

GB.288/205 288th Session

Geneva, November 2003

Record of Decisions

This document is a preliminary working paper for the use of the Governing Body and officials of the Office. It records only the Governing Body's decisions, and not the circumstances of their adoption, except where they were the result of a formal vote. The comments or reservations by individual members or groups subject to which the decisions were made will be found in the minutes of the session.

Where an Office publication or paper refers to a Governing Body decision, the source given should be the relevant Governing Body document and minutes, and not this Record of Decisions.

The Record of Decisions is arranged in the order of the items on the Governing Body's agenda. All decisions relating to a particular paper or section of a paper are grouped together. After the decision the sitting at which it was taken is indicated in brackets together with the basis on which it was taken, including appropriate references to Governing Body papers. The decisions are reproduced in full, with the exception of those relating to reports of the Committee on Freedom of Association, where a simple reference is made to the paragraphs of the report which form the basis of the decision.

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First item on the agenda

Approval of the minutes of the 287th Session of the Governing Body

1. Subject to the correction received, the Governing Body approved the minutes of its 287th Session. (First sitting; GB.288/1, paragraph 3.)

Second item on the agenda

Agenda of the International Labour Conference

(a) Agenda of the 93rd Session (June 2005) of the International Labour Conference

- **2.** The Governing Body decided that in addition to the standing items before the Conference, and taking account of the second discussion on a comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector, ¹ the following items should be included on the agenda of the 93rd Session (2005) of the Conference:
 - (i) a new instrument establishing a promotional framework in the area of occupational safety and health;
 - (ii) promoting youth employment (general discussion based on an integrated approach).
- **3.** As a result of the Governing Body's decision to include on the agenda of the 93rd Session (2005) of the Conference the development of a new instrument establishing a promotional framework in the area of occupational safety and health, the Office will prepare a questionnaire with a view to elaborating this new instrument as set out in article 39 of the Standing Orders of the Conference, taking account of the results of the general discussion on ILO standards-related activities in the area of occupational safety and health. The calendar for the preparatory stages prior to the first discussion on the new instrument will be fixed according to the schedule proposed in document GB.288/2/1. (First and Seventh sittings; GB.288/2/1, paragraph 8.)

(b) Agenda of the 95th Session (June 2006) of the International Labour Conference

4. The Governing Body examined the proposals for the agenda of the 95th Session of the International Labour Conference, including those contained in document GB.288/2/1 which were not retained for the agenda of the 93rd Session (2005) of the Conference,² as

¹ In accordance with the decision taken by the Governing Body in March 2002 to include this question in the agenda of the 92nd Session (2004) of the Conference under the double discussion procedure.

 2 With the exception of the proposal concerning child labour and the protection of children and young persons.

well as the two proposals presented in Part I of document GB.288/2/2 and it selected seven proposals for more in-depth examination at its 289th (March 2004) Session. The proposals retained were the following: (i) new measures concerning discrimination in employment and occupation – extension of the grounds on which discrimination is prohibited in Article 1 of Convention No. 111 (*standard setting*); (ii) decent jobs and productivity (*general discussion based on an integrated approach*); (iii) promoting decent work in reconstruction of conflict-affected countries (*standard setting*); (iv) gender equality in the world of work (*general discussion based on an integrated approach*); (v) the role of the ILO in technical cooperation (*general discussion*); (vi) the employment relationship (*standard setting*, with a view to adopting a Recommendation); and (vii) employment and social protection in ageing societies (*general discussion based on an integrated approach*).

- **5.** The Governing Body also noted that, in order to answer the request of a representative of the Government of New Zealand and supported by other government representatives, the Office would take care to highlight the relationship between ILO strategic objectives and the items proposed for inclusion on the agenda of the Conference in the document containing proposals for the agenda of the 95th Session (2006) of the Conference to be prepared for the next session of the Governing Body in March 2004.
- **6.** The Governing Body finally noted the proposal to set aside in future the items that systematically obtained little support, in favour of others such as revisions, or the question of the prevention of sexual harassment in the workplace which the Office had been asked to present in greater depth.

(First and Seventh sittings; GB.288/2/2, paragraph 10, and the Chairperson's summary.)

Third item on the agenda

Follow-up to resolutions adopted by the 91st Session (2003) of the International Labour Conference

(a) Resolution concerning safety and health

7. The Governing Body noted the activities already undertaken by the Office to give effect to the resolution concerning occupational safety and health and approved the follow-up action proposed in document GB.288/3/1 for the 2004-05 biennium. (Fifth sitting; GB.288/3/1, paragraph 21.)

(b) Adoption by the Conference of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) and the related resolutions

- **8.** The Governing Body:
 - (a) approved the plan for the preparation of a global interoperable standard for the biometric template, referred to in paragraph 8 of document GB.288/3/2;

- (b) requested the Director-General to give due priority, in the use of resources allocated to the Organization's technical cooperation programme, to assisting countries with respect to the technology, expertise and processes required, as indicated in paragraph 9 of document GB.288/3/2;
- (c) endorsed the follow-up action proposed in paragraphs 11 and 12 of document GB.288/3/2.

