’s or of the Swiss employers’ point of view. The Right to Organise and Collective Bargaining Convention, 1949 (No. 98), was in the Employers’ opinion fully respected in Switzerland, and the speaker recalled that the communication submitted by the Federal Council before ratification of the instrument was accepted by the ILO. Finally, he reminded the Governing Body that laws in Switzerland were voted by the Swiss people.*

202. *The Worker spokesperson on the Committee on Freedom of Association said the CFA simply sought to ensure that Switzerland followed its obligations under its membership of the ILO. The Committee was concerned that the Government was requesting Case No. 2265 to be closed as Convention No. 98 was not applicable in Switzerland, thus calling the legitimacy of the CFA into question.*

Governing Body decision:

203. *The Governing Body adopted the recommendations in paragraphs 1148 and 1169 and adopted the Committee’s report as a whole.*

Eleventh item on the agenda

REPORTS OF THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE COMMITTEE

FIRST REPORT: FINANCIAL QUESTIONS
(GB.297/11/1(Rev.))

*Preview of the Programme and Budget proposals
for 2008–09 and related questions*

(a) *Strategy for continued improvement of results-based management in the ILO*

Governing Body decision:

204. *The Governing Body:*

- (a) *endorsed the elements of the strategy for results-based management (RBM) in the ILO presented in GB.297/PFA/1/1, account having been taken of the views expressed by the members of the PFA Committee during the discussion;*
- (b) *requested the Director-General to report in November 2008 on the progress made on the milestones identified in the strategy, within the context of the next Strategic Policy Framework (SPF); and*
- (c) *requested the Office to provide detailed draft terms of reference for the review of the ILO field structure for adoption by the Governing Body in March 2007.*

(GB.297/11/1(Rev.), paragraph 37.)

(b) *Preview of programme and budget proposals*

Governing Body decision:

205. *The Governing Body requested the Director-General, when preparing the Programme and Budget proposals for 2008–09 for its March 2007 session, to take account of the views expressed by the members of the Committee during the discussion of this item of its agenda.*

(GB.297/11/1(Rev.), paragraph 81.)

Evaluations

(a) *Annual Evaluation Report 2005*

Governing Body decision:

206. *The Governing Body noted satisfactory progress made to date in implementing the new evaluation policy and urged the Office to implement measures to further strengthen and more effectively use its evaluation capacity and draw lessons from the evaluations.*

(GB.297/11/1(Rev.), paragraph 101.)

(b) Independent evaluation of the ILO's strategy for employment-intensive investment

Governing Body decision:

207. *The Governing Body endorsed the priority areas identified in document GB.297/PFA/2/2 and requested the Director-General to take into consideration the findings and recommendations of the evaluation, together with the deliberations of the Committee, in order to match the above strategic priorities with required funding, including through programming and budget decisions.*

(GB.279/11/1(Rev.), paragraph 115.)

(c) Country programme evaluation: The Philippines

Governing Body decision:

208. *The Governing Body requested the Director-General to take into consideration the findings and recommendations of the evaluation, together with the deliberations of the Committee, for continuing support to the Philippines through the ILO's Decent Work Country Programme.*

(GB.297/11/1(Rev.), paragraph 124.)

Report of the Building Subcommittee

Governing Body decision:

209. *The Governing Body authorized that 7.7 million Swiss francs of the cost of phase I of the renovation of the headquarters building be charged to the Building and Accommodation Fund; and requested the Office to present the Subcommittee at the 298th Session (March 2007), with a more detailed analysis of the financing options.*

(GB.279/11/1(Rev.), paragraph 133.)

*Report of the Information and Communications
Technology Subcommittee*

210. *The Worker Vice-Chairperson of the PFA Committee recalled that a request had been made for an extraordinary meeting of the Subcommittee to be scheduled during the 298th Session (March 2007) of the Governing Body.*

Programme and Budget for 2006–07

Regular budget account and Working Capital Fund

211. *The Governing Body took note of this part of the report.*

(GB.297/11/1(Rev.), paragraphs 134–146.)

International Public Sector Accounting Standards (IPSAS)

Governing Body decision:

212. *The Governing Body:*

- (a) approved the adoption of IPSAS by the ILO for its financial statements, as part of a UN system-wide adoption of IPSAS for the reporting period beginning 1 January 2010;*
- (b) approved the additional costs estimated at US\$205,000 relating to the implementation of IPSAS in 2006–07 and that these costs be financed in the first instance from further fund-raising of extra-budgetary resources or, failing that, from savings in Part I of the budget or, failing that, through Part II; and*
- (c) requested the Office to provide a preliminary report in March 2007 on the implications for the Financial Regulations of the adoption of IPSAS.*

(GB.297/11/1(Rev.), paragraph 163.)

Use of the 2000–01 surplus

213. *The Governing Body took note of this part of the report.*

(GB.297/11/1(Rev.), paragraphs 164–168.)

International Training Centre of the ILO, Turin

- (a) Documents submitted to the 68th Session of the Board of the Centre*
- (b) Report of the 68th Session of the Board of the Centre*

Governing Body decision:

214. *The Governing Body:*

- (a) decided to amend article VI.2 of the Statute of the Centre, effective 1 January 2008, as indicated in paragraph 9 of document CC 68/2/Add.1 (“Amendments to the Statute of the Centre, the Financial Regulations and the Financial Rules. Introduction of the Euro for budgeting, accounting and reporting at the Centre”); and*
- (b) took note of the decision of the Board of the Centre to approve the proposals, investment plan and financing described in document GB.297/PFA/9/2.*

(GB.297/11/1(Rev.), paragraph 176.)

Matters relating to the Joint Inspection Unit (JIU)

*Report on its activities for the year ended 31 December 2005
and other reports*

215. *The Governing Body took note of this part of the report.*

(GB.297/11/1(Rev.), paragraphs 177–182.)

Other financial questions

*Electronic distribution of preparatory documentation
for sessions of the Governing Body*

Governing Body decision:

216. *The Governing Body approved the implementation of the procedure described in paragraphs 8–10 of document GB.297/PFA/11/1.*

(GB.297/11/1(Rev.), paragraph 188.)

SECOND REPORT: PERSONNEL QUESTIONS
(GB.297/11/2(Rev.))

I. Statement by the staff representative

II. Human Resources Strategy: Annual report

III. Amendments to the Staff Regulations

217. *The Governing Body took note of these parts of the report.*

(GB.297/11/2(Rev.), paragraphs 1–28.)

IV. Report of the International Civil Service Commission (ICSC)

Governing Body decision:

218. *The Governing Body:*

(a) *accepted the recommendations of the ICSC, subject to their approval by the UN General Assembly, on the following entitlements:*

(i) *an increase of 4.57 per cent in the base/floor salary scale; and*

(ii) *consequential increases in separation payments for staff in the Professional and higher categories with effect from 1 January 2007; and*

(b) *authorized the Director-General to give effect in the ILO, through amendments to the Staff Regulations (as necessary), to the measures referred to in subparagraph (a) above, subject to their approval by the General Assembly.*

(GB.297/11/2(Rev.), paragraph 32.)

V. *Matters relating to the Administrative Tribunal of the ILO*

219. *The Governing Body took note of this part of the report.*

(GB.297/11/2(Rev.), paragraphs 33–35.)

VI. *Other personnel questions: Adoption leave*

Governing Body decision:

220. *The Governing Body decided to defer the decision on this document until its 298th Session (March 2007).*

(GB.297/11/2(Rev.), paragraph 39.)

Twelfth item on the agenda

REPORT OF THE COMMITTEE ON LEGAL ISSUES AND
INTERNATIONAL LABOUR STANDARDS
(GB.297/12(Rev.))

First part: Legal issues

*I. Progress in the work to adapt the Manual for
drafting ILO instruments*

*II. The ratification campaign for the 1997 Instrument of Amendment
to the ILO Constitution*

221. *The Governing Body took note of these parts of the report.*

(GB.298/12(Rev.), paragraphs 1–23.)

