



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 that form the basis of the decision.

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First item on the agenda

Approval of the minutes of the 288th Session of the Governing Body

1. The Governing Body approved the minutes of its 288th Session. (First sitting; GB.289/1, paragraph 2.)

Additional question

Expressions of sympathy

Terrorist attack in Madrid

2. The Governing Body rejected absolutely any act aimed at obstructing the functioning of democracy, and vigorously condemned the terrorist attack perpetrated in Madrid on 11 March 2004, which had bereaved the Spanish people. One minute of silence was observed as an expression of sympathy for the victims in Spain and of terrorism throughout the world.

Obituary

3. The Governing Body noted with regret the recent passing of Mr. Abdul Sattar Laleka, Federal Minister of Labour, Manpower and Overseas Pakistanis, and requested the Director-General to convey its sympathy to Mr. Laleka's family and to the Government of Pakistan.

(Announcement by the Chairperson.)

Second item on the agenda

Date, place and agenda of the International Labour Conference

Date of the opening of the 93rd Session (2005) of the International Labour Conference

4. The Governing Body decided to modify the decision it adopted at its 286th (March 2003) Session and to fix the date of the opening of the 93rd Session (2005) of the International Labour Conference on Tuesday, 31 May 2005. (First sitting; GB.289/2/1.)

Date, place and agenda of the 95th Session (2006) of the International Labour Conference

5. The Governing Body decided that the 95th Session of the Conference would open on Tuesday, 30 May 2006 and that it would be held in Geneva. (First sitting; GB.289/2, paragraphs 1 and 2.)
6. The Governing Body decided, in addition to the standing items before the Conference, and taking account of the second discussion of a new instrument establishing a promotional framework in the area of occupational safety and health, to include the following items on the agenda of the 95th Session (2006) of the Conference:
 - (i) The employment relationship (*standard setting – single discussion*).
 - (ii) The role of the ILO in technical cooperation (*general discussion*).(First sitting; GB.289/2, paragraph 7.)
7. The Governing Body noted that as a result of the above decisions, and taking account of the standing items that would come before the Conference, the agenda of the 95th Session (2006) of the Conference would be as follows:

Standing items

- I. Reports of the Chairperson of the Governing Body and of the Director-General, as well as the Global Report on child labour under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.
- II. Programme and Budget and other questions.
- III. Information and reports on the application of Conventions and Recommendations.

Items placed on the agenda by the Governing Body or by the Conference

- IV. A new instrument establishing a promotional framework in the area of occupational safety and health (*second discussion*).
 - V. The employment relationship (*standard setting, single discussion*).
 - VI. The role of the ILO in technical cooperation (*general discussion*).
- (First sitting; GB.289/2, paragraphs 3 and 7.)

Third item on the agenda

Functioning of the decision-making bodies

(a) The International Labour Conference

8. The Governing Body:

- (a) took note of the comments on the proposals in paragraphs 9 to 19 of document GB.289/3/1 by the Employer and Worker Vice-Chairpersons as well as by a Government representative of Ecuador, on behalf of the Group of Latin American and Caribbean States (GRULAC), by the Government representative of Canada, on behalf of the IMEC group, and by the Government representatives of Kenya and Mali;
- (b) noted, in the light of the views expressed during the discussion, that while certain largely consensual measures, such as those set out in paragraphs 14 to 16 of the document, could be implemented immediately, other points called for concrete proposals from the Office, which the Governing Body could only consider at its 291st (November 2004) Session;
- (c) agreed that consultations would continue and would be reported to the Governing Body at its 291st (November 2004) Session.

(Sixth sitting; GB.289/3/1 and Chairperson's summary.)

(b) The Governing Body

9. The Governing Body noted and approved the practices and proposals set out in document GB.289/3/2(Rev.), taking account of the views expressed during the discussion, and agreed that consultations should continue with a view to finding the best way of dealing with them.

(Sixth sitting; GB.289/3/2(Rev.), paragraph 20, as amended in the light of the discussion.)

Fourth item on the agenda

Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work

Introduction by the ILO Declaration Expert-Advisers to the compilation of annual reports

10. The Governing Body:

- (a) Examined the Expert-Advisers' introduction and endorsed the recommendations set out in paragraphs 26 to 30 thereof;
- (b) Noted the reservations formulated by the Employer and Worker Vice-Chairpersons regarding the recommendations contained in paragraphs 24, 25 and 31 of the introduction.

(First sitting; GB.289/4, paragraph 4.)

Fifth item on the agenda

Report and conclusions of the Tenth African Regional Meeting
(Addis Ababa, 2-5 December 2004)

11. The Governing Body requested the Director-General:

- (a) to draw the attention of the governments of member States of the African region and, through them, that of their national employers' and workers' organizations, to 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;
- (c) to transmit the text of the conclusions:
 - (i) to the governments of all member States and, through them, to national employers' and workers' organizations;
 - (ii) to interested international organizations concerned, including the non-governmental international organizations having consultative status.

(First sitting; GB.289/5, paragraph 216.)

Sixth item on the agenda

Developments in the United Nations

12. The Governing Body noted the information contained in document GB.289/6 as well as the proposals and comments made in their respect by the Employer and Worker Vice-Chairpersons.

(First sitting; GB.289/6.)

Seventh item on the agenda

Follow-up to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)

13. In the light of the discussions, the Governing Body decided to select the minutiae-based option and approved document ILO SID-0002 (in Appendix II to document GB.289/7), as embodying the standard for the fingerprint template required under paragraph (k) of Annex I of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185).

(First and sixth sittings; GB.289/7, paragraph 14(b).)

*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)**

14. After noting the latest developments of 25 March 2004, reported orally by the Chairperson, and observing that they corroborated the conclusions of Mr. Léon de Riedmatten, Facilitator, which figured in paragraph 8 of document GB.289/8/2, the Governing Body adopted the following conclusions:

The Governing Body took note of the reports submitted, including the last one containing clarifications sought on the judgement referred to in the footnote to document GB.289/8/1, and of the additional clarifications and information provided by the Ambassador of Myanmar.

While noting that positive developments had taken place since November and the authorities had demonstrated an openness to cooperate, the discovery of a court judgement against certain persons in relation to contacts or exchange of information with the ILO has undermined the credibility and prospects for future cooperation.

The subsequent action taken and explanations given, while demonstrating a welcome degree of transparency, had not alleviated the doubts and concerns that the situation had given rise to. It was clear that further convincing evidence was required. For that purpose it was important to clearly distinguish three separate concerns which had been expressed.

Firstly, that contacts or exchange of information with the ILO could in any way have judicial consequences in Myanmar. This concerned the very foundation of the ILO presence in the country. The Governing Body took note of the assurances given by the Ambassador in that respect, as well as by the Minister for Labour. The Facilitator had made clear recommendations for action as regards the persons involved and these were widely supported in the Governing Body. In this connection, the Governing Body noted a further positive development subsequent to its debate, that in accordance with one of these recommendations the Facilitator had been able to visit the third person whose conviction had an ILO dimension.

Secondly, that contacts with third parties on matters of concern to the ILO could similarly be punished. This was of major concern to all Governing Body members, especially as it might call into question freedom of association principles. In that respect, and taking into account the questions raised during the recent visit and several interventions in the debate, the Government should avail itself of technical assistance from the Office to ensure that this matter was dealt with adequately in the course of the constitutional process.