(Fifth sitting; GB.288/3/2, paragraph 16.)

Fourth item on the agenda

The functioning of decision-making bodies

(a) The International Labour Conference

(b) The Governing Body

- **9.** The Governing Body:
 - (a) noted the observations made regarding the functioning of the Conference and of the Governing Body by the Employer and Worker Vice-Chairpersons as well as that by a Government representative of India, on behalf of the Asia-Pacific group of countries, by a Government representative of Ecuador, on behalf of the Group of Latin American and Caribbean Countries (GRULAC), a Government representative of Canada, on behalf of the group of Industrialized Market Economy Countries (IMEC), and by Government representatives of China, France, Germany, Japan, Kenya, the Republic of Korea, Mali, Nigeria, New Zealand, the Russian Federation and Venezuela;
 - (b) instructed the Director-General to organize new consultations with the constituents over the coming months to examine the functioning of the Conference and, in particular, the special arrangements to be put in place for the 92nd Session, and to submit detailed proposals thereon to the Governing Body in March 2004;
 - (c) endorsed the mandate proposed in documents GB.288/4/2 to examine the functioning of the Governing Body and instructed the Director-General to involve all groups in a process of consultation on the various aspects raised and to submit specific proposals for the reform of the Governing Body as of March 2004;
 - (d) decided to return, at its November 2004 session, to the question of possible reform to the Conference, on the basis of experience acquired in June 2004.

(Third sitting; GB.288/4/1, paragraph 10, and GB.288/4/2, paragraph 21.)

Fifth item on the agenda

Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)

- **10.** The Governing Body thanked the Liaison Officer for the excellent work she had accomplished in particularly difficult circumstances since the beginning of her mandate and noted the information contained in the reports as well as the explanations given by the representative of Myanmar.
- **11.** The Governing Body also endorsed the Chairperson's conclusion, in particular regarding the importance he felt should be accorded to the introductory statement made by the representative of Myanmar, from which it appeared that the Myanmar authorities were in agreement that the representatives of the Director-General should undertake, according to the modalities that had been successfully applied previously, a complete review of the situation with the aim of an implementation of the Plan of Action as rapidly as possible.
- **12.** On this basis, the Governing Body agreed to postpone until its March 2004 session the consideration of the proposal to reactivate the measures envisaged under the resolution adopted in June 2000 by the Conference, on the understanding that a complete report on the situation, with appropriate recommendations, would be submitted to it by the Director-General.

(Fourth and Fifth sittings; GB.288/5 and GB.288/5/1 and the Chairperson's conclusions.)

Sixth item on the agenda

Enhanced programme of technical cooperation for the occupied Arab territories

- **13.** The Governing Body noted the progress made since March 2003 in the implementation of the projects aimed at creating the Palestinian Fund for Employment and Social Protection, to build capacities, reinforce employers' and workers' organizations and to create a platform for social dialogue as well as the future follow-up actions, especially regarding technical assistance.
- **14.** The Governing Body also noted the concerns expressed regarding the future financing of the Fund and the need to mobilize new donors to ensure the aims of the programme were met and asked, in this connection, that a new report on the situation be submitted to the March 2004 session.

(Second sitting; GB.288/6.)

Seventh item on the agenda

Reports of the Committee on Freedom of Association

332nd Report (Parts I and II)

- **15.** The Governing Body took note of the introduction to the report. (Third sitting; GB.288/7 (Part I), paragraphs 1-210.)
- 16. The Governing Body adopted the recommendations in paragraphs 227 (Case No. 2221: Argentina); 247 (Case No. 2223: Argentina); 266 (Case No. 2240: Argentina); 283 (Case No. 2250: Argentina); 300 (Case No. 2263: Argentina); 362 (Case No. 2090: Belarus); 381 (Case No. 2225: Bosnia-Herzegovina); 399 (Case No. 2262: Cambodia); 424 (Case No. 2218: Chile); 457 (Case No. 2046: Colombia); 535 (Case No. 2258: Cuba); 550 (Case No. 2201: Ecuador); 613 (Case No. 2227: United States); 646 (Case No. 2233: France); 668 (Case No. 2261: Greece); 680 (Case No. 2103: Guatemala); 690 (Case No. 2179: Guatemala); 729 (Case No. 2187: Guyana); 751 (Case No. 2228: India); 783 (Case No. 2234: Mexico); 807 (Case No. 2247: Mexico); 828 (Case No. 2242: Pakistan); 847 (Case No. 2235: Peru); 890 (Case No. 2252: Philippines); 914 (Case No. 2216: Russian Federation); 956 (Case No. 2255: Sri Lanka); 970 (Case No. 2238: Zimbabwe). (Third sitting; GB. 288/7 (Parts I and II).)
- **17.** The Governing Body adopted the document in its entirety. (Third sitting; GB.288/7 (Parts I and II).)