*III. The status of privileges and immunities of the International
Labour Organization in member States*

Governing Body decision:

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

- (a) renew the invitation to States that have not yet acceded to the Convention and accepted Annex I relating to the ILO to do so;*
- (b) invite those member States that had acceded to the Convention but not yet accepted its application to the ILO to do so by notifying the Secretary-General of the UN of their willingness to apply to the ILO the provisions of the Convention and Annex I; and*
- (c) report periodically on the situation of privileges and immunities in the member States, and in particular in the context of DWCPs.*

(GB.297/12(Rev.), paragraph 32.)

IV. Other legal issues: Resolutions in the International Labour Conference

Governing Body decision:

223. *The Governing Body requested the Office to prepare a second document, following consultation with the tripartite constituents, on the subject for the 298th Session (March 2007) of the Governing Body, taking into account the scope of the discussion in the Committee.*

(GB.297/12(Rev.), paragraph 48.)

Second part: International labour standards and human rights

V. Ratification and promotion of fundamental ILO Conventions

224. *The Governing Body took note of this part of the report.*

(GB.297/12(Rev.), paragraphs 49–60.)

VI. Choice of Conventions and Recommendations on which reports should be requested in 2008 and 2009 under article 19 of the Constitution

Governing Body decision:

225. *The Governing Body decided to invite Governments to submit reports under article 19 of the Constitution:*

(a) in 2008, on the Occupational Safety and Health Convention, 1981 (No. 155), the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, and the Occupational Safety and Health Recommendation, 1981 (No. 164); and

(b) in 2009, on the Labour Relations (Public Service) Convention, 1978 (No. 151), the Labour Relations (Public Service) Recommendation, 1978 (No. 159), the Collective Bargaining Convention, 1981 (No. 154), and the Collective Bargaining Recommendation, 1981 (No. 163).

(GB.297/12(Rev.), paragraph 87.)

VII. Other questions

Provisional agenda of the next session of the Committee on Legal Issues and International Labour Standards

226. *The Governing Body took note of this part of the report.*

(GB.297/12(Rev.), paragraph 88.)

Thirteenth item on the agenda

REPORT OF THE SUBCOMMITTEE ON MULTINATIONAL ENTERPRISES (GB.297/13(REV.))

Update on strategic priorities for MULTI for 2006–07

Updates on corporate social responsibility-related activities

Proposals for evaluating the effect given to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

227. The Governing Body took note of these parts of the report.

(GB.297/13(Rev.), paragraphs 1–35.)

Update on planning for the event to mark the 30th anniversary of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

Governing Body decision:

228. The Governing Body:

- (a) *requested the Office to prepare a paper outlining the modalities of a concrete programme to advise companies on the realization of international labour standards and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration). Such a programme might include, among others: research on the impact and value of private monitoring and assessment methods; tools to help countries to strengthen local inspection in respect of labour issues; identification of opportunities for public/private partnerships for inspection and enforcement; collaboration with the International Training Centre of the ILO to develop training materials for auditors and companies on labour standards; advice and guidance on assessment methods that refer to ILO instruments; and identification of other possible services in this regard;*
- (b) *requested the Office to prepare a paper on the composition of the Global Compact local networks, outlining the level of participation by ILO constituents;*
- (c) *endorsed the recommendation to conduct, in the upcoming biennium, a ninth evaluation of the effect given to the MNE Declaration and postponed the decision on the form of such an evaluation until after the 30th anniversary event;*
- (d) *convened a tripartite working group of the Subcommittee, through its Officers, to analyse the different possibilities for the form of the ninth evaluation and prepare a proposal for the March 2007 session of the Governing Body; and*
- (e) *endorsed the proposals set out by the Subcommittee concerning the arrangements related to the 30th anniversary of the MNE Declaration.*

(GB.297/13(Rev.), paragraph 43.)

Fourteenth item on the agenda

REPORT OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL POLICY
(GB.297/14(REV.))

*A. Implementation of past decisions taken by the Committee on
Employment and Social Policy*

Governing Body decision:

229. *The Governing Body requested the Office:*

- (i) in preparing documents for consideration by the Committee, to give due regard to identifying areas where guidance and/or points for decision are required; and*
- (ii) to report at each November session of the Committee on Employment and Social Policy on progress made in giving effect to the general guidance of the Committee.*

(GB.297/14(REV.), paragraph 24.)

B. Strategies and practices for labour inspection

Governing Body decision:

230. *The Governing Body invited the Office to develop, evaluate and implement a strategy for the support of the modernization and reinvigoration of labour inspection, with international collaboration as required to achieve these goals.*

(GB.297/14(REV.), paragraph 57.)

C. (i) Implementation of the Global Employment Agenda: An update

(ii) Youth employment

*D. Implementation of Decent Work Country Programmes:
Checklist of policy areas on social protection*

E. Business environment, labour law, and micro- and small enterprises

231. *The Governing Body took note of these parts of the document.*

(GB.297/14(REV.), paragraphs 58–157.)

Fifteenth item on the agenda

REPORT OF THE COMMITTEE ON SECTORAL AND TECHNICAL MEETINGS AND RELATED ISSUES (GB.297/15(REV.))

I. Purpose, duration and composition of sectoral meetings to be held in 2007

- (a) *Tripartite Meeting to examine the Impact of Global Food Chains on Employment*
- (b) *Meeting of Experts to Examine Instruments, Knowledge, Advocacy, Technical Cooperation and International Collaboration as Tools with a View to Developing a Policy Framework for Hazardous Substances*

Governing Body decision:

232. The Governing Body decided that:

- (a) *the Meeting to examine the Impact of Global Food Chains on Employment would be held for four days in the week beginning 24 September 2007, and the purpose of the Meeting would be to put emphasis on the need to strengthen social dialogue in order to achieve better policy coherence;*
- (b) *the purpose of the Meeting of Experts to Examine Instruments, Knowledge, Advocacy, Technical Cooperation and International Collaboration as Tools with a View to Developing a Policy Framework for Hazardous Substances would be to discuss how ILO instruments and other tools concerning occupational safety and health and hazardous substances could be best incorporated into a new policy framework and action plan. The Meeting of Experts could also examine best practices and appropriate national legal frameworks to promote safe and healthy working environments; review the roles of governments, and employers' and workers' organizations; and examine ways of establishing tripartite consultation mechanisms on occupational safety and health, and of ensuring that workers and their organizations participate in the consultation mechanisms and thereby build a preventative safety and health culture at work. The Meeting of Experts should also consider the impact of new and ongoing initiatives related to hazardous substances, including the UN-wide Strategic Approach to International Chemicals Management (SAICM). The Meeting could adopt recommendations that would be the basis of subsequent ILO action;*
- (c) *the duration of the Meeting of Experts would be for four calendar days from 10 to 13 December 2007;*
- (d) *after consultation with the groups of the Governing Body, a knowledgeable chairperson from outside the Meeting of Experts would be appointed to chair the Meeting;*
- (e) *the Governments of Australia, China, Egypt, France, Germany, India, Japan, Mexico, Russian Federation, South Africa, United Kingdom and United States would be invited to nominate experts to participate in the Meeting of Experts in their personal capacity, and the Governments of Belgium, Brazil, Bulgaria, Canada, Colombia, Denmark, Islamic Republic*

of Iran, Italy, Republic of Korea, Kuwait, Malaysia, Morocco, Netherlands, New Zealand, Nigeria, Poland, Qatar, Saudi Arabia, Singapore, Spain, Switzerland or the Bolivarian Republic of Venezuela would be placed on a reserve list to nominate an expert, if any, of the abovementioned Governments declined to do so;

- (f) twelve experts would be nominated after consultation with the Employers' group and 12 after consultation with the Workers' group of the Governing Body; and*
- (g) experts from other member States might take part as observers if they wished.*

(GB.297/15(Rev.), paragraph 23.)