Thirdly, whether, in light of the court judgement, the Plan of Action, and more specifically the Facilitator mechanism, could be credibly implemented. Taking into account *inter alia* the views expressed through the Facilitator by Daw Aung San Suu Kyi, there was general agreement on the potential usefulness of the Facilitator mechanism. The question which remained, however, was whether there could be sufficient confidence that the guarantees which were built into the mechanism offered the necessary protection to victims who wanted to make a complaint and whether the necessary conditions and safeguards were put into place to allow the Plan of Action to go ahead. The Office would have to examine this question more thoroughly in light of the results of the review of the recent cases and any further assurances provided by

the Government. The results of this examination should then be submitted to the Officers of the Governing Body and should be found sufficiently convincing before proceeding to the implementation of the Plan of Action.

The situation as it stood at the end of May on these various issues should be reported to the International Labour Conference through the Committee on the Application of Standards.

15. The Governing Body agreed that these conclusions were without prejudice to the need, in the absence of substantive progress, for reactivation of the review of relations between ILO constituents and Myanmar under article 33 of the Constitution.

(Fourth and Fifth sittings; GB.289/8, GB.289/8/1, GB.289/8/2 and Chairperson's conclusions.)

Ninth item on the agenda

Reports of the Committee on Freedom of Association

333rd Report (Parts I and II)

16. The Governing Body took note of the introduction to the report. (Second sitting, GB.289/9 (Part 1), paragraphs 1-181.)
17. The Governing Body adopted the recommendations in paragraphs 215 (Case No. 2153: Algeria); 230 (Case No. 2204: Argentina); 239 (Case No. 2219: Argentina); 277 (Case No. 2277: Canada); 319 (Case No. 2172: Chile); 333 (Case No. 2245: Chile); 362 (Case No. 2186: China/Hong Kong Administrative Region); 387 (Case No. 2189: China); 464 (Case No. 1787: Colombia); 486 (Case No. 2068: Colombia); 509 (Case No. 2226: Colombia); 520 (Case No. 2231: Costa Rica); 542 (Case No. 2272: Costa Rica); 564 (Case No. 2299: El Salvador); 599 (Case No. 2301: Malaysia); 612 (Case No. 2164: Morocco); 641 (Case No. 2281: Mauritius); 770 (Case No. 2268: Myanmar); 787 (Case No. 2264: Nicaragua); 804 (Case No. 2275: Nicaragua); 832 (Case No. 2288: Niger); 848 (Case No. 2096: Pakistan); 862 (Case No. 2284: Peru); 877 (Case No. 2286: Peru); 919 (Case No. 2291: Poland); 939 (Case No. 2246: Russian Federation); 1001 (Case No. 2251: Russian Federation); 1012 (Case No. 2087: Uruguay); 1023 (Case No. 2174: Uruguay); 1036 (Case No. 2088: Venezuela); 1140 (Case No. 2249: Venezuela). (Second sitting; GB.289/9 (Parts I and II).)
18. The Governing Body adopted the document in its entirety. (Second sitting; GB.289/9 (Parts 1 and II).)

Tenth item on the agenda

Reports of the Programme, Financial and Administrative Committee

First report: Financial questions

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

Programme and Budget for 2004-05: Collection of contributions from 1 January 2004 to date

Information Technology Systems Fund

Security and safety of staff and premises

19. The Governing Body took note of these parts of the report. (Sixth sitting; GB.289/10/1, paragraphs 1-66.)

Report of the Building Subcommittee

Premises of the Regional Office for the Americas (Lima)

20. The Governing Body decided that the wage increases, which total US\$15,600, would be charged to the contingency reserve of US\$79,000 that had been set aside for the Lima project, thus leaving a balance on the reserve of US\$63,400.

Premises of the Subregional Office in Santiago, Chile

21. The Governing Body decided:
- (a) that the cost of the building in Santiago would be funded from the Building and Accommodation Fund and that the Office would be authorized to enter into contractual arrangements within the approved ceiling of US\$1.8 million authorized by the Governing Body at its November 2003 session;
 - (b) that the Office should report on the state of progress of the project to the next session of the Building Subcommittee in November 2004 and, in particular, on the conditions for terminating the current lease agreement, which should be done as quickly and as smoothly as possible.

Premises of the ILO Office in Dar es Salaam

22. The Governing Body:
- (a) noted the substantial price variations in the submitted bids as compared to the architect's original estimate for the premises of the ILO Office in Dar es Salaam;

- (b) authorized the Office to obtain revised bids from the preselected contractors, so as to conform with the approved budget ceiling of US\$1.7 million authorized by the Governing Body at its November 2003 session; and
- (c) requested the Office to report on the progress of this project to the Building Subcommittee at its next session in November 2004.

(Sixth sitting; GB.289/10/1, paragraph 82.)

Follow-up action to the report of the Chief Internal Auditor for the year ended 31 December 2002

23. The Governing Body took note of this part of the report. (Sixth sitting; GB.289/10/1, paragraphs 83-100.)

Technical meetings reserve for 2004-05

24. The Governing Body decided to defer the decision on this matter until its 291st (November 2004) Session. (Sixth sitting; GB.289/10(Add. & Corr.), paragraph 19.)

Delegation of authority under article 18 of the Standing Orders of the International Labour Conference

25. The Governing Body decided to make a delegation of authority to its Officers under article 18 of the Standing Orders of the Conference. (Sixth sitting; GB.289/10/1.)

ILO programme implementation 2002-03

26. The Governing Body took note of this part of the report. (Sixth sitting; GB.289/10/1, paragraphs 120-122.)

Review of the ILO's collaboration with the United Nations Joint Inspection Unit: Update

27. The Governing Body decided to defer discussion of this matter until its 291st (November 2004) Session. (Sixth sitting; GB.289/10(Add. & Corr.), paragraph 19.)

Second report: Personnel questions**I. Statement by the staff representative****II. Amendments to the Staff Regulations:
Amendments approved by the Director-General****III. Exceptions to the Staff Regulations****IV. Composition and structure of the staff****V. Decisions of the United Nations General
Assembly on the report of the International Civil
Service Commission**

28. The Governing Body took note of these parts of the report. (Sixth sitting; GB.289/10/2, paragraphs 1-23.)

**VI. ILO Human Resources Strategy:
A review of progress and impact**

29. The Governing Body approved the text of the draft amendments contained in Appendix I to the present *Record of Decisions*. (Sixth sitting; GB.289/10/2, paragraph 21.)

**VII. Pensions questions: Report of the 186th Meeting
(July 2003) of the Standing Committee of the
United Nations Joint Staff Pension Board
(UNJSPB)**

30. The Governing Body took note of this part of the report. (Sixth sitting; GB.289/10/2, paragraphs 84-90.)

**VIII. Matters relating to the Administrative Tribunal
of the ILO****(a) Composition of the Tribunal**

31. The Governing Body:

- (a) thanked Mr. Egli for the contribution he had made over the past ten years to the work of the Administrative Tribunal;
- (b) decided to submit for adoption by the 92nd Session of the International Labour Conference the following resolution:

The General Conference of the International Labour Organization,

Decides, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, to renew the appointment of Mr. Michel Gentot (France) for a term of three years;

Expresses its gratitude to Mr. Jean François Egli for the services which he has rendered to the work of the Administrative Tribunal of the International Labour Organization over the last decade;

Decides, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, to appoint as judges of the Administrative Tribunal, for a term of three years with effect from July 2004:

Mr. Agustín Gordillo (Argentina); and

Mr. Claude Rouiller (Switzerland).