Eighth item on the agenda

Report of the Officers of the Governing Body

Complaint concerning the non-observance by Belarus of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), made by delegates to the 91st Session (2003) of the International Labour Conference under article 26 of the ILO Constitution

18. In the light of the situation described in the complaint and the examination of the case by the Committee on Freedom of Association, the Governing Body decided to initiate the procedure provided for in article 26.4 of the Constitution and consequently to appoint a commission of inquiry to consider the allegations of non-observance by the Government of Belarus of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), as set out in paragraph 1 of document GB.288/8. (Third sitting; GB.288/8, paragraph 10.)

Ninth item on the agenda

Reports of the Programme, Financial and Administrative Committee

First report: Financial questions

Statement by the Director-General: Safety and security of staff

- **19.** The Governing Body:
 - (a) authorized the Office to implement measures to improve security at the headquarters building, including restricted access to the building and the parking facilities through the use of identification badges, guards, electronic monitoring and fencing, and decided that the estimated cost of \$780,000 would be financed in the first instance from savings in Part I of the Programme and Budget for 2004-05 or, failing that, through the use of Part II;
 - (b) invited the Director-General to consult the Officers of the Governing Body on the implementation of the security measures;
 - (c) requested the Director-General to submit to the 289th (March 2004) Session of the Governing Body a document setting out a proposed strategy on security of all the staff and the existing and future premises of the Organization.

(Seventh sitting; GB.288/9/1, paragraph 15.)

Programme and Budget for 2002-03: Regular budget account and Working Capital Fund

20. The Governing Body authorized the Director-General to submit proposals for any necessary transfers within the 2002-03 expenditure budget to the Chairperson for his approval, prior to the closing of the biennial accounts, subject to confirmation of such approval by the Governing Body at its 289th (March 2004) Session. (Seventh sitting; GB.288/9/1, paragraph 24.)

Voluntary contributions and gifts

21. The Governing Body took note of this part of the report. (Seventh sitting; GB.288/9/1, paragraphs 25-29.)

Financial questions relating to the International Institute of Labour Studies

Programme and Budget for 2004-05

Authorization to accept contributions and gifts

22. The Governing Body endorsed the programme and approved the budget for the International Institute for Labour Studies for 2004-05. (Seventh sitting; GB.288/9(Add.&Corr.), paragraph 2.)

International Training Centre of the ILO, Turin

Documents submitted to the 65th Session of the Board of the Centre (Turin, 6-7 November 2003)

Report of the 65th Session of the Board of the Centre

23. The Governing Body took note of this part of the report. (Seventh sitting; GB.288/9/1, paragraphs 38-57.)

Proposed 2004-05 budgets for extra-budgetary accounts

International Occupational Safety and Health Information Centre (CIS)

Inter-American Research and Documentation Centre on Vocational Training (CINTERFOR)

24. The Governing Body approved:

- (a) the proposed 2004-05 income and expenditure budget for the International Occupational Safety and Health Information Centre extra-budgetary account, as set out in the appendix to document GB.288/PFA/5/1;
- (b) the income and expenditure estimates for 2004-05 of the Inter-American Research and Documentation Centre on Vocational Training (CINTERFOR) extra-budgetary account, as set out in the appendix to document GB.288/PFA/5/2.

(Seventh sitting; GB.288/9/1, paragraph 71.)

Information Technology Systems Fund

- **25.** The Governing Body decided:
 - (a) to revise the figure of up to \$3 million approved from the Information Technology Systems Fund for improvements to the headquarters/field telecommunications infrastructure, at its 286th Session in March 2003, to \$500,000, thus releasing \$2.5 million for other purposes;

(b) to approve the use of the unearmarked balance of the Information Technology Systems Fund, amounting to \$3.4 million, towards meeting the budgetary shortfall in the Integrated Resource Information System project (IRIS).

(Seventh sitting; GB.288/9/1, paragraph 82.)

Report of the Building Subcommittee

26. The Governing Body decided:

- (a) to give effect to the proposal to build new premises for the ILO Office in Santiago;
- (b) to accept the gift by the Government of Chile of a plot of land for this purpose in accordance with the authority delegated to it by the Conference at its 91st Session (June 2003);
- (c) that the cost of the building would not exceed \$1.8 million, and that the Office should provide proposals for the financing of the building in March 2004;
- (d) to request that the result of the bidding evaluation process and more details on the modalities for financing the construction work be submitted to the Building Subcommittee at the Governing Body's next session in March 2004.

(Seventh sitting; GB.288/9/1, paragraph 100.)

- **27.** The Governing Body also decided:
 - (a) to give effect to the proposal to build new premises for the ILO Office in Dar es Salaam;
 - (b) to accept the gift by the Government of the United Republic of Tanzania of a plot of land for this purpose in accordance with the authority delegated to it by the Conference at its 91st Session (June 2003);
 - (c) that the cost of the building might not exceed \$1.7 million, which should be funded from the Building and Accommodation Fund;
 - (d) to request that the result of the bidding evaluation process be submitted to the Building Subcommittee at the Governing Body's next session in March 2004.

(Seventh sitting; GB.288/9/1, paragraph 101.)