II. Effect to be given to the recommendations of sectoral and technical meetings

- (a) Meeting of Experts on Safety and Health in Coal Mines
(Geneva, 8–13 May 2006)*

Governing Body decision:

233. The Governing Body:

- (a) took note of the report of the Meeting of Experts on Safety and Health in Coal Mines and authorized the Director-General to publish the code of practice on safety and health in underground coalmines;*
- (b) requested the Director-General to bear in mind, when drawing up proposals for the future work of the Office, the wishes expressed by the Meeting in the recommendations for follow-up action by the ILO.*

(GB. 297/15(Rev.), paragraph 32.)

- (b) Tripartite Meeting on the Social and Labour Implications of the Increased Use of Advanced Retail Technologies
(Geneva, 18–20 September 2006)*

Governing Body decision:

234. The Governing Body:

- (a) requested the Director-General to communicate the Note on the proceedings of the Tripartite Meeting on the Social and Labour Implications of the Increased Use of Advanced Retail Technologies:*
 - (i) to governments, requesting them to communicate the text to the employers' and workers' organizations concerned;*
 - (ii) to the international employers' and workers' organizations concerned; and*
 - (iii) to the international organizations concerned; and*

- (b) *requested the Director-General to bear in mind, when drawing up proposals for the future work of the Office, the wishes expressed by the Meeting in paragraphs 26–32 of the conclusions concerning future ILO activities.*

(GB.297/15(Rev.), paragraph 32.)

III. *Tripartite Meeting on Labour and Social Issues Arising from Problems of Cross-border Mobility of International Drivers in the Road Transport Sector*
(Geneva, 23–26 October 2006)

IV. *Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART), Ninth Session*
(Geneva, 30 October–3 November 2006)

235. The Governing Body took note of these parts of the report.

(GB.297/15(Rev.), paragraphs 33–36.)

V. *Invitation by the International Maritime Organization (IMO) to the ILO to participate in the development of safety standards for small fishing vessels: Further developments*

Governing Body decision:

236. Bearing in mind the decision of the Governing Body at its 295th Session (March 2006), and the decisions taken by the related IMO body (SLF 49) to establish a new correspondence group to submit its report to SLF 50 (London, 30 April–4 May 2007), the Governing Body:

- (a) *authorized the continued participation by the Office in the development of safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels;*
- (b) *invited Governments and the Employers' and Workers' groups of the ILO each to nominate a representative to participate, at no cost to the Office, in the work of the correspondence group and in the ILO delegation to the 50th Session of the IMO's Sub-Committee on Stability and Load Lines and on Fishing Vessels' Safety in 2007; and*
- (c) *requested the Office to continue to report to the Committee on any new developments concerning this work.*

(GB.297/15(Rev.), paragraph 41.)

VI. *Joint ILO-IMO-Basel Convention Working Group on Ship Scrapping*

VII. *Evaluation report of the sectoral action programmes and the future orientation of the Sectoral Activities Programme*

237. The Governing Body took note of these parts of the report.

(GB.297/15(Rev.), paragraphs 42–72.)

Sixteenth item on the agenda

REPORT OF THE COMMITTEE ON TECHNICAL COOPERATION (GB.297/16(Rev.))

I. Progress in implementation of Decent Work Country Programmes

- 238.** *The Employer Vice-Chairperson suggested that the Office organize a substantive debate during a plenary sitting of the Governing Body on the theme of DWCPs.*
- 239.** *An Employer member from India requested that commitments entered into at Regional Meetings be taken into account during the preparation of detailed programmes.*

Governing Body decision:

- 240.** *The Governing Body called upon the Office to take into account the comments and observations made by the Committee during its current session; and to provide in its future sessions, on an annual basis, status reports highlighting the outcome and impact of DWCPs.*

(GB.297/16(Rev.), paragraph 44.)

II. Resource mobilization for technical cooperation: Policy and implementation status

Governing Body decision:

- 241.** *The Governing Body endorsed the ILO's proposals to:*
- (a) expand the number of partnership agreements with donor agencies and focus their content around ILO strategic objectives, mainstreamed strategies and DWCP priorities;*
 - (b) enhance field offices' capacity to generate extra-budgetary resources for the implementation of DWCPs, taking into account the outcomes of the foreseen field structure review;*
 - (c) make a special resource mobilization effort for Africa;*
 - (d) mainstream tripartism and support for social partners in donor partnership programmes;*
 - (e) mainstream gender equality in donor partnership programmes;*
 - (f) organize periodic planning and review meetings with the donor community;*
 - (g) develop clear guidelines for public/private partnerships; and*
 - (h) report regularly to the Committee on Technical Cooperation on the progress made in the implementation of the recommendations.*

(GB.297/16(Rev.), paragraph 55.)

*III. Follow-up to the resolution on technical cooperation adopted by the
95th Session (2006) of the International Labour Conference*

Governing Body decision:

242. The Governing Body called upon the Office to:

- (a) take due account of the deliberations of the Committee and continue with the implementation of the conclusions of the International Labour Conference referred to above; and*
- (b) provide a midterm implementation report to the Committee on Technical Cooperation for its November 2008 session to enable it to make an in-depth assessment of the progress made, provide guidance and thereby fulfil its governance function.*

(GB.297/16(Rev.), paragraph 69.)

*IV. Follow-up to the ILO Declaration on Fundamental Principles and
Rights at Work: Technical cooperation priorities and
action plans regarding abolition of child labour*

Governing Body decision:

243. The Governing Body:

- (a) endorsed the action plan as summarized in the appendix to document GB.297/TC/4;*
- (b) welcomed the global target set out in paragraph 368 of the Global Report under the Declaration follow-up, and quoted in paragraph 6 of GB.297/TC/4;*
- (c) requested the Director-General, when writing to the member States asking them to commit themselves to the targets set out in paragraph 368 of the Global Report, to take specifically into account the measures outlined in paragraphs 7 and 8 of GB.297/TC/4;*
- (d) specifically endorsed the proposed focus on sub-Saharan Africa and called upon member States and international development partners to support the endeavours of African countries to meet their commitments;*
- (e) reconfirmed the Governing Body's commitment to the elimination of child labour as one of the Organization's highest priorities, and endorsed ILO/IPEC strategies and programme approaches to support a worldwide movement against child labour and strengthen national capacities;*
- (f) instructed the Office to continue the efforts to strengthen the involvement of employers' and workers' organizations in the combat against child labour; and*
- (g) instructed the Office to continue the promotion of universal ratification and implementation of both Conventions Nos. 138 and 182.*

(GB.298/16(Rev.), paragraph 84.)

V. Other questions

(a) ILO response to the post-crisis situation in Lebanon

244. *An Employer member from Saudi Arabia, granted special permission by the Officers to take the floor, commended the ILO for its efforts and the post-crisis measures put in place in Lebanon. The tripartite Arab members of the Governing Body hoped that the Organization would provide concrete and effective assistance to workers and employers in that country. They requested that a meeting of all stakeholders be organized under the auspices of the ILO for the purpose of finalizing a clear technical cooperation plan that would fall within the ILO's mandate.*

(b) Colombia: Tripartite agreement on freedom of association and democracy

245. *The Governing Body took note of these sections of the report.*

(GB.297/16(Rev.), paragraphs 85–92.)

Seventeenth item on the agenda

REPORT OF THE WORKING PARTY ON THE SOCIAL DIMENSION OF GLOBALIZATION
(GB.297/17)

246. *The Governing Body took note of the oral report given by the Chairperson of the Working Party.*

Eighteenth item on the agenda

INTERNATIONAL INSTITUTE FOR LABOUR STUDIES
REPORT OF THE 48TH SESSION OF THE BOARD
(GB.297/18)

247. *The Governing Body took note of the report of the 48th Session of the Board of the International Institute for Labour Studies.*

Nineteenth item on the agenda

REPORT OF THE DIRECTOR-GENERAL
(GB.297/19)

I. Obituaries

Governing Body decision:

248. *The Governing Body invited the Director-General to convey its sympathy to the family of Mr Edilbert Razafindralambo and to the Government of Madagascar, as well as to the family of Mr Abraham Julio Galer and to the Government of Argentina.*

(GB.297/19, paragraphs 5 and 11.)