(Sixth sitting; GB.289/10(Add. & Corr.), paragraph 25.)

(b) Statute of the Tribunal

32. The Governing Body took note of this part of the report. (Sixth sitting; GB.289/10/2, paragraphs 92-97.)

Report of the Government members of the Committee on Allocations Matters

Assessment of the contribution of the Democratic Republic of Timor-Leste

33. The Governing Body decided that, in accordance with the established practice of harmonizing the rates of assessment of ILO member States with their rates of assessment in the United Nations, it would propose to the Conference that the contribution of the Democratic Republic of Timor-Leste to the ILO budget for the period of its membership in the Organization during 2003 and for 2004 would be based on an annual assessment rate of 0.001 per cent.

(Sixth sitting; GB.289/10/3, paragraph 3.)

Scale of assessments of contributions to the budget for 2005

34. The Governing Body decided that, in accordance with the established practice of harmonizing the rates of assessment of ILO member States with their rates of assessment in the United Nations, it would propose to the Conference the adoption of the draft scale of assessments for 2005, as set out in column 3 of the appendix to document GB.289/10/3, subject to such adjustments as might be necessary following any further change in the membership of the Organization before the Conference is called upon to adopt the recommended scale.

(Sixth sitting; GB.289/10/3, paragraph 19.)

*Eleventh item on the agenda***Reports of the Committee on Legal Issues
and International Labour Standards****Legal issues****I. *Standing Orders of the International
Labour Conference*****(a) Provisional arrangements regarding the
Credentials Committee**

35. The Governing Body requested the Office to:

- (a) prepare an information brochure for distribution at the time of the convocation of the 93rd Session of the Conference (2005);
- (b) finalize as soon as possible a database with the reports of the Credentials Committee of recent sessions of the Conference;
- (c) move the publication of the provisional list of delegations forward by one week for the 92nd Session of the Conference;
- (d) invite the Conference, at its 92nd Session, to adopt the interim arrangements concerning the role and procedures of the Credentials Committee for an initial trial period of three years effective from 2005, which are reproduced in Appendix II of the present *Record of Decisions*. (Sixth sitting; GB.289/11, paragraph 23.)

**(b) 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**

36. The Governing Body decided to invite the Conference to adopt, at its 92nd Session, the provisional ad hoc arrangements set out in the revised Appendix II for the discussion of the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

(Sixth sitting; GB.289/11, paragraph 23 and Appendix II (revised).)

**II. *Possible improvements in the standards-related
activities of the ILO: Proposals regarding
submission to competent authorities and
the representation procedure***

37. The Governing Body took note of this part of the report. (Sixth sitting; GB.289/11, paragraphs 24-27.)

International labour standards and human rights

III. **General status report on ILO action concerning discrimination in employment**

38. The Governing Body took note of this part of the report. (Sixth sitting; GB.289/11, paragraphs 28-39.)

IV. **Form for reports on the application of unratified Conventions and Recommendations (article 19 of the Constitution): The Labour Inspection Convention, 1947 (No. 81), and Protocol of 1995, 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)**

39. The Governing Body adopted the form for reports on the application of unratified Conventions (article 19 of the Constitution): the Labour Inspection Convention, 1947 (No. 81), and Protocol of 1995, 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), reproduced as amended in Appendix III of the report. (Fifth sitting; GB.289/11, paragraph 60.)

V. **The proposed consolidated maritime labour Convention: A progress report**

40. The Governing Body recommended that the Preparatory Technical Maritime Conference should be governed by the Standing Orders, as amended by the Committee, which are reproduced with the text of the resolution in Appendix III of the present *Record of Decisions*. (Sixth sitting; GB.289/11, paragraph 60.)

VI. **Other questions**

(a) Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning Teaching Personnel (CEART): Report to be submitted to the International Labour Conference

41. The Governing Body:

- (a) took note of the review of the full report on the Eighth Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel by the Committee on Sectoral and Technical Meetings and Related Issues at the present session;

- (b) forwarded the report to the International Labour Conference at its 92nd Session (June 2004) for examination in the first instance by the Committee on the Application of Standards.

(Sixth sitting, GB.289/11, paragraph 67.)

- (b) Follow-up of the work of the Working Party on Policy regarding the Revision of Standards

42. The Governing Body took note of this part of the report (Sixth sitting; GB289/11, paragraph 67.)

Twelfth item on the agenda

Report of the Subcommittee on Multinational Enterprises

Promotion of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy: Activities report for 2003

Developments in other organizations

- 43. The Governing Body authorized the Office to invite to its next sitting, as observers, the international organizations represented at the Symposium on the MNE Declaration and related multilateral initiatives held in November 2003. (Sixth sitting; GB.289/12, paragraph 36.)
- 44. The Governing Body requested the Office to prepare an annual substantial report reflecting both the workplan endorsed by the Subcommittee and the activities undertaken to promote the MNE Declaration in the previous calendar year and the strategy and activities proposed for the immediate future. (Sixth sitting; GB.289/12, paragraph 37.)
- 45. The Governing Body noted the Subcommittee's desire to be consulted and its interest in participating in the outcomes of the recommendations and decisions by the Governing Body on the follow-up by the Office on the report of the World Commission on the Social Dimension of Globalization, in so far as these related to the area of corporate social responsibility. (Sixth sitting; GB.289/12, paragraph 38.)

Thirteenth item on the agenda

Report of the Committee on Employment and Social Policy

- I. Promoting decent employment through entrepreneurship**
- II. Productive employment for poverty reduction and development**
- III. An update of the implementation of the Global Employment Agenda and related aspects of policy integration**
- IV. Status of preparations for the 2004 ILC discussion on migrant workers**
- V. Global Campaign on Social Security and Coverage for All: A progress report**

46. The Governing Body took note of these parts of the report. (Fifth sitting; GB.289/13 & Corr., paragraphs 1-90.)

Fourteenth item on the agenda

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

Report on sectoral activities in 2002-03 and progress in the implementation of the programme for 2004-05

47. The Governing Body took note of this part of the report. (Fifth sitting; GB.289/14 & Corr., paragraphs 1-18.)

Meetings of experts: Purpose, function and lessons learned

48. The Governing Body took note of this part of the report. (Fifth sitting; GB.289/14, paragraphs 19-27.)

Effect to be given to the recommendations of sectoral meetings**(a) Tripartite Meeting on Best Practices in Work-Flexibility Schemes and their Impact on the Quality of Working Life in the Chemical Industries**
(Geneva, 27-31 October 2003)**49. 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;
 - (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 24 to 31 of the conclusions and in the relevant parts of the resolutions.

(Fifth sitting; GB.289/14, paragraph 32.)

(b) Tripartite Meeting of Experts on Security, Safety and Health in Ports
(Geneva, 8-17 December 2003)**50. The Governing Body:**

- (a) took note of the report of the Tripartite Meeting of Experts on Security, Safety and Health in Ports and authorized the Director-General to publish:
 - (i) the ILO/IMO code of practice on security in ports; and
 - (ii) the ILO code of practice on safety and health in ports;
- (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 to 5 of the resolution in the appendix of the final report – Safety and health in ports.