Use of the 2000-01 surplus

28. The Governing Body took note of this part of the report. (Seventh sitting; GB.288/9/1, paragraphs 102-115.)

Programme and Budget for 2004-05: Technical meetings reserve

29. The Governing Body decided that the following meetings be financed by the technical meetings reserve as contained in the Programme and Budget for 2004-05: The social dimension of globalization: From debate to action; International Symposium on Trade Unions and Poverty Eradication; Youth employment: The way forward; and three tripartite symposia on promoting the MNE Declaration in SADC, MERCOSUR and ASEAN

countries, with use of the remaining balance on the reserve to be decided upon at a later date. (Seventh sitting; GB.288/9/1, paragraph 131.)

Preliminary consultations on the Strategic Policy Framework for 2006-09

30. The Governing Body requested the Director-General to take into account its deliberations when preparing the draft Strategic Policy Framework for 2006-09. (Seventh sitting; GB.288/9/1, paragraph 155.)

Evaluation of the InFocus Programme on Boosting Employment through Small Enterprise Development

31. The Governing Body requested the Director-General to take into consideration the conclusions drawn in the document, together with the deliberations of the Committee, in the further implementation of the InFocus Programme on Boosting Employment through Small Enterprise Development. (Seventh sitting; GB.288/9/1, paragraph 172.)

Evaluation of the InFocus Programme on Crisis Response and Reconstruction

32. The Governing Body requested the Director-General to take into consideration the conclusions drawn in the document, together with the deliberations of the Committee, in the further implementation of the InFocus Programme on Crisis Response and Reconstruction. (Seventh sitting; GB.288/9/1, paragraph 187.)

Matters relating to the Joint Inspection Unit

- (a) Review of the ILO's collaboration with the United Nations Joint Inspection Unit
- (b) Report of the Joint Inspection Unit of the United Nations on its activities for the year ended 31 December 2002
- (c) Reports of the Joint Inspection Unit
- Review of the ILO's collaboration with the United Nations: Comments by the Joint Inspection Unit on document GB.288/PFA/13/1
 - **33.** The Governing Body took note of this part of the report. (Seventh sitting; GB.288/9/1, paragraphs 188-192.)

Other financial questions

- (a) Financial arrangements for a commission of inquiry concerning the observance by Belarus of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- (b) Financial arrangements for activities related to the elaboration of a code of good drafting practices for the preparation of international labour standards

34. The Governing Body decided that for the commission of inquiry concerning Belarus:³

- (a) an honorarium at the rate of \$300 per day be paid to each member of the commission of inquiry;
- (b) the cost of the commission in 2004-05, estimated at \$577,000, be financed in the first instance from savings in Part I of the Programme and Budget for 2004-05, on the understanding that, should this subsequently prove impossible, the Director-General would propose alternative methods of financing at a later stage in the biennium.

(Seventh sitting; GB.288/9/1, paragraph 198.)

35. The Governing Body decided that for activities related to the elaboration of a code of good drafting practices for the preparation of international labour standards,⁴ the cost estimated at \$105,000 be financed in the first instance from savings in Part I of the Programme and Budget for 2004-05, on the understanding that, should this not prove possible, the Director-General would propose alternative methods of financing at a later stage in the biennium. (Seventh sitting; GB.288/9/1, paragraph 198.)

³ See para. 17 above, as well as para. 80.

⁴ See para. 41 below.

Second report: Personnel questions

- *I.* Statement by the staff representative
- II. Amendments to the Staff Regulations: Amendments approved by the Director-General
- III. Human Resources Strategy: Update
- IV. Pensions questions: Report of the Board of the Special Payments Fund
- V. Report of the International Civil Service Commission
 - **36.** The Governing Body took note of these parts of the report. (Seventh sitting; GB.288/9/2, paragraphs 1-29.)

VI. Matters relating to the Administrative Tribunal of the ILO

- (a) Recognition of the Tribunal's jurisdiction by the International Olive Oil Council (IOOC)
 - **37.** The Governing Body approved the recognition of the Tribunal's jurisdiction by the International Olive Oil Council (IOOC), with effect from the date of such approval. (Seventh sitting; GB.288/9/2, paragraph 31.)
- (b) Statute of the Tribunal
 - **38.** The Governing Body took note of this part of the report. (Seventh sitting; GB.288/9/2, paragraphs 32-34.)

VII. Other personnel questions: Examination of the situation regarding renewal of the terms of office of executive heads of organizations of the United Nations system

39. The Governing Body took note of this part of the report. (Seventh sitting; GB.288/9/2, paragraphs 35-45.)

Tenth item on the agenda

Reports of the Committee on Legal Issues and International Labour Standards

First report: Legal issues

I. Possible improvements in the ILO's standardsrelated activities: Articles 19, 24 and 26 of the Constitution

Procedures relating to standards adopted by the Conference (article 19)

Reports requested by the Governing Body

Procedures relating to ratified Conventions: Representation procedure (articles 24, 25 and 26, paragraph 4)

Procedures relating to ratified Conventions: Complaints procedure (articles 26 to 29 and 30 to 34)

40. The Governing Body requested the Office to prepare for its 289th (March 2004) Session a document taking account of all the opinions expressed during the debate and, placing emphasis on the consensus that was reached, proposing concrete amendments. (Fifth sitting; GB.288/10/1, paragraph 31.)