II. Composition of the Organization

III. Progress in international labour legislation

- 249.** *A Government representative of El Salvador* stated that, on 6 September, her country had ratified 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 Workers' Representatives Convention, 1971 (No. 135) and the Labour Relations (Public Service) Convention, 1978 (No. 151).
- 250.** *The Worker Vice-Chairperson* welcomed the accession of the Republic of Montenegro and the new ratifications registered, which demonstrated the relevance of the Organization in the modern world.
- 251.** *The Employer Vice-Chairperson* stressed the importance of standards, in terms of their ratification and implementation, and of the consequent need for relevant standards which were both universal and sufficiently flexible. The Employers expressed their wish to receive information similar to that provided in the document on the Organization's other instruments.

IV. Internal administration

252. *The Governing Body took note of these parts of the report.*

(GB.297/19, paragraphs 12–17.)

First Supplementary Report: Appointment of Regional Directors
(GB.297/19/1)

- 253.** *Mr Jean Maninat* was appointed Director of the ILO Regional Office for Latin America and the Caribbean, and *Mr Gek-Boo Ng* Director of the Regional Office for Asia and the Pacific, both with the rank of Assistant Director-General. They took and signed the declaration of loyalty provided for under article 1.4(b) of the ILO Staff Regulations.

*Second Supplementary Report: Strategic Approach
to International Chemicals Management*
(GB.297/19/2)

- 254.** *The Employer Vice-Chairperson* supported the point for decision contained in the Office report.
- 255.** *The Worker Vice-Chairperson* supported the point for decision but insisted on the need to translate the Strategic Approach into other languages in order to ensure that it was disseminated as widely as possible. Steps should also be taken to allocate the resources needed to secure the involvement of the Organization.
- 256.** *A Government representative of Finland*, speaking on behalf of the Member States of the EU, recalled that the Strategic Approach was the first global agreement to manage chemicals and that the EU had actively participated in its development. He proposed a slight reformulation of the point for decision in order to emphasize the Organization's commitment, with the replacement of the expression "took note of the outcomes of" with "approved".

257. *A Government representative of Argentina* supported the point for decision and requested the Organization to adopt the Strategic Approach by integrating its objectives into its programme of work.
258. *A Government representative of Nigeria* supported the suggestion that the ILO and relevant international organizations that had participated in the strategic approach initiative should incorporate its objectives into their programmes of work. He recalled that the report had revealed the failings regarding the application of the Chemicals Convention, 1990 (No. 170), and the Prevention of Major Industrial Accidents Convention, 1993 (No. 174), in the face of the dangers linked to the improper use of chemical substances.
259. *A representative of the Director-General* welcomed the support lent to the Strategic Approach and assured the constituents that the ILO would continue to work very closely with them to promote Conventions Nos. 170 and 174, which were an important contribution to the sound management of chemicals.

Governing Body decision:

260. *The Governing Body:*

- (i) ***approved the Strategic Approach to International Chemicals Management; and***
- (ii) ***endorsed the follow-up action proposed in paragraphs 8 and 9 of the Office report.***

(GB.297/19/2, paragraph 10, as amended.)

*Third Supplementary Report: Developments in relation to the drafting
of an international instrument on shipbreaking/ship recycling
(GB.297/19/3)*

261. *A representative of the Director-General* explained that the International Maritime Organization (IMO) had developed a new proposed draft Convention on ship recycling which would have important consequences for workers. It was therefore important to ensure that there was no conflict between the binding provisions of the proposed Convention and ILO occupational safety and health standards. Through its participation in the 55th Session of the Marine Environment Protection Committee (MEPC) of the IMO, the ILO had introduced amendments to the proposed Convention designed to bring it more into line with the principles contained in the international labour standards and codes of practice. Nevertheless, there remained a number of discrepancies with regard to which work needed to be carried out. Moreover, in a reply to a letter sent by the ILO, the Director of the Marine Environment Division (MED) of the IMO had affirmed the desire of his Organization to continue to cooperate with the ILO in the development of the proposed Convention. The ILO might wish to continue the work in that spirit of policy coherence and dialogue. The speaker emphasized the importance of avoiding conflicts between the standards of different organizations, of developing complementarity among standards, and of ensuring effective coordination between different organizations, especially in the area of ship recycling. She expressed the hope that the Governing Body would allow the ILO to pursue its dialogue with the IMO.
262. *The Employer Vice-Chairperson* took note of the documents and endorsed the remarks made by the representative of the Director-General. He encouraged her to continue to follow the path which had already been taken.

263. *The Worker Vice-Chairperson* felt that the Joint ILO/IMO/Basel Convention Working Group should be the channel through which the work was continued.
264. *A Government representative of Japan* welcomed the ILO's contribution to the development of a new IMO Convention. He recognized that there was room for improvement in the proposed Convention, and encouraged the Office to continue to contribute to the work. The speaker stressed that, as had been pointed out during the discussions within the Committee on Sectoral and Technical Meetings and Related Issues (STM), no provision had, as yet, been made for a meeting of the Joint ILO/IMO/Basel Convention Working Group.

265. *The Governing Body took note of the report.*

(GB. 297/19/3 and Add.)

Fourth Supplementary Report: Developments in relation to possible collaboration between the International Labour Organization and the International Organization for Standardization on occupational safety and health management systems
(GB.297/19/4)

266. *A representative of the Director-General* pointed out that the International Organization for Standardization (ISO) had contacted the ILO with a view to collaborating in the development of a new guidance standard on occupational safety and health management systems (OSH-MS). This work would not involve the development of a new OSH-MS standard but rather the establishment of "guidance" based on the ILO *Guidelines on occupational safety and health management systems (ILO-OSH 2001)*. Such collaboration would involve risks for the ILO, but so would non-engagement in the ISO process. Both scenarios should therefore be considered. Moreover, the ISO had proposed, subject to ILO agreement, that it should conduct a survey of ISO member bodies in 120 countries with a view to better understanding their needs and expectations with regard to an ISO standard and to gauging opinion on collaboration with the ILO.
267. *The Worker Vice-Chairperson* recalled that occupational safety and health issues were of fundamental importance to the Workers. It seemed, however, that the ILO had overlooked those issues to such an extent that the Office was not able to respond to the needs of the constituents, who were turning to other bodies, such as the ISO. If the ISO were to take over with regard to those issues, might it not also establish standards in other fields? The speaker proposed amending the point for decision in order to invite the Governing Body to reaffirm the ILO's mandate in the matter of occupational safety and health issues, and to ask the ISO to refrain from conducting a survey on the possibility of developing an OSH-MS international standard. Furthermore, he hoped that the Office would prepare, for the March 2007 session, a paper in order to facilitate a substantive debate on the ISO and the mandate of the ILO.
268. *The Employer Vice-Chairperson* supported the amendments to the point for decision proposed by the Worker Vice-Chairperson. He did so, firstly, because efforts should be made to avoid any confusion that might arise with regard to the various types of standard existing in the field. Secondly, the issue of occupational safety and health was a field in its own right, involving the development on a tripartite basis not only of standards but also of principles and a culture of prevention. The Governing Body, before entering into a process of collaboration, the limits of which were not clearly defined, should hold a substantive debate on the issue. The speaker opposed the idea of a survey not carried out by the ILO, which would encroach upon the Organization's field of competence.