(Fifth sitting; GB.289/14, paragraph 37.)

Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART): Report of the Eighth Session
(Paris, 15-19 September 2003)**51. The Governing Body requested the Director-General to:**

- (a) transmit the report of the Eighth Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel to the governments of member States and, through them, to the relevant employers' and workers' organizations, as well as to relevant intergovernmental and international non-governmental organizations concerned with education and teachers;
- (b) take into consideration, where appropriate in consultation with the Director-General of UNESCO, the Joint Committee's proposals for future action by the ILO and UNESCO, which are contained in its report, in planning and implementing future ILO activities, due account being taken of the programme and budget approved for 2004-05.

(Fifth sitting; GB.289/14, paragraph 43.)

Report of the Interregional Tripartite Meeting of Experts on Safety and Health in Shipbreaking for Selected Asian Countries and Turkey
(Bangkok, 7-14 October 2003)

52. The Governing Body took note of the report of the Meeting of Experts and authorized the Director-General to publish the guidelines entitled *Safety and health in shipbreaking: Guidelines for Asian countries and Turkey*.

Report of the Seventeenth International Conference of Labour Statisticians
(Geneva, 24 November-3 December 2003)

53. The Governing Body:

- (a) took note of the report of the International Conference of Labour Statisticians;
- (b) decided that the recommendations of the Conference should be taken into account in carrying out the future programme of work of the Office and, in doing so, took note of the Employers' group's recommendations that:
 - (i) the issue of decent work indicators should be the subject of a debate at a future session of one of the committees of the Governing Body, as a precondition to the convening of a tripartite meeting of experts; and
 - (ii) priority should be given to the organization of a meeting of experts on working time;
- (c) authorized the Director-General to distribute the report of the Conference to:
 - (i) the governments of member States and, through them, to the national employers' and workers' organizations concerned, drawing particular attention to the three resolutions contained in Appendix I to the report and to the guidelines and checklist contained in the report;
 - (ii) the international employers' and workers' organizations concerned; and

- (iii) the United Nations and the other intergovernmental organizations and non-governmental organizations represented at the Conference.

(Fifth sitting; GB.289/14, paragraph 57.)

**Report of the Thirteenth Session of the Joint ILO/WHO
Committee on Occupational Health
(Geneva, 9-12 December 2003)**

54. The Governing Body:

- (a) took note of the conclusions and recommendations of the Thirteenth Session of the Joint ILO/WHO Committee on Occupational Health;
- (b) authorized the Director-General to communicate the conclusions and recommendations to governments and, through them, to employers' and workers' organizations, to the non-governmental organizations with consultative status and to other institutions and services as appropriate;
- (c) invited the Director-General to prepare, distribute and implement policy guidance to the ILO's field structures in respect of cooperation between the ILO and WHO in occupational safety and health; and
- (d) invited the Director-General to bear in mind, when drawing up the future programme of work of the Office, the conclusions and recommendations made by the Joint Committee at its Thirteenth Session.

(Fifth sitting; GB.289/14, paragraph 62)

Other questions

***Report of the meeting on ship scrapping between the
International Labour Office (ILO), the secretariat of the
Basel Convention (SBC) and the secretariat of the
International Maritime Organization (IMO)
(Geneva, 13-14 January 2004)***

- 55.** The Governing Body took note of this part of the report. (Fifth sitting; GB.289/14, paragraphs 63-66.)

***Report of the Fifth Session of the Joint IMO/ILO
Ad Hoc Expert Working Group on Liability and
Compensation regarding Claims for Death,
Personal Injury and Abandonment of Seafarers
(Geneva, 12-14 January 2004)***

- 56.** The Governing Body approved the recommendations of the Working Group. (Fifth sitting; GB.289/14, paragraph 70.)

Fifteenth item on the agenda

Report of the Committee on Technical Cooperation

- I. Thematic evaluation report: Strengthening institutions, processes, legal frameworks and capacity of tripartite constituents for tripartism and social dialogue**

- II. On-the-spot review in Africa**

- III. Technical cooperation – Resource allocation mechanism**

- IV. Operational aspects of the International Programme on the Elimination of Child Labour (IPEC)**

- V. Special Technical Cooperation Programme for Colombia**

- VI. Other questions**

57. The Governing Body took note of these parts of the report. (Sixth sitting; GB.289/15, paragraphs 1-72.)

Sixteenth item on the agenda

Report of the Working Party on the Social Dimension of Globalization

Oral report by the Chairperson of the Working Party, Ambassador Eui-yong Chung of the Republic of Korea

Presentation of the report of the World Commission on the Social Dimension of Globalization: *A fair globalization: Creating opportunities for all*

Overall reactions by the Working Party to the work of the Commission

Values and approach

Response to the key recommendations

Next steps

58. The Governing Body took note of the Chairperson's oral report and noted that a complete report of the discussion of the report of the World Commission, *A fair globalization: Creating opportunities for all* would be submitted to the International Labour Conference in June 2004. (Sixth sitting; GB.289/16.)

Seventeenth item on the agenda

Report of the Director-General

- I. Composition of the Organization**
- II. Progress in international labour legislation**
- III. Internal administration**
- IV. Publications and documents**

59. The Governing Body took note of these parts of the report. (First sitting; GB.289/17, paragraphs 1-18.)

First supplementary report: Report of the Committee of Experts on the Application of Conventions and Recommendations
(Geneva, 27 November-12 December 2003)

60. The Governing Body took note of the report. (First sitting; GB.289/17/1.)

Second supplementary report: Activities of the International Occupational Safety and Health Information Centre (CIS) in 2002-03

61. The Governing Body took note of the report. (First sitting; GB.289/17/2.)

Third supplementary report: Report of the Committee set up to examine the representation alleging non-observance by Mexico of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Union of Academics of the National Institute of Anthropology and History (SAINAH), the Union of Workers of the Autonomous University of Mexico (STUNAM), the Independent Union of Workers of *La Jornada* (SITRAJOR) and the Authentic Workers' Front (FAT)

62. The Governing Body adopted the report and declared the procedure closed. (Third (Private) sitting; GB.289/17/3, paragraph 142.)

Eighteenth item on the agenda

Reports of the Officers of the Governing Body

Second report: Representation alleging non-observance 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-İŞ)

63. The Governing Body appointed the committee established to examine the representation, which it had declared receivable at its 288th (November 2003) Session. (Third (Private) sitting; President's announcement.)

*Nineteenth item on the agenda***Composition and agenda of standing bodies and meetings****Committee of Experts on the Application of Conventions and Recommendations*****Reappointments***

64. The Governing Body decided to renew, for a period of three years, the following persons, as members of the Committee of Experts on the Application of Conventions and Recommendations:

- Mr. Rafael Albuquerque (Dominican Republic);
- Mr. Anwar Ahmad Rashed Al-Fuzaie (Kuwait);
- Ms. Janice R. Bellace (United States);
- Ms. Laura Cox (United Kingdom);
- Ms. Blanca Ruth Esponda Espinosa (Mexico);
- Mr. Pierre Lyon-Caen (France);
- Mr. Sergey Petrocvitch Mavrin (Russian Federation);
- Mr. Miguel Rodríguez Piñero y Bravo Ferrer (Spain)
- Mr. Budislav Vukas (Croatia).