II. Practices for the preparation of international labour Conventions

- (a) Code of good drafting practices
 - **41.** The Governing Body invited the Office to prepare a final draft on good drafting practices with a view to its submission at its 292nd (March 2005) Session and, subject to the recommendation of the Programme, Financial and Administrative Committee, that a tripartite meeting of experts be held in 2004 to that effect. (Fifth sitting; GB.288/10/1, paragraph 39.)
- (b) Questionnaire articles 38 and 39 of the Standing Orders of the International Labour Conference
 - **42.** The Governing Body invited the Office to instigate, wherever appropriate, the proposed improvements to the questionnaires prepared pursuant to articles 38 and 39 of the Standing Orders of the International Labour Conference, and to evaluate the results at a subsequent session of the Governing Body. (Fifth sitting; GB.288/10/1, paragraph 48.)

III. Standing Orders of the Conference: Practical arrangements for the discussion, at the 92nd Session (June 2004) of the International Labour Conference, of the Global Report prepared under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work

43. The Governing Body invited the Office to prepare, for its 289th (March 2004) Session, a document specifying, in the light of the views expressed by the Committee, both the regulatory and practical ad hoc arrangements necessary for the examination of the Global Report, which would be proposed for adoption at the 92nd Session of the Conference. (Fifth sitting; GB.288/10/1, paragraph 59.)

IV. The role of the Credentials Committee

44. The Governing Body invited the Office to prepare a document for its 289th (March 2004) Session with a view to enabling the Conference to implement, on an experimental basis, the measures proposed by the Committee on which consensus had been reached. (Fifth sitting; GB.288/10/1, paragraph 75.)

Second report: International labour standards and human rights

V. Ratification and promotion of fundamental ILO Conventions

45. The Governing Body took note of this part of the report. (Fifth sitting; GB.288/10/2, paragraphs 1-9.)

VI. Improvements in standards-related activities of the ILO: Technical assistance and promotion

46. The Governing Body requested that the elements developed in the Office document be taken fully into account and systematically pursued in activities undertaken by the Office with member States and the social partners for improved standards-related technical assistance and promotion, including the integration of standards in country programmes. (Fifth sitting; GB.288/10/2, paragraph 24.)

VII. Choice of instruments on which reports should be requested in 2005 and 2006 under article 19 of the Constitution

- **47.** The Governing Body decided:
 - (a) to invite governments to submit reports under article 19 of the Constitution in 2005 on the Labour Inspection Convention, 1947 (No. 81), the Protocol of 1995 to the Labour Inspection Convention, 1947, the Labour Inspection Recommendation, 1947 (No. 81), the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Labour Inspection (Agriculture) Recommendation, 1969 (No. 133);

(b) to defer until November 2004, the examination of the subjects upon which reports might be requested in 2006.

(Fifth sitting; GB.288/10/2, paragraph 34.)

VIII. The proposed consolidated maritime labour Convention: A progress report

IX. Report of the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector

48. The Governing Body took note of these parts of the report. (Fifth sitting; GB.288/10/2, paragraphs 35-40.)

X. Other questions

Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) – Allegations from the teachers' organizations

- **49.** The Governing Body:
 - (a) took note of Annex 2 of the report of the Eighth Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) which concerned allegations submitted to it by teachers' organizations;
 - (b) authorized the Director-General to communicate the relevant parts of Annex 2 of the CEART report to the Governments of Bangladesh, Burundi, Ethiopia and Japan and to the teachers' organizations concerned and, where appropriate, to invite them to take the necessary follow-up action as recommended in the report.

(Fifth sitting; GB.288/10/2, paragraph 47.)

Eleventh item on the agenda

Report of the Subcommittee on Multinational Enterprises

Composition and size of the Subcommittee on Multinational Enterprises

Promotion of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy: Priorities for action in 2004-05

Draft questionnaire for the Eighth Survey on the effect given to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

- **50.** The Governing Body decided to consider, when reviewing its functioning and structure, how to achieve a better balance between representatives of home and host countries of multinational enterprises in the Subcommittee on Multinational Enterprises. (Fifth sitting; GB.288/11, paragraph 45.)
- **51.** The Governing Body requested the Office to take account of the observations of the Subcommittee as reflected in its report when implementing the 2004-05 action plan of the Multinational Enterprises Programme. (Fifth sitting; GB.288/11, paragraph 46.)
- **52.** The Governing Body requested the Office to conduct the Eighth Survey on the effect given to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy on the basis of the report form attached to the Subcommittee's report. (Fifth sitting; GB.288/11, paragraph 47.)

Twelfth item on the agenda

Report of the Committee on Employment and Social Policy

- I. Active labour market policies
- II. Implementation of the Global Employment Agenda: An update
- III. HIV/AIDS and the Decent Work Agenda: Responding to need
- IV. The Global Social Trust pilot project: A status review
 - **53.** The Governing Body took note of these parts of the report. (Seventh sitting; GB.288/12(&Corr.), paragraphs 1-98.)