- 269.** *A Government representative of France* stressed what was at stake in this field. The increase in the number of private voluntary standards had important repercussions for the conditions in which enterprises and workers operated. Should the ILO remain on the sidelines with regard to that phenomenon, or should it attempt to influence matters, through joint initiatives with other bodies such as the ISO? The speaker proposed holding a discussion on the second option, while ensuring that measures be put in place to preserve and promote the values of the Organization.
- 270.** *A Government representative of Argentina* recalled that his Government attached a great deal of importance to the ILO *Guidelines on occupational safety and health management systems (ILO-OSH 2001)*, which were applied in his country. He requested that the document to be submitted by the Office to the Governing Body in March 2007 address the issue in depth, from both technical and legal points of view, with special emphasis on the importance of the Organization's tripartite approach to standard setting.
- 271.** *A Government representative of China*, speaking on behalf of the Governments of ASPAG, stated that she shared the concerns previously expressed. Should collaboration with the ISO regarding the development of such a standard prove to be inevitable, then a formal agreement should be concluded setting out the conditions of that collaboration, along with safeguards. ILO objectives should not be compromised, especially those contained in Part 2 of the ILO *Guidelines on occupational safety and health management systems (ILO-OSH 2001)*, which allowed countries to adapt guidelines to national needs, conditions and practices. ASPAG requested the Office to prepare a document for discussion during the March session of the Governing Body.
- 272.** *A Government representative of Japan* associated himself with the preceding statement and the concerns expressed during the debate. He was opposed to the development by the ISO of an international OSH-MS standard, and requested, should such a step prove to be inevitable, that all the necessary measures be taken to ensure the primacy of the ILO in that field. Moreover, he stated that the consequences of non-collaboration should also be taken into account. The Governing Body should examine the issue at its March 2007 session.

Governing Body decision:

273. *The Governing Body:*

- (a) *reaffirmed the ILO's mandate in the matter of occupational safety and health, and accordingly asked the ISO to refrain from conducting a survey on the possibility of developing an OSH-MS international standard; and*
- (b) *invited the Office to submit a paper at its 298th Session in March 2007, with a view to facilitating a substantive debate on the ISO and the specific mandate of the ILO.*

(GB.297/19/4, paragraph 6, as amended.)

Fifth Supplementary Report: Report and conclusions of the technical workshop on avian flu and the workplace: Preparedness and response
(GB.297/19/5)

274. *The Governing Body took note of the report.*

(GB.297/19/5.)

Sixth Supplementary Report: Follow-up to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)
(GB.297/19/6)

275. *The Governing Body took note of the report.*

(GB.297/19/6.)

Seventh Supplementary Report: Application for general consultative status by the International Trade Union Confederation (ITUC)
(GB.297/19/7)

- 276.** *The Director-General* said that the founding of the International Trade Union Confederation (ITUC), which brought together the members of the former International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labour (WCL), as well as other independent national trade union confederations, was an historic event. The history of the world trade union movement and that of the ILO were closely intertwined, as were their futures, and there was no doubt that the ITUC was going to be an important partner for the ILO. The General Secretary of the ITUC was well known to the Office. He was a trade unionist with an open approach, and a profound respect for tripartism, a leader unafraid of hard decisions needed to take a forward-looking movement, and a timeless cause, confidently into the future.
- 277.** *The General Secretary of the ITUC* pointed out that, with 306 affiliated unions in 154 countries and territories and 168 million individual members, the ITUC constituted the most representative unified trade union international in the history of the trade union movement. Its objective was to forge a new international trade union movement, capable of providing effective representation for working people in the globalized economy. General consultative status would allow the ITUC to cooperate with the ILO in ways which would be crucial to the Confederation's future. The aims set out in the ITUC Constitution included strengthening the role of the ILO and the setting, and universal application, of international labour standards. The Constitution also committed the ITUC to promoting social dialogue with employers' organizations, and the programme adopted at the founding Vienna Congress on 31 October 2006 underlined the ITUC's attachment to tripartism. It was in that spirit that he made an appeal to the Employers and Governments for constructive dialogue to advance the unchanging objectives of the ILO – social progress and social justice.
- 278.** *The Employer Vice-Chairperson*, also speaking in his role as Executive Vice-President of the International Organisation of Employers (IOE), recalled that the IOE had always sought to establish social dialogue and the consensus necessary for the smooth running of industry. He welcomed the merger which had given rise to the ITUC. Globalization had shown that unity was indispensable if the challenges of the twenty-first century were to be met. He was pleased at this opportunity, within the Governing Body, to welcome the Employers' future counterparts, not in a spirit of confrontation, but in the joint search for solutions to the difficult issues facing the modern world.
- 279.** *The Worker Vice-Chairperson* assured the General Secretary of the ITUC that the Workers' group gave him its full support and confidence. In the presence of the Employers' and Government groups, he pledged that, under the leadership of the new body, the search for social progress and the development of nations across the globe would continue.

Governing Body decision:

- 280. *The Governing Body decided, in the light of the information presented in the Office report, to grant general consultative status to the International Trade Union Confederation (ITUC) and to request the Office to adjust the list of organizations with general consultative status accordingly.***

(GB.297/19/7, paragraph 3.)

Twentieth item on the agenda

REPORTS OF THE OFFICERS OF THE GOVERNING BODY

First report: Representation alleging failure by Argentina to secure the observance of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Union of Education Workers of Río Negro (UNTER), a member of the Confederation of Education Workers of the Republic of Argentina (CTERA)
(GB.297/20/1)

Governing Body decision:

- 281. *The Governing Body:***

- (a) decided that the representation was receivable; and*
(b) appointed members of the committee for the examination thereof.

(GB.297/20/1, paragraph 6.)

Third report: Representation alleging failure by Turkey to secure the observance of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made under article 24 of the ILO Constitution by Yapi-Yol Sen
(GB.297/20/3)

Governing Body decision:

- 282. *The Governing Body:***

- (a) decided that the representation was receivable; and*
(b) referred the allegations to the Committee on Freedom of Association.

(GB.297/20/3, paragraph 5.)

Fourth report: Representation of the International Association of Economic and Social Councils and Similar Institutions (IAESCSI) at ILO meetings
(GB.297/20/4)

Governing Body decision:

- 283. *Having noted that the Director-General had received assurance that the ILO would be invited to all the IAESCSI meetings of interest to it, the Governing Body decided to permanently authorize the Director-General to invite the***

IAESCSI to be represented at the annual sessions of the Conference and at other ILO meetings in which it had a technical interest, including meetings of the Governing Body at which issues of concern to the IAESCSI were to be discussed.

(GB.297/20/4, paragraph 2.)

Twenty-first item on the agenda

COMPOSITION AND AGENDA OF STANDING BODIES AND MEETINGS
(GB.297/21)

Committee of Experts on the Application of Conventions and Recommendations

Governing Body decision:

284. *The Governing Body, on the recommendation of its Officers, reappointed the following members of the Committee of Experts on the Application of Conventions and Recommendations for a period of three years:*

- *Mr Anwar Ahmad Rashed Al-Fuzaie (Kuwait);*
- *Ms Janice R. Bellace (United States);*
- *Mr Michael Halton Cheadle (South Africa);*
- *Ms Laura Cox (United Kingdom);*
- *Ms Blanca Ruth Esponda Espinosa (Mexico);*
- *Mr Pierre Lyon-Caen (France);*
- *Ms Angelika Nussberger (Germany); and*
- *Mr Miguel Rodriguez Piñero y Bravo Ferrer (Spain).*

(GB.297/21, paragraph 1.)

Governing Body decision:

285. *The Governing Body, on the recommendation of its Officers, requested the Director-General to convey to Mr Sergey Petrovitch Mavrin (Russian Federation) its deep gratitude for the services he has rendered to the ILO.*

(GB.297/21, paragraph 3.)

Joint Maritime Commission

Governing Body decision:

286. *The Governing Body, on the recommendation of its Officers, approved the appointment of Mr M. Dickinson (United Kingdom) as a regular member and of Mr E.O. Suarez (Argentina) as a deputy member of the Commission, both representing the Seafarers.*

(GB.297/21, paragraphs 4–5.)

*11th African Regional Meeting
(Addis Ababa, 24–27 April 2007)*

Governing Body decision:

287. *The Governing Body authorized the Director-General to invite the following international non-governmental organizations to be represented at the Meeting as observers:*

- *African Regional Organization of the International Confederation of Free Trade Unions (AFRO-ICFTU);*
- *Democratic Organization of African Workers' Trade Unions (DOAWTU);*
- *General Union of Chambers of Commerce, Industry and Agriculture for Arab Countries (GUCCIAAC);*
- *International Confederation of Arab Trade Unions (ICATU);*
- *Organization of African Trade Union Unity (OATUU); and*
- *Pan-African Employers' Confederation (PEC).*

(GB.297/21, paragraph 9.)