(Fourth sitting; GB.289/19, paragraph 1.)

Vacancy

65. The Governing Body requested the Director-General to convey to Ms. Eva Letowska its deep gratitude for the services she had rendered to the ILO.

(Seventh sitting; GB.289/19, paragraph 3.)

**Preparatory Technical Maritime Conference
(Geneva, 13-24 September 2004)*****Invitation of intergovernmental organizations***

66. The Governing Body noted that the Director-General proposed to invite the following intergovernmental organizations to be represented at the Meeting as observers:

- European Union;

- International Maritime Organization;
- Organisation for Economic Co-operation and Development;
- United Nations Conference on Trade and Development;
- United Nations Division for Ocean Affairs and Law of the Sea;
- World Health Organization.

Invitation of international non-governmental organizations

67. The Governing Body authorized the Director-General to invite the following organizations to be represented at the Meeting as observers:

- International Association of Classification Societies;
- International Christian Maritime Association;
- International Federation of Shipmasters' Association;
- International Maritime Health Association;
- International Organization for Standardization;
- International Shipping Federation;
- International Transport Workers' Federation;
- World Federation of Trade Unions.

(Fourth sitting; GB.289/19, paragraph 6.)

Tripartite Meeting on Youth Employment: The Way Forward (Geneva, September-October 2004)

Agenda

68. The Governing Body approved the following agenda:

- to highlight the political, economic and social significance of youth employment issues in developing and developed countries;
- to place youth employment in the context of the Decent Work Agenda, the Global Employment Agenda and the recommendations of the High-Level Panel of the Youth Employment Network;
- to review national policy frameworks and specific policies and programmes conducive to the creation of quality jobs for young women and men;
- to distil country-level experiences, lessons learned and good practices, in particular as regards the role of tripartism in promoting youth employment, and to provide

guidance for the formulation of national action plans on youth employment which should draw on the conclusions of the forthcoming discussion on youth employment at the 2005 session of the International Labour Conference.

(Fourth sitting; GB.289/19, paragraph 10.)

Composition

69. The Director-General proposed that this Meeting be attended by a tripartite national delegation from each of the following five lead countries of the Youth Employment Network: Brazil, Egypt, Indonesia, Senegal and Sri Lanka. The Employers' and Workers' representatives of these five countries would be nominated after consultation with their respective groups of the Governing Body.
70. The Governing Body also decided that the Meeting would also be attended by ten participants nominated after consultation with the Governments, ten after consultation with the Employers' group and ten after consultation with the Workers' group of the Governing Body. In order to obtain the ten government nominations, the Director-General intended to approach the governments of the following countries: Argentina, Canada, Ghana, Jamaica, Jordan, Republic of Korea, Poland, South Africa, Spain and the United Kingdom.
71. The Meeting would also be attended by ten participants nominated after consultation with the Governments, ten after consultation with the Employers' group and ten after consultation with the Workers' group of the Governing Body. In order to obtain the ten government nominations, the Director-General intends to approach the governments of the following countries: Argentina, Canada, Ghana, Jamaica, Jordan, Republic of Korea, Poland, South Africa, Spain and the United Kingdom.

(Fourth sitting; GB.289/19, paragraph 14.)

Tripartite Meeting on the Future of Work and Quality in the Information Society: The Media, Culture and Graphical Sector (Geneva, 18-22 October 2004)

Invitation of intergovernmental organizations

72. The Director-General intended to invite the following intergovernmental organizations to be represented at the Conference as observers:
 - European Commission;
 - European Foundation for the Improvement of Living and Working Conditions;
 - International Telecommunication Union;
 - Organisation for Economic Co-operation and Development;
 - United Nations Conference on Trade and Development;
 - United Nations Educational, Scientific and Cultural Organization;
 - United Nations Organization;

- World Intellectual Property Organization;
- World Trade Organization.

Invitation of international non-governmental organizations

73. The Director-General proposed to invite the following organizations to be represented at the Meeting:

- Association of European Performers' Organizations;
- European Broadcasting Union;
- Groupement européen des sociétés de gestion des droits des artistes interprètes (ARTIS GEFE, Brussels);
- International Confederation for Printing and Allied Industries;
- International Federation of Actors;
- International Federation of Film Producers' Associations;
- International Federation of Journalists;
- International Federation of Musicians;
- International Federation of Periodic Press;
- International Federation of the Phonographic Industry;
- International Federation of Business and Professional Women;
- International Federation of University Women;
- International Publishers' Association;
- Motion Picture Association;
- Performing Arts Employers' Associations League Europe;
- Union Network International;
- World Association of Newspapers.

(Fourth sitting; GB.289/19, paragraph 17.)

Appointment of a Governing Body delegation to the Preparatory Technical Maritime Conference (Geneva, 13-24 September 2004)

74. The Governing Body approved the following composition of the tripartite delegation to represent it at the Preparatory Technical Maritime Conference:

- Mr. T. Suzuki (Employer; Japan)
- Mr. M. Blondel (Worker; France)

(Fourth sitting; GB.289/19, paragraph 18, and Chairperson's announcement.)

Appointment of Governing Body representatives on various bodies

Tripartite Meeting on the Future of Work and Quality in the Information Society: The Media, Culture and Graphical Sector *(Geneva, 18-22 October 2004)*

75. The Governing Body appointed Ms. L. Sasso Mazzufferi (Employer, Italy), who would also chair the Meeting. (Fourth sitting. GB.289/19, paragraph 19.)

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

Programme of meetings for 2004-05

76. The Governing Body was informed of the programme of meetings for 2004-05 as approved by the Officers of the Governing Body. (Sixth sitting; Information paper GB.289/Inf.1 presented to the Governing Body.)

Symposia, seminars, workshops and similar meetings

77. The Governing Body was informed of approved proposals concerning a certain number of symposia, seminars, workshops and similar meetings. (Seventh sitting; Information paper GB.289/Inf.2 presented to the Governing Body.)

Requests from non-governmental international organizations wishing to be represented at the 92nd Session (2004) of the International Labour Conference

78. The Governing Body 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 would 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 had stated a special interest;
 - (b) to inform the organizations concerned that they might nominate one person only for each of the agenda items in respect of which their interest has been recognized.

Employers' organizations

- General Union of Chambers of Commerce, Industry and Agriculture for Arab Countries;
- International Christian Union of Business Executives.

Workers' organizations

- African Organization of Mines, Metal, Energy, Chemical and Allied Trade Unions;
- Arab Federation of Employees in Banking, Insurance and Finance;
- Brotherhood of Asian Trade Unionists;
- Commonwealth Trade Union Council;
- Confederation of American Educators;
- Democratic Organization of African Workers' Trade Unions;
- Education International;
- European Trade Union Confederation;
- International Entertainment Alliance;
- International Federation of Chemical, Energy, Mine and General Workers' Unions;
- International Federation of Trade Unions of Transport Workers;
- International Metalworkers' Federation;
- International Textile, Garment and Leather Workers' Federation;
- International Transport Workers' Federation;
- International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations;
- Latin American Central of Workers;
- Latin American Union of Municipal Workers;
- Permanent Congress of Trade Union Unity of Latin American Workers;
- Public Services International;
- Trade Union Advisory Committee to the Organisation for Economic Co-operation and Development;
- Trade Unions International of Public and Allied Employees;
- Trade Unions International of Workers in Agriculture, Food, Commerce, Textiles and Allied Industries;
- Trade Unions International of Workers of Energy, Metal, Chemical, Oil and Allied Industries;
- Trade Unions International of Workers of the Building, Wood and Building Materials Industries;
- Union Network International;
- World Confederation of Teachers;
- World Federation of Building and Woodworkers' Unions;
- World Federation of Teachers' Unions.