Thirteenth item on the agenda

Report of the Committee on Sectoral and Technical Meetings and Related Issues

I. A new approach to sectoral activities in 2004-05: Progress report

- **54.** The Governing Body:
 - (a) decided, as regards the four meetings planned for 2004-05, that the type of meeting, the duration, the number of delegations, Governing Body representation and the method of selecting the participants would be as proposed in paragraphs 13, 14 and 18 of document GB.288/STM/1;
 - (b) decided that the purpose of the Tripartite Meeting on the Future of Work and Quality in the Information Society: Media, Culture, Graphical Sector, would be as proposed in paragraph 12 of document GB.288/STM/1;
 - (c) decided that the purpose of the Tripartite Meeting on Employment, Social Dialogue, Rights at Work and Industrial Relations in Transport Equipment Manufacture would be as proposed in paragraph 17 of document GB.288/STM/1;

(d) invited the Director-General to prepare for the next session, papers concerning meetings of experts, information papers on each of the 22 sectors as well as a table of sectoral activities, ongoing and planned.

(Fifth sitting; GB.288/13, paragraph 19.)

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

(a) Joint Meeting on Public Emergency Services: Social Dialogue in a Changing Environment (Geneva, 27-31 January 2003)

- **55.** The Governing Body:
 - (a) authorized the Director-General to communicate the *Note on the proceedings*:
 - (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 other international organizations concerned;
 - (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 1 and 2 of the annex of the Guidelines.

(Fifth sitting; GB.288/13, paragraph 27.)

(b) Tripartite Meeting on the Future of Employment in the Tobacco Sector

(Geneva, 24-28 February 2003)

56. The Governing Body:

- (a) authorized the Director-General to communicate the *Note on the proceedings*:
 - (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 other international organizations concerned;
- (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 paragraph 16 of the conclusions and in the relevant parts of the resolutions.

(Fifth sitting; GB.288/13, paragraph 37.)

(c) Tripartite Meeting on the Employment Effects of Mergers and Acquisitions in Commerce (Geneva, 7-11 April 2003)

- **57.** The Governing Body:
 - (a) authorized the Director-General to communicate the *Note on the proceedings*:
 - (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 other international organizations concerned;
 - (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 18-21 of the conclusions and in the relevant part of the resolution concerning future ILO activities in commerce.

(Fifth sitting; GB.288/13, paragraph 41.)

(d) Tripartite Meeting on Challenges and Opportunities facing Public Utilities (Geneva, 19-23 May 2003)

- **58.** The Governing Body:
 - (a) authorized the Director-General to communicate the *Note on the proceedings*:
 - (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 other international organizations concerned;
 - (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 11-13 of the conclusions and in the relevant part of the resolution.

(Fifth sitting; GB.288/13, paragraph 48.)

III. Interim Report of the Eighth Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART)

IV. Report of the Joint ILO/IMO Working Group on Port Security

59. The Governing Body took note of these parts of the report. (Fifth sitting; GB.288/13, paragraphs 49-57.)

V. Report of the Subcommittee of the Joint Maritime Commission and of the Joint Working Group on Wages of Seafarers

(Geneva, 5-8 July 2003)

60. The Governing Body took note of the report and approved the recommendations in paragraphs 3 and 4 of the document. (Fifth sitting; GB.288/13, paragraph 63.)

VI. Report on the outcome of the Fifth Worldwide Air Transport Conference (Montreal, 24-29 March 2003)

61. The Governing Body noted the information in the report and invited the Director-General to consult with the Secretary-General of the ICAO on ways of strengthening cooperation between the ICAO and the ILO. (Fifth sitting; GB.288/13, paragraph 69.)

VII. Report of the Meeting of Experts to Develop a Code of Practice on Violence and Stress at Work in Services: A Threat to Productivity and Decent Work

(Geneva, 8-15 October 2003)

62. The Governing Body:

- (a) took note of the report of the Meeting of Experts and authorized the Director-General to publish the code of practice on workplace violence in the services sector and measures to combat this phenomenon;
- (b) invited the Director-General to continue research on the issue of workplace stress in the sectors.

(Fifth sitting; GB.288/13, paragraph 77.)

VIII. Other questions

63. The Governing Body took note of this part of the report. (Fifth sitting; GB.288/13, paragraphs 78-83.)

Fourteenth item on the agenda

Report of the Committee on Technical Cooperation

- I. The ILO's technical cooperation programme for 2002-03
- II. Further developments regarding technical cooperation activities in the United Nations system
- III. Meeting of the Officers of the Committee on Technical Cooperation and the Regional Coordinators: Oral report by the Chairperson

IV. Report of the IPEC Steering Committee: Oral presentation

64. The Governing Body took note of these parts of the report. (Fifth sitting; GB.288/14, paragraphs 1-55.)

V. Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: Priorities and action plans for technical cooperation

65. The Governing Body endorsed the approach outlined in document GB.288/TC/4, and requested to be kept informed, through the Committee on Technical Cooperation, of the implementation of the activities proposed. (Fifth sitting; GB.288/14, paragraph 72.)