*Tripartite Meeting on the Production of Electronic Components for the IT Industries:
Changing Labour Force Requirements in a Global Economy
(Geneva, 16–18 April 2007)*

Governing Body decision:

288. *The Governing Body authorized the Director-General to invite the International Metalworkers' Federation (IMF) to be represented at the Meeting as an observer.*

(GB.297/21, paragraph 12.)

Appointment of Governing Body representatives on various bodies

*Tripartite Meeting on the Production of Electronic Components for the IT Industries:
Changing Labour Force Requirements in a Global Economy*

Governing Body decision:

289. *The Governing Body appointed Mr Shigeru Nakajima (Worker, Japan), who will also chair the Meeting.*

(GB.297/21, paragraph 13.)

Information notes

PROGRAMME OF MEETINGS AS APPROVED BY THE
OFFICERS OF THE GOVERNING BODY
(GB.297/Inf.1)

APPROVED SYMPOSIA, SEMINARS, WORKSHOPS AND SIMILAR MEETINGS
(GB.297/Inf.2)

REQUESTS FROM INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS
WISHING TO BE REPRESENTED AT THE 96TH SESSION (2007) OF THE
INTERNATIONAL LABOUR CONFERENCE
(GB.297/Inf.3)

290. *The Governing Body took note of this information.*

Annexe / Appendix / Anexo

297^e session – Genève – novembre 2006
297th Session – Geneva – November 2006
297.^a reunión – Ginebra – noviembre de 2006

Liste des personnes assistant à la session

List of persons attending the session

Lista de las personas presentes en la reunión

Membres gouvernementaux titulaires

Regular Government members

Miembros gubernamentales titulares

**Président du Conseil d'administration:
 Chairperson of the Governing Body:
 Presidente del Consejo de Administración:**

**Mr M.M.S. MDLADLANA
 (South Africa)**

Afrique du Sud South Africa **Sudáfrica**

Mr M.M.S. MDLADLANA, President of the ILO Governing Body and Minister of Labour.

substitute(s):

Ms G. MTSHALI, Ambassador, Permanent Mission, Geneva.
 Mr L. KETTLEDAS, Deputy Director-General, Department of Labour.
 Mr S. NDEBELE, Counsellor (Labour), Permanent Mission, Geneva.

accompanied by:

Ms N. NONJONJO, Protocol Officer to the Minister of Labour.
 Ms N. PLATZMAN, Secretary, Permanent Mission, Geneva.

Allemagne Germany **Alemania**

Mr W. KOBERSKI, Director for European Policy, Federal Ministry of Economic Affairs and Labour.

substitute(s):

Mr E. KREUZALER, Director, International Employment and Social Policy Department, Federal Ministry of Economic Affairs and Labour.

Ms B. ZEITZ, Deputy Head, ILO and UN Department, Federal Ministry of Economic Affairs and Labour.

Ms S. HOFFMANN, Counsellor, Permanent Mission, Geneva.

accompanied by:

Mr G. ANDRES, Parliamentary Secretary of State, Federal Ministry of Economic Affairs and Labour.

Ms C. KÖNIG, Head of Department.

Arabie saoudite Saudi Arabia Arabia Saudita

Mr A. AL-GHORRI, Legal Adviser, International Organizations Directorate, Ministry of Labour.

Argentine Argentina Argentina

Sr. C. TOMADA, Ministro de Trabajo, Empleo y Seguridad Social.

suplente(s):

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acompañado(s) de:

Sr. A. DUMONT, Embajador, Misión Permanente, Ginebra.

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Sr. E. VARELA, Asesor, Ministerio de Trabajo, Empleo y Seguridad Social.

Sr. D. CELAYA ALVAREZ, Consejero, Misión Permanente, Ginebra.

Sr. G. CORRES, Subcoordinador de Asuntos Internacionales, Ministerio de Trabajo, Empleo y Seguridad Social.

Sra. M. ARES, Secretaria del Ministro.

Sr. A. NEGRO, Director de Ceremonial y Relaciones Institucionales.

Australie Australia Australia

Mr J. SMYTHE, Minister (Labour), Permanent Mission, Geneva.

accompanied by:

Ms L. LIPP, Executive Director, International Relations Branch, Department of Employment and Workplace Relations.

Ms L. MCDONOUGH, Minister-Counsellor (Employment). Australian Permanent Mission to the OECD, Paris.

Mr S. EVANS, Director, International Relations Branch, Department of Employment and Workplace Relations.

Mr S. THOM, First Secretary, Permanent Mission, Geneva.

Bélarus Belarus Belarús

Mr A. KOPYAKOV, Deputy Prime Minister of the Republic of Belarus.

substitute(s):

Ms E. KOLOS, First Deputy Minister, Ministry of Labour and Social Protection.

accompanied by:

Ms N. PETKEVICH, Deputy Head of the Administration of the President.

Mr S. ALEINIK, Ambassador, Permanent Mission, Geneva.

Mr I. STAROVOYTOV, Director of External Relations and Partnership Policy Department, Ministry of Labour and Social Protection.

Mr A. SAVINYKH, Deputy Permanent Representative, Permanent Mission, Geneva.

Mr A. MOLCHAN, Counsellor, Permanent Mission, Geneva.

Mr E. LAZAREV, First Secretary, Permanent Mission, Geneva.

Brésil Brazil Brasil

Mr C. ROCHA PARANHOS, Ambassador,
Alternate Permanent Representative,
Permanent Mission, Geneva.

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Mr P. CARVALHO NETO, Counsellor,
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Mr N. FREITAS, Special Adviser to the
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Mr P. CASTRO SALDANHA, Secretary,
Permanent Mission, Geneva.

Mr R. CARVALHO, Secretary, Permanent
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Mr I. SANT'ANNA RESENDE, Secretary,
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Mr S. PAIXÃO PARDO, Head of
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Ministry of Labour and Employment.

Cameroun Cameroon Camerún

M. R. NKILI, Ministre du Travail et de la
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M. A. ETEKI NKONGO, Premier secrétaire,
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Canada Canada Canadá

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Mr P. OLDHAM, Counsellor and Consul,
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Chine China China

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Mr L. ZHANG, Director, Department of
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Mr J. KHUMBO CHIRWA, Minister of Labour and Social Development.

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 Mr E. ZIRIKUDONDO, Labour Commissioner, Ministry of Labour and Social Development.

Maroc Morocco Marruecos

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 M. N. HALHOUL, Secrétaire des affaires étrangères, mission permanente, Genève.
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Nigéria Nigeria Nigeria

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Mr U. SARKI, Minister, Permanent Mission, Geneva.
Mr M. HAIDARA, Second Secretary, Permanent Mission, Geneva.
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Mr B.S. KONUGA, Deputy Director/Adviser, Federal Ministry of Employment, Labour and Productivity.
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Mr A.E. ESSAH, Principal Labour Officer.
Mr S.O. ADELODUN, Director-General, National Directorate of Employment.
Mr A. RUFA'I MUHAMMAD, MD/CEO, Nigerian Social Insurance Trust Fund.
Mr P. BDLIYA, Assistant Director-General.
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Mr O. OYERINDE, Adviser.

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Srta E. BERAUN ESCUDERO, Primera Secretaria, Misión Permanente, Ginebra.

**Philippines Philippines
Filipinas**

Mr A. BRION, Secretary of Labor and Employment, Department of Labor and Employment.

accompanied by:

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Mr M. IMSON, Labour Attaché, Permanent Mission, Geneva.
Mr G. A. EDUVALA, Head of the Office of the Legal Advisor to the Secretary of Labor.