Other organizations

- Amnesty International;
- Association of Volunteers for International Service;
- Churches' Commission for Migrants in Europe;
- Exchange and Cooperation Centre for Latin America;
- Friends World Committee for Consultation;
- International Association for Educational and Vocational Guidance;
- International Association of Economic and Social Councils and Similar Institutions;
- International Catholic Migration Commission;
- International Collective in Support of Fishworkers;
- International Cooperation for Development and Solidarity;
- International Council of Societies of Industrial Design;
- International Federation of University Women;
- International Federation of Workers' Education Associations;
- International Federation Terre des Hommes;
- International Movement ATD Fourth World;
- International Young Christian Workers;
- Social Alert;
- World Association for Small and Medium Enterprises;
- World Movement of Christian Workers;
- World Organisation against Torture;
- World Vision International;
- Zonta International.

(Sixth sitting; Information note GB.289/Inf.3 presented to the Governing Body.)

Annex I

Amendments to the Staff Regulations and related rules

Text proposed for deletion appears in square brackets, text proposed for inclusion appears in bold.

Chapter 6 Advancement, appraisal and change of grade

Article 6.4 *Withholding of increment*

...

3. Where it has been decided that an annual increment shall be withheld, the official may, if he considers that the decision has been based on an erroneous evaluation of his performance or that the decision has been made for reasons unconnected with his performance, appeal within [eight days] **one month** of receipt of the Reports Board's decision to the [Director-General, who shall refer the matter to the Joint Committee for observations and report before deciding] **the Joint Advisory Appeals Board**.

Article 6.11 *Transfer to duties and responsibilities attaching to a lower grade*

...

3. Before a decision to transfer an official to duties and responsibilities attaching to a lower grade is taken on the ground of unsatisfactory performance, a proposal to do so, stating the reasons for which it is made, shall be communicated in duplicate to the official who shall initial and return one copy and who shall be entitled to appeal to the [Joint Committee] **Joint Advisory Appeals Board** within [eight working days] **one month** of the receipt thereof on the ground that the proposal is made on the basis of an erroneous evaluation of his performance or for reasons unconnected therewith.

Chapter 10 Staff relations and administrative bodies

[The following text replaces article 10.5 concerning the Joint Committee.]

Article 10.5 *Joint Advisory Appeals Board*

1. A Joint Advisory Appeals Board shall be established to assist the Director-General in making any final administrative decision:

- concerning any grievance filed in accordance with article 13.3 of these Regulations;
- concerning a proposal for the application of a sanction other than warning or reprimand under Chapter 12 of these Regulations;
- concerning a proposal for termination for unsatisfactory services under articles 11.4 or 11.8 of these Regulations;
- concerning a proposal for termination on reduction of staff under article 11.5 of these Regulations;
- concerning an appeal against withholding of increment under article 6.4 of these Regulations;
- concerning a proposal for transfer to duties and responsibilities attached to a lower grade under article 6.11 of these Regulations;

- or as may be otherwise required under these Regulations or other relevant rules.
- 2. The Joint Advisory Appeals Board is composed of at least three chairpersons appointed by the Director-General on the recommendation of the Joint Negotiating Committee, a group of at least three serving officials nominated by the Office and a group of at least three officials nominated by the Staff Union. For the purpose of these nominations and appointments, account shall be taken of the need to ensure gender, cultural, linguistic and professional diversity.
- 3. Where the circumstances of the case so require, the Office and the Staff Union may be requested to designate ad hoc members.
- 4. The following may be appointed as chairpersons: former ILO officials or serving or former officials of the United Nations or of the specialized agencies. Only serving ILO officials may be nominated as members or ad hoc members of the Joint Advisory Appeals Board and their participation shall be considered official duties.
- 5. On each occasion on which the functions assigned to the Joint Advisory Appeals Board require to be exercised, a panel composed of a chairperson and one member from each group shall be set up.
- 6. The Joint Advisory Appeals Board shall be assisted by a secretariat, the members of which shall be appointed by the Director-General in agreement with the Staff Union.
- 7. The procedure before the Joint Advisory Appeals Board shall be governed by the provisions of Annex IV to these Regulations.

Chapter 11 **Cessation of service**

Article 11.5

Termination on reduction of staff

- (a) The Director-General, after consulting the [Administrative Committee] **Joint Negotiating Committee**, may terminate the appointment of an established official if the necessities of the service require a reduction of staff involving a reduction in the number of posts. An established official whose appointment is terminated under this paragraph shall, during the two years after the date on which its termination becomes effective, be offered appointment to any vacancy for which the Director-General, after consulting the [Administrative Committee] **Joint Negotiating Committee**, considers that he possesses the necessary qualifications.
- ...
- (c) An official whose appointment it is proposed to terminate under paragraph (a) above shall be entitled to appeal to the [Joint Committee] **Joint Advisory Appeals Board** on the grounds that the termination is proposed without due consideration having been given to his competence, efficiency and official conduct, and to his length of service. Such an appeal, to be receivable must be submitted to the **Joint Advisory Appeals Board** not later than [eight days] **one month** after the official has received notice of the proposed termination.

Article 11.8

Termination for unsatisfactory services

- ...
- 2. Before a decision to terminate the appointment of an official under this article is taken, a proposal to do so, stating the reasons for which it is made, shall be communicated in duplicate to the official, who shall initial and return one copy, and who shall be entitled to appeal to the [Joint Committee] **Joint Advisory Appeals Board** within [eight days] **one month** of receipt thereof on the ground that the proposal is made on the basis of an erroneous evaluation of his performance or for reasons unconnected therewith.

Chapter 12 Discipline

Article 12.2

Procedure for application of sanctions

...

2. Subject to the provisions of article 12.8 of the Staff Regulations, in the case of any sanction other than warning or reprimand the **official shall have the right to refer the proposal** [shall then be communicated] to the [Joint Committee] **Joint Advisory Appeals Board** within one month **from its receipt** [for observation and report to the Director-General]. Reference to the [Joint Committee] **Joint Advisory Appeals Board** may be waived with the agreement of the official concerned.

Chapter 13

[The following text replaces Chapter 13 concerning the procedure for the resolution of grievances.]

Conflict resolution

Article 13.1

Informal conflict resolution

1. An official¹ who considers that s/he has been treated in a manner incompatible with her/his terms and conditions of employment, including the right to work in a place that is free of sexual harassment, should attempt to have the matter solved through dialogue. To this end, the official may at any time, without prejudice to the right to file a grievance in accordance with article 13.2.1 or article 13.2.2 within the time limit specified therein:

- (a) rely on the mediation or facilitation mechanisms established by the Director-General on the recommendation of the Joint Negotiating Committee;
- (b) request the intervention of the Human Resources Development Department or a higher level chief;
- (c) request the assistance of any official, former official or the Staff Union.