VI. Tribute to members of the Committee on Technical Cooperation

VII. Other questions

66. The Governing Body took note of these parts of the report. (Fifth sitting; GB.288/14, paragraphs 73-75.)

Fifteenth item on the agenda

Report of the Working Party on the Social Dimension of Globalization

67. The Governing Body took note of the Chairperson's oral report (Seventh sitting; GB.288/15.)

Sixteenth item on the agenda

International Institute for Labour Studies

Report of the 45th Session of the Board

68. The Governing Body took note of this part of the report. (Fifth sitting; GB.288/16, paragraphs 1-13.)

Report of the Director and the Programme and Budget for 2004-05

69. The Governing Body endorsed the programme and approved the budget of the Institute for 2004-05, ⁵ in accordance with article II, paragraph 6, of the Regulations of the Institute. (Fifth sitting; GB.288/16, paragraph 31.)

Acceptance of contributions and gifts

70. The Governing Body took note of this part of the report. (Fifth sitting; GB.288/16, paragraph 32.)

⁵ See also para. 21 above.

Seventeenth item on the agenda

Report of the Director-General

I. Obituaries

Mr. John Mainwaring

71. The Governing Body requested the Director-General to convey its sympathy to the family of Mr. John Mainwaring and to the Government of Canada. (Second sitting; GB.288/17, paragraph 6.)

Sir William Douglas

72. The Governing Body requested the Director-General to convey its sympathy to the family of Sir William Douglas and to the Government of Barbados. (Second sitting; GB.288/17, paragraph 11.)

Mr. Syed Hashim Raza

73. The Governing Body requested the Director-General to convey its sympathy to the family of Mr. Syed Hashim Raza and to the Government of Pakistan. (Second sitting; GB.288/17, paragraph 16.)

Mr. Michael C. Wamalwa

74. The Governing Body requested the Director-General to convey its sympathy to the family of Mr. Michael C. Wamalwa and to the Government of Kenya. (Second sitting; GB.288/17(Add.1.).)

Mr. Joseph Mugalla

75. The Governing Body requested the Director-General to convey its sympathy to the family of Mr. Joseph Mugalla, to the Government of Kenya and to the Central Organization of Trade Unions of Kenya. (Second sitting; GB.288/17(Add.2).)

Mr. Marwan Nasr

76. The Governing Body requested the Director-General to convey its sympathy to the family of Mr. Marwan Nasr, to the International Organisation of Employers and to the Association of Lebanese Industrialists. (Second sitting; GB.288/17(Add.3).)

Mr. Luis Alejandro Anderson

77. The Governing Body joined in the tribute paid to the memory of Mr. Anderson by the Worker Vice-Chairperson, the Employer Vice-Chairperson, a Government representative of Argentina in the name of the Group of Latin American and Caribbean Countries (GRULAC), and also by the Director-General, and it requested the Director-General to convey its condolences to the family of Mr. Luis Alejandro Anderson, to the International

Confederation of Free Trade Unions as well as to the Inter-American Regional Organization of Workers (ORIT). (Second sitting; statement by the Chairperson.)

II. Progress in international labour legislation

III. Internal administration

78. The Governing Body took note of these parts of the report. (Second sitting; GB.288/17, paragraphs 17-23.)

First Supplementary Report: Arrangements for the Seventh European Regional Meeting

79. The Governing Body decided to transfer the Seventh European Regional Meeting to Budapest, Hungary, and to hold the Meeting in February 2005. (Second sitting; GB.288/17/1, paragraph 6.)

Second Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by China – Hong Kong Special Administrative Region (SAR) of the Migration for Employment Convention (Revised), 1949 (No. 97), made under article 24 of the ILO Constitution by the Trade Union Congress of the Philippines (TUCP)

80. The Governing Body approved the report and declared closed the procedure.

(Sixth (private) sitting; GB.288/17/2, paragraph 45.)

Third Supplementary Report: Observance by Belarus of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98): Appointment by the Governing Body of a Commission of Inquiry in accordance with article 26(4) of the Constitution of the ILO

Composition of the Commission of Inquiry

- **81.** The Governing Body appointed the following persons as members of the Commission of Inquiry:
 - Chairperson: Mr. Budislav VUKAS Professor of Public International Law at the University of Zagreb, Faculty of Law; member of the International Tribunal for the Law of the Sea; member of the Permanent Court of Arbitration; member of the Organization for Security and Co-operation in Europe (OSCE) Court of Conciliation and Arbitration; member of the ILO Committee of Experts on the Application of Conventions and Recommendations.

Members:

Mr. Niklas BRUUN – Professor in Business Law and in EU Labour Law at the Swedish School of Economics and Business Administration in Helsinki; former member of the ILO Committee on Freedom of Association.

Ms. Mary GAUDRON – former Justice of the High Court of Australia (1987-2003); Visiting Professor at the Law Faculty of the University of New South Wales; Judge on the ILO Administrative Tribunal.

(Seventh sitting; GB.288/17/3, paragraphs 2-3.)

Eighteenth item on the agenda

Reports of the Officers of the Governing Body

First report: Representation alleging non-observance by Uruguay of the Occupational Safety and Health Convention, 1981 (No. 155), made under article 24 of the ILO Constitution by the Inter-Union Assembly of Workers-National Convention of Workers (PIT-CNT)

82. The Governing Body decided that the representation was receivable and established a committee to examine it.

(Sixth (private) sitting; GB.288/18/2, paragraph 5.)