**Roumanie Romania
Rumania**

M. V. BINDEA, Secrétaire d'Etat, ministère du Travail, de la Solidarité sociale et de la Famille.

suppléant(s):

M. D. COSTEA, Ambassadeur, mission permanente, Genève.

accompagné(s) de:

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M^{me} E. ISPAS, Expert, ministère du Travail, de la Solidarité sociale et de la Famille.
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United Kingdom
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Trinidad y Tabago**

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Venezuela (Bolivarian Rep.)
Venezuela
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Secrétaire du groupe des employeurs: Secretary of the Employers' group: Secretario del Grupo de los Empleadores:	Sr. A. PEÑALOSA (IOE)
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Mr A. GREENE, accompanying Ms Goldberg.

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Miembros empleadores adjuntos

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* * *

- Mr S.M. DEWAN, accompanying Mr Anand.
- Mr P. KOLAROV, accompanying Mr Eremeev.
- Mr O. KOVALEV, accompanying Mr Eremeev.
- Mr A. POLOUEKTOV, accompanying Mr Eremeev.
- Mr K. SARANCHOUK, accompanying Mr Eremeev.
- Ms H. LIU, accompanying Mr Chen.

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Substitute members attending the session:
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Miembros trabajadores titulares

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Ms S. BURROW (Australia), President, Australian Council of Trade Unions.

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* * *

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- Mr L. BASNET (Nepal), President, Nepal Trade Union Congress.
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* * *

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Representatives of other member States of the Organization present at the session
Representantes de otros Estados Miembros de la Organización presentes en la reunión**

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Belgique Belgium Bélgica

M. A. VAN MEEUWEN, Ambassadeur, mission permanente, Genève.
M. F. VANDAMME, Conseiller à la division des affaires internationales, Service public fédéral emploi, travail et concertation sociale.
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M. J. DE PRETER, Premier conseiller, mission permanente, Genève.
M. D. MAENAUT, Délégué du gouvernement flamand auprès des organisations multilatérales à Genève.
M^{me} M. TIMMERMANS, Déléguée Wallonie-Bruxelles à Genève.

**Bosnie-Herzégovine Bosnia
and Herzegovina Bosnia y
Herzegovina**

Ms J. KALMETA, Ambassador, Permanent Mission, Geneva.
Ms D. ANDELIC, Counsellor to the Permanent Mission of Bosnia and Herzegovina.

Botswana

Mr T. LEKUNI, Deputy Permanent Representative, Permanent Mission, Geneva.

Bulgarie Bulgaria Bulgaria

Mr P. DRAGANOV, Ambassador, Permanent Mission, Geneva.
Ms J. POPOVA, State Expert, Human Rights and International Humanitarian Affairs Department, Ministry of Foreign Affairs.
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Ms M. YOTOVA, Third Secretary, Permanent Mission, Geneva.

**Colombie Colombia
Colombia**

Sra. C. FORERO UCROS, Embajadora, Misión Permanente, Ginebra.
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Sra. M. ALARCÓN, Ministra Consejera, Misión Permanente.

Sra. V. GONZÁLEZ ARIZA, Ministra Plenipotenciaria, Misión Permanente, Ginebra.
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 Sr. R. QUINTERO CUBIDES, Segundo Secretario, Misión Permanente, Ginebra.
 Sr. G. GUERRERO, Asistente Administrativo, Misión Permanente, Ginebra.
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Congo

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Costa Rica

Sr. L. VARELA QUIRÓS, Embajador, Misión Permanente, Ginebra.
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Danemark Denmark Dinamarca

Ms R. HARHOFF, Head of Section, Ministry of Employment.
 Ms R. USSING, Attaché, Permanent Mission, Geneva.

Egypte Egypt Egipto

Mr S. SHOUKRY, Ambassador, Permanent Mission, Geneva.
 Mr A. MELEIKA, Deputy Permanent Representative, Permanent Mission, Geneva.
 Ms S. EL ERIAN, Labour Counsellor, Permanent Mission, Geneva.
 Mr O. SHALABY, Second Secretary, Permanent Mission, Geneva.

Equateur Ecuador Ecuador

Sr. M. MONTALVO, Embajador, Misión Permanente, Ginebra.
 Sr. C. SANTOS, Funcionario, Misión Permanente, Ginebra.
 Sr. J. THULLEN, Asesor, Ministerio de Trabajo.

Estonie Estonia Estonia

Ms K. SIBUL, Third Secretary, Permanent Mission, Geneva.

Gabon Gabon Gabón

M. P. TONDA, Ambassadeur, mission permanente, Genève.
 M^{me} M. ANGONE ABENA, Conseiller, chargée des relations avec le BIT, mission permanente, Genève.

Ghana

Mr S.B. ABU-BAKAR, Minister of Manpower, Youth and Employment.
 Mr K. BAAH-DUODU, Ambassador, Permanent Mission, Geneva.
 Ms D. RICHTER, First Secretary, Permanent Mission, Geneva.
 Mr A. KWAMINA, Nacional Coordinator, Ghana Decent Work Pilot Programme.
 Mr K. DASSAH, Adviser.

Guatemala

Sr. C. MARTÍNEZ ALVARADO, Embajador, Misión Permanente, Ginebra.
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**Indonésie Indonesia
Indonesia**

Mr M. WIBISONO, Ambassador, Permanent Mission, Geneva.

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Ms T. SINAGA, Senior Adviser of Inter-Institutions and International Affairs, Department of Manpower and Transmigration.

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Israël Israel Israel

Mr I. LEVANON, Ambassador, Permanent Mission, Geneva.

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**Kazakhstan Kazakhstan
Kasajstán**

Mr D. Zhakenov, First Secretary, Permanent Mission, Geneva.

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Lesotho

Mr M. MARUPING, Ambassador, Permanent Mission, Geneva.

Mr L. KOPELI, Minister Counsellor, Permanent Mission, Geneva.

Mr L. MOQHALLI, Counsellor, Permanent Mission, Geneva.

Lettonie Latvia Letonia

Ms I. DREIMANE, First Secretary, Permanent Mission, Geneva.

**Jamahiriya arabe libyenne
Libyan Arab Jamahiriya
Jamahiriya Árabe Libia**

Ms I. SAAITE, Third Secretary, Permanent Mission, Geneva.

Lituanie Lithuania Lituania

Mr E. BORISOVAS, Ambassador, Permanent Mission, Geneva.

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Luxembourg Luxembourg Luxemburgo

M. J. FEYDER, Ambassadeur, mission permanente, Genève.
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Madagascar Madagascar Madagascar

Mr J RASOLONJATOVO, Chargé d'affaires, mission permanente, Genève.
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Mr S. BORG, Ambassador, Permanent Mission, Geneva.
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Myanmar

Mr N. SHEIN, Ambassador of Myanmar to Germany, Permanent Representative (designate), Permanent Mission, Geneva.
 Mr N. SWE, Deputy Permanent Representative, Permanent Mission, Geneva.
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Nicaragua

Sr. N. CRUZ TORUÑO, Primer Secretario, Misión Permanente, Ginebra.

Norvège Norway Noruega

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 Mr T. STENVOLD, Senior Adviser, Ministry of Foreign Affairs.
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 Ms G. WAAGE, First Secretary, Permanent Mission, Geneva.

Nouvelle-Zélande New Zealand Nueva Zelandia

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 Mr N. KIDDLE, Deputy Permanent Representative, Permanent Mission, Geneva.
 Ms N. HICKS, Attaché, Permanent Mission, Geneva.

Portugal

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**République dominicaine
Dominican Republic
República Dominicana**

Sr. J. RAMÓN FADUL, Secretario de Estado de Trabajo.

Sr. H. HERNÁNDEZ SÁNCHEZ,
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Sr. O. LEDESMA, Subsecretario de Estado de Trabajo de la República Dominicana.

Sr. N. REYES UREÑA, Director de Relaciones Internacionales, Secretaría de Estado de Trabajo.

Sra. Y. ROMÁN MALDONADO, Ministra Consejera, Misión Permanente, Ginebra.

**Saint-Siège The Holy See
Santa Sede**

M^{gr} M. TOMASI, Nonce apostolique, mission permanente, Genève.