2. An official who faces any other work-related problem may, at any time, resort to the mechanisms referred to in paragraph 1 above with a view to its informal settlement.

3. There shall be no formal record of the informal processes referred to above.

Article 13.2

Grievances

1. An official who wishes to file a grievance on the grounds that s/he has been treated in a manner incompatible with her/his terms and conditions of employment shall, except as may be otherwise provided in these Regulations or other relevant rules,² request the Human Resources Development Department to review the matter within six months of the treatment complained of.

¹ For the purpose of Chapter XIII, the term “official” does not comprise officials in the executive directorate level.

² Special procedures apply to compensation claims (Annex II) and the review of performance appraisals (Chapter 6) as well as for appeals in respect of selection and recruitment (Annex I, paragraph 17), discipline (Chapter 12), job grading (relevant administrative circular), termination for unsatisfactory services (articles 11.4 and 11.8), termination on reduction of staff (article 11.5), and withholding of increment (article 6.4) and transfer to a lower grade (article 6.11).

The procedure for the examination of general grievances related to the terms and conditions of employment is governed by article 13.3.

2. An official who wishes to file a grievance on the grounds that s/he has been subjected to sexual harassment shall request the Human Resources Development Department to review the matter within six months of the conduct complained of. The procedure for the examination of sexual harassment grievances is governed by article 13.4.

Article 13.3

Administrative resolution of general grievances related to the terms and conditions of employment

1. The Human Resources Development Department shall review any grievance under article 13.2.1 and notify the official of a reasoned decision within three months of the receipt of the grievance. Where the Human Resources Development Department and the official agree that the matter may still be solved through informal conflict resolution, this time limit may be suspended in writing up to three months. In the event of such a suspension, the official shall confirm in writing to the Human Resources Development Department, no later than the expiration of the agreed suspension, whether s/he still wishes the matter to be formally reviewed and decided upon.

2. If the official disagrees with a decision under paragraph 1 above or in the absence of an express decision within the time allowed under the same provision, s/he shall be entitled to file a grievance with the Joint Advisory Appeals Board within one month of its notification or the expiration of the time allowed in the absence of a decision.

3. Should an official disagree with a decision or proposed decision in respect of which special procedures² apply, s/he shall be entitled to refer the matter to the Joint Advisory Appeals Board to the extent and within the time limits provided for in the relevant procedure.

4. The Director-General shall take a final decision within two months of the submission of the report by the Joint Advisory Appeals Board and communicate it to the official together with a copy of the report. A copy of the decision shall also be communicated to the Board. In the absence of an express decision within this deadline, the Board shall provide the official and the Human Resources Development Department with a copy of its report and the official shall be entitled to imply an acceptance of the recommendations contained in the report.

Article 13.4

Administrative resolution of sexual harassment grievances

1. Sexual harassment is defined as any unwanted conduct of a sexual nature in a workplace or in connection with work that, in the reasonable perception of an official, is used as a basis for a decision which affects his/her employment or professional situation, or creates an intimidating, hostile or humiliating work environment.

2. The Human Resources Development Department shall review any sexual harassment grievance under article 13.2.2 within one month and notify the official of the measures it intends to apply, including, where appropriate, referral to independent investigation or any interim measures.

3. Should the official disagree with the proposed action or in the absence of any proposal, the grievance shall be submitted to independent investigation within one month of the notification of the proposed action or the expiration of the time allowed for the review.

4. There shall be at least three officials trained as investigators, appointed by the Director-General on the recommendation of the Joint Negotiating Committee. The investigators shall designate among themselves a coordinator, responsible for assigning any case to the investigator or the investigators best suited to conduct the investigation, having regard to their availability and to the specific skills that may be required in each case.

5. The assignment of a case to an investigator shall be notified by the coordinator to the official, the Human Resources Development Department and other parties directly involved, who shall have one week to comment on the suitability of the investigator or investigators. The coordinator shall have one week from the receipt of any comment from the abovementioned parties to confirm or modify the selection of the investigator. This decision is not subject to appeal.

6. The investigator shall conduct any inquiry necessary to elucidate the case and shall draw up a report comprising a summary of the allegations, the investigative measures undertaken, the findings and suggestions where appropriate. This report shall be communicated to the Director-General within three months of the assignment of the case, except where, in the investigator's opinion, exceptional circumstances require additional time. When communicating the report to the Director-General, the investigator shall notify the parties that the investigation has been concluded.

7. If in the course of the investigation it becomes apparent that the conduct complained of does not constitute sexual harassment but that it may constitute treatment incompatible with other terms and conditions of employment of the official, the investigator shall refer the matter to the Human Resources Development Department for consideration under article 13.3.1 and inform the official having filed the grievance accordingly.

8. The Director-General shall take a decision within two months of the communication of the investigator's report. The decision shall be transmitted to the official having filed the grievance and to any other party directly implicated together with a copy of the report, subject to any privileged information necessary to protect third parties. In the absence of an express decision within this deadline, the investigator shall provide the official having filed the grievance with a copy of the report subject to the restrictions noted above, and the official shall be entitled to imply acceptance of the findings as to the facts and rejection of the grievance.

Article 13.5 *Judicial appeals*

1. An official shall be entitled to file a complaint against an express or implied decision under articles 13.3.4 or 13.4.8 with the Administrative Tribunal of the International Labour Organization.

2. The Director-General may, in agreement with the official, exempt the latter from the obligation to exhaust internal procedures by authorizing him/her to challenge a decision directly before the Administrative Tribunal.

Annex I **Recruitment procedure**

Grievances

17. An official who has requested feedback from the responsible chief in accordance with paragraph 13 above [may request the advice of the facilitators or the Ombudsperson provided for under the Procedure for the Resolution of Grievances. If the official] and **who** is not satisfied with the written response provided by the responsible chief under paragraph 14 above, [he or she] may submit a grievance to the **Joint Advisory Appeals Board** [provided for in the Procedure for the Resolution of Grievances, where he or she alleges] **within one month from the receipt of the written response on grounds** that the decision was based on a procedural flaw or unfair treatment.

Annex IV

[The following text replaces Annex IV concerning the review procedure and procedure of the Joint Committee.]

Procedure of the Joint Advisory Appeals Board

1. Any case brought to the Joint Advisory Appeals Board shall be filed with its Secretary by means of the form prescribed to that effect, in four copies, in any of the three official languages of the Office. Any communication relating to the case addressed to the official shall be written in the language used by the official or in any other official language that s/he is able to understand. The official may appoint a representative, who shall be a former or serving staff member of the Office, the United Nations or a specialized agency, or a Staff Union representative, to act on her/his behalf during the procedure before the Board.

2. The secretary shall verify that the form and documents appended to it meet the necessary requirements and shall call upon the official or the official's representative to correct it, if necessary, within one week.

3. When the above requirements are met, the secretary shall forward one copy to the Director of the Human Resources Development Department. The latter shall appoint a representative, who shall be a former or serving staff member of the Office, the United Nations or a specialized agency, to act on behalf of the Human Resources Development Department during the procedure before the Board.

4. Neither party shall have the right to external legal representation before the Board.

5. The Human Resources Development Department shall dispatch its comments on the case in four copies to the Secretary of the Board within one month of receipt of notice from the Secretary.

6. During the completion of the written submissions, the secretary shall coordinate with the chairpersons and members of the Board to determine the composition of the panel that will deal with the case, having considered any objection raised by the official or the Human Resources Development Department as to the participation of any particular person in the Panel.