Second report: Representation alleging nonobservance by the Netherlands of the Equality of Treatment (Social Security) Convention, 1962 (No. 118), made under article 24 of the ILO Constitution by the Confederation of Turkish Trade Unions (TÜRK-IŞ)

- **83.** The Governing Body:
 - (a) decided that the representation was receivable;
 - (b) deferred the decision to establish a committee to examine the representation until the March 2004 session of the Governing Body, in order to have at its disposal the necessary technical analysis.

(Sixth (private) sitting; GB.288/18/2, paragraph 7.)

Nineteenth item on the agenda

Composition and agenda of standing bodies and meetings

Committee of Experts on the Application of Conventions and Recommendations

Vacancy

84. The Governing Body requested the Director-General to convey to Mr. Tan Boon Chiang its deep gratitude for the services he had rendered to the ILO. (Seventh sitting; GB.288/19, paragraph 2.)

ILO Declaration Expert-Advisers

Reappointments

- **85.** The Governing Body decided to renew, for a period of two years, the following persons, as ILO Declaration Expert-Advisers:
 - Ms. Thelma Awori (Uganda-Liberia);
 - Ms. Maria Cristina Cacciamali (Brazil).

(Seventh sitting; GB.288/19, paragraph 3.)

Thirteenth Session of the Joint ILO/WHO Committee on Occupational Health

(Geneva, 9-12 December 2003)

Seventeenth International Conference of Labour Statisticians

(Geneva, 24 November-3 December 2003)

86. The Governing Body took note of these parts of the report. (Seventh sitting; GB.288/19, paragraphs 4-6.)

Tenth African Regional Meeting

(Addis Ababa, 2-5 December 2003)

Invitation of intergovernmental organizations

- **87.** The Governing Body noted that the Director-General proposed to invite the following intergovernmental organizations to be represented at the Meeting as observers:
 - Africa Capacity Building Foundation;

- Arab Centre for Labour Administration and Employment; _
- Arab Maghreb Union;
- East African Community;
- New Partnership for Africa's Development (NEPAD) Secretariat; _
- Organization for the Harmonization of Business Laws in Africa (OHADA).

(Seventh sitting; GB.288/19, paragraph 7.)

Invitation of non-governmental international organizations

- **88.** The Governing Body authorized the Director-General to invite the following organizations to be represented at the Meeting as observers:
 - AFRICARE:
 - **Opportunities Industrialization Centers International;**
 - Pan African Institute for Development; _
 - PLAN International:
 - World Vision.

(Seventh sitting; GB.288/19, paragraphs 8-9.)

Tripartite Meeting of Experts on Security, Safety and **Health in Ports**

(Geneva, 8-17 December 2003)

89. The Director-General took note of this part of the report. (Seventh sitting; GB.288/19, paragraphs 10-11.)

Fifth Session of the Joint ILO/IMO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers

(London, 12-14 January 2004)

Invitation of non-governmental international organizations

- 90. The Governing Body authorized the Director-General to invite the following organizations to be represented at the session of the Working Group as observers:
 - International Christian Maritime Association (ICMA);
 - Mission to Seamen;

- International Committee on Seafarers' Welfare (ICSW);
- International Maritime Committee (CMI).

(Seventh sitting; GB.288/19, paragraph 16.)

* * *

Matters on which the Officers of the Governing Body took decisions on its behalf

Programme of meetings for the remainder of 2003 and for 2004-05

91. The Governing Body was informed of the programme of meetings for the remainder of 2003 and for 2004-05 as approved by the Officers of the Governing Body. (Seventh sitting; Information paper GB.288/Inf.1 presented to the Governing Body.)

Symposia, seminars, workshops and similar meetings

92. The Governing Body was informed of approved proposals concerning a certain number of symposia, seminars, workshops and similar meetings. (Seventh sitting; Information paper GB.288/Inf.2 presented to the Governing Body.)

Requests from non-governmental international organizations wishing to be represented at the 92nd Session of the International Labour Conference

- **93.** The Governing Body noted the request of the Employer Vice-Chairperson that the World Association for Small and Medium Enterprises should be temporarily withdrawn from the list of invited organizations, and that its invitation, accompanied by additional information concerning its activities, should be resubmitted for the approval of the Officers of the Governing Body, at the March 2004 session of the Governing Body.
- **94.** The Governing Body also noted that its Officers had authorized the Director-General:
 - (a) to invite the organizations listed below to be represented at the 92nd Session (2004) of the International Labour Conference, it being understood that it will be for the Selection Committee of the Conference to consider their requests to participate in the work of the committees dealing with the agenda items in which they have stated a special interest;
 - (b) to inform the organizations concerned that they may nominate one person only for each of the agenda items in respect of which their interest has been recognized.

Workers' organizations

- General Confederation of Trade Unions.

Other organizations

- International Council of Nurses.
- International Council of Women.
- World Federation of Personnel Management Associations.

(Seventh sitting; Information note, GB.288/Inf.3(Rev.) presented to the Governing Body.)