M^{gr} M. DE GREGORI, mission permanente, Genève.

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**Slovaquie Slovakia
Eslovaquia**

Ms N. SEPTÁKOVÁ, First Secretary, Permanent Mission, Geneva.

**Slovénie Slovenia
Eslovenia**

Ms D. SARCEVIC, Adviser, Ministry of Labour, Family and Social Affairs.

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Soudan Sudan Sudán

Ms I. ELAMIN, Third Secretary, Permanent Mission, Geneva.

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Mr C. ERIKSSON, Director, Special Expert, Ministry of Industry, Employment and Communications.

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Suisse Switzerland Suiza

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M. C. SIEBER, Collaborateur scientifique, mission permanente, Genève.

**Thaïlande Thailand
Tailandia**

Mr V. THANGHONG, Minister Counsellor (Labour), Permanent Mission, Geneva.

Mr S. SUWANDAMRONG, Labour Section, Permanent Mission, Geneva.

Turquie Turkey Turquía

Mr H. OYMAN, Expert, Permanent Mission,
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Ukraine Ukraine Ucraina

Mr O. SHEVCHENKO, First Secretary,
Permanent Mission, Geneva.

Uruguay

Sr. G. VALLES GALMÉS, Embajador,
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Sra. A. ROCANOVA, Segunda Secretaria,
Misión Permanente, Ginebra.
Sr. C. PEREIRA, Misión Permanente,
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Zambia Zambia Zambia

Mr L. MTESA, Ambassador, Permanent
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Mr M. DAKA, Deputy Permanent
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Ms I. LEMBA, First Secretary, Permanent
Mission, Geneva.
Ms A. CHIFUNGULA, Auditor General,
Permanent Mission, Geneva.
Mr D. SHINDE, Permanent Mission, Geneva.
Mr D. MULENGA, Permanent Mission,
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Représentants d'organisations internationales gouvernementales
Representatives of international governmental organizations
Representantes de organizaciones internacionales gubernamentales

Haut Commissariat des Nations Unies pour les réfugiés
Office of the United Nations High Commissioner for Refugees
Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados

Mr A. VERNON, Head, Organization Development and Management Services.
 Ms C. LINNÉR, Head of the Inter-Organization Desk.

Organisation des Nations Unies pour l'alimentation et l'agriculture
Food and Agriculture Organization of the United Nations
Organización de las Naciones Unidas para la Agricultura y la Alimentación

Mr T. MASUKU, Director, FAO Liaison Office with the United Nations in Geneva.
 Mr P. KONANDREAS, Senior Liaison Officer.
 Mr P. PAREDES-PORTELLA, Liaison Officer, Geneva Office.
 Ms I. GALLETTI, Volunteer with the FAO Liaison Office with the United Nations in Geneva.

Organisation mondiale de la santé
World Health Organization
Organización Mundial de la Salud

Mr L. TILLFORS, External Relations Officer, Department of Governance.

Fonds monétaire international
International Monetary Fund
Fondo Monetario Internacional

Mr R. MARINOV, Consultant, Geneva Office.
 Ms G. WEDER, Consultant, Geneva Office.
 Ms I. HAMDAN, Consultant, Geneva Office.
 Mr G. BARNARD, IMF Representative to the WTO.

Organisation des Nations Unies pour le développement industriel
United Nations Industrial Development Organization
Organización de las Naciones Unidas para el Desarrollo Industrial

Mr J. M. DEROY, Director.
 Mr J. TOWARA, Liaison Assistant.

Organisation mondiale du commerce
World Trade Organization
Organización Mundial del Comercio

Ms V. KULAÇOGLU, Director, Trade and Environment Division.
 Mr P. RATA, Counsellor, Trade and Environment Division.
 Mr S. EL HACHIMI, Counsellor, External Relations Division.

Organisation internationale de la francophonie

Organización Internacional de la Francofonía

M. L. BARARUNYERETSE, Ambassadeur, Représentant permanent.

M^{me} S. COULIBALY LEROY, Représentant permanent adjoint.

M^{me} M. JULIA, Assistante.

Union africaine

African Union

Unión Africana

Ms K. MASRI, Ambassador and Permanent Observer.

Mr D. NEGOUSSE, Minister Counsellor.

Mr F. GSOUMA, First Secretary.

Ms B. NAIDO, First Secretary.

Organisation arabe du travail

Arab Labour Organization

Organización Árabe del Trabajo

Dr. I. GUIDER, Director-General.

Mr A. HUMSI, Head of the permanent delegation in Geneva.

Ms A. HILAL, Permanent delegation in Geneva.

Ms Z. KASBAOUI, Permanent delegation in Geneva.

Ligue des Etats arabes

League of Arab States

Liga de Estados Árabes

Mr S. ALFARARGI, Ambassador, Permanent Observer.

Mr A. EL-FATHI, Ministre Plénipotentiaire.

Mr H. TOUNSI, Membre.

Commission européenne

European Commission

Comisión Europea

Mr C. TROJAN, Ambassador, Head of permanent delegation, Geneva.

Mr T. BÉCHET, Head of UN Section, Permanent Delegation Office, Geneva.

Mr R. DELARUE, Official, DG Employment, Brussels.

Mr C. DUFOUR, UN Section, Permanent Delegation Office, Geneva.

Mr G. HOUTTUIN, Head, Liaison Office of the General Secretariat, Geneva, Council.

Mr O. ALLEN, Counsellor, Liaison Office of the General Secretariat, Geneva, Council.

Mr J. LILLIEHÖÖK, Counsellor, Liaison Office of the General Secretariat, Geneva, Council.

Mr S. VAN THIEL, Counsellor, Liaison Office of the General Secretariat, Geneva, Council.

**Représentants d'organisations internationales non gouvernementales
assistant à titre d'observateurs
Representatives of international non-governmental organizations as observers
Representantes de organizaciones internacionales no gubernamentales
presentes con carácter de observadores**

**Alliance coopérative internationale
International Co-operative Alliance
Alianza Cooperativa Internacional**

Mr I. MACDONALD, Director-General.
Ms M. CHAVEZ HERTIG, Deputy Director-General.

**Confédération syndicale internationale
International Trade Union Confederation
Confederación Sindical Internacional**

Mr G. RYDER, General Secretary.
Ms A. BIONDI, Director, Geneva Office.
Mr J. DWIGHT, Multinationals, Organizing and Recruitment.
Mr J. KUCZKIEWICZ, Director, Trade Union Rights Department.
Ms M. CISSÉ, Assistant General Secretary.
Ms R. GONZALEZ, Assistant Director.
M. H. SEA, Représentant à Genève.
Ms E. BUSSER, Assistant, Geneva Office.
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Ms E. BLUMER, Secretary, Geneva Office.

**Fédération syndicale mondiale
World Federation of Trade Unions
Federación Sindical Mundial**

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Mr J. AVELLA GARCIA, Collaborator, Geneva Office.
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**Organisation internationale des employeurs
International Organization of Employers
Organización Internacional de Empleadores**

Mr A. PEÑALOSA, Secretary-General.
Mr B. WILTON, Deputy Secretary-General.

Organisation de l'unité syndicale africaine
Organization of African Trade Union Unity
Organización para la Unidad Sindical Africana

Mr H. SUNMONU, Secretary-General.
Mr D. DIOP, Assistant Secretary-General.
Mr A. DIALLO, Permanent Representative to the ILO and UN Mission in Geneva.

Association internationale de la sécurité sociale
International Social Security Association
Asociación Internacional de la Seguridad Social

Mr H. KONKOLEWSKY, Secretary-General.
Mr J. THIRION, Chief of Finance and Administration.

Mouvement de libération
Liberation movement
Movimiento de liberación

Palestine Palestine Palestina

Mr M. ABU-KOASH, Ambassador, Permanent Observer Mission of Palestine in Geneva.
Mr O. MOHAMMED, Counsellor, Permanent Observer Mission of Palestine in Geneva.
Mr I. MUSA, First secretary, Permanent Observer Mission of Palestine in Geneva.