7. After the composition of the panel has been determined, the secretary shall forward to the chairperson and members of the Panel the written submissions of the parties.

8. The panel shall hold as soon as possible a preliminary meeting to determine:

- (a) whether the case is clearly irreceivable or devoid of merit;
- (b) whether the case is to be dealt with as a matter of urgency;
- (c) the need for any further written submissions or inquiry;
- (d) the disclosure of any privileged document requested by either party and the time allowed for the parties to comment on any document so disclosed;
- (e) the need for the appearance of the parties or any witnesses;
- (f) the date of any hearing so decided.

9. If the panel unanimously considers that the case is clearly irreceivable or devoid of merit, it shall address without delay a summary report to that effect to the Director-General. Such report shall contain:

- (a) a summary of the proceedings;
- (b) the outcomes requested by the official and the Office;
- (c) the grounds on which the panel considers the case to be clearly irreceivable or devoid of merit;
- (d) the signature of the chairperson and members of the panel and the date.

10. Where a panel considers that exceptional circumstances could warrant the adoption of interim measures pending the disposal of a grievance, it will inform the Director-General accordingly.

11. In all other cases, the secretary shall notify the parties of the date of any hearings decided by the panel or an indication as to the time frame in which the panel is likely to examine the case.

12. Any hearing shall be held in private at the time decided by the panel and shall be presided over by its chairperson. Hearings may be attended by the official and his/her representative, the representative of the Human Resources Development Department, witnesses called by the Panel and the members of the Board's secretariat. The representatives of the official and the Human Resources Development Department may each attend hearings accompanied by one other person meeting the conditions specified respectively in paragraphs 1 and 3 above. Participation in hearings shall be considered official duties.

13. The panel shall deliberate in private.

14. The panel shall address its report to the Director-General within three months of the conclusion of the written submissions by the parties, except where exceptional circumstances require a longer time frame. Such report shall contain:

- (a) a summary of the proceedings;
- (b) the outcomes requested by the official and the Office;
- (c) a summary of the arguments put forward by each party;

- (d) a statement of established relevant facts, including reference to the document or witness statement on which the findings are based;
- (e) reference to any interim communication under paragraph 10 above;
- (f) its recommendations on each of the conclusions of the parties, including the grounds;
- (g) an indication as to whether the recommendations are unanimous or by majority, as well as any minority views that may be added;
- (h) the signature of the chairperson and members of the panel and the date.

15. The secretary of the Board shall notify the official of the date of issuance of the report under paragraphs 9 or 14 above.

16. Where the panel's report is written in a language that the official is not able to understand, the Office shall arrange for its translation into the language of the grievance on time for its communication to the official in accordance with article 13.3.4 of these Regulations.

17. All proceedings of the Board are confidential. Any breach of confidentiality shall be considered serious misconduct.

18. The expenses necessary for the proceedings of the Joint Advisory Appeals Board shall be borne by the Office.

19. The Joint Advisory Appeals Board shall report annually to the Joint Negotiating Committee on activities undertaken and general trends of its work.

* * *

Proposed amendments to Staff Regulations

Text proposed for deletion appears in square brackets, text proposed for inclusion appears in bold.

Article 3.17

In the early days of information technology, mid-month changes to payroll operations were complex, involving much manual administrative intervention. With the advent of the Integrated Resource Information System (IRIS), such complexity will be removed. In addition, the amendment proposed below will align coverage under the Staff Health Insurance Fund with all changes of family status. The amendment would take effect at the time of operational implementation of IRIS.

Article 3.17

Effective date of application or suppression of entitlements arising from changes of family status

Changes in family status affecting entitlements under articles 3.1, 3.9, 3.10, 3.11, 3.12 and 3.13 of the Staff Regulations shall be taken into account in the application of these articles as from the **date of the change**.

Article 7.3 (c)

The subparagraph (c) provides for the payment for night refreshment to the officials who work certain hours in the evening. The amount of such payment is fixed in the subparagraph at Swiss francs 4.50. This amount was calculated on the basis of the price of a sandwich and a drink in the ILO cafeteria and has been applicable for many years. The amount is no longer adequate and it is proposed to link the amount to the rate of daily subsistence allowance (DSA) in Geneva to ensure that the amount remains adequate in the future. The new calculation on the basis of current rate of DSA would give an amount of approximately Swiss francs 8.00.

Article 7.3
Night differential

- (a) ...
- (b) ...
- (c) Officials of the General Service category who are required to work beyond 8 p.m. without a break for an evening meal, or who are required to work a prescribed tour of duty beginning at or after 8 p.m., or who are required to work overtime after 11 p.m., or who are required to work at least two hours' overtime after a tour of duty ending later than 8 p.m., shall be paid an additional sum to compensate for night refreshments, **such sum to be the equivalent of 2.5 per cent of the daily travel subsistence allowance in Swiss francs applicable at Geneva at such time.**
- (d) ...
- (e) ...
- (f) ...
- (g) ...

Article 11.15

The attention of the Office has been drawn to an inconsistency in the terminology of this article, by comparison with other articles of the Staff Regulations. The amendment below is proposed in order to avoid the possibility of overpayments in the future. It would take immediate effect.

Article 11.15
Repatriation grant

- (1) ...
- (2) **Where both spouses are officials of the Office, or one is an official of the United Nations or a specialized agency**, the repatriation grant is payable at the single rate to each of them. When they have a dependent child (or children), the grant shall be paid to each of the spouses under conditions established by the Director-General in order to avoid double payment.
- (3) ...

Annex II

Interim provisions concerning verification of credentials, effective from the 93rd Session (June 2005) to the 97th Session (June 2008) of the International Labour Conference

International Labour Conference

Verification of credentials

ARTICLE 5

Credentials Committee

1. The Conference shall, on the nomination of the Selection Committee, appoint a Credentials Committee consisting of one Government delegate, one Employers' delegate and one Workers' delegate.
2. The Credentials Committee shall examine, in accordance with the provisions of Section B of Part II:
 - (a) the credentials of persons accredited to the Conference;
 - (b) any objection relating to the credentials of delegates and their advisers or to failure to deposit credentials of an Employers' or Workers' delegate;
 - (c) any complaint of non-observance of paragraph 2(a) of article 13 of the Constitution;
 - (d) the monitoring of any situation with regard to observance of the provisions of article 3 or article 13, paragraph 2(a), of the Constitution about which the Conference has requested a report.

PART II

Standing Orders concerning special subjects

Section B

Verification of credentials

ARTICLE 26

Examination of credentials

1. The credentials of delegates and their advisers and of all other accredited members of the delegation of a member State shall be deposited with the International Labour Office at least 15 days before the date fixed for the opening of the session of the Conference.
2. A brief report upon these credentials shall be drawn up by the Chairperson of the Governing Body. It shall, with the credentials, be made available for inspection on the day before the opening of the session of the Conference and shall be published on the day of the opening of the session.
3. The Credentials Committee appointed by the Conference in pursuance of article 5 of the Standing Orders of the Conference shall consider the credentials, as well as any appeal, objection, complaint or report concerning them.

ARTICLE 26BIS

Objections

1. An objection in pursuance of article 5, paragraph 2(b), shall not be receivable in the following cases:
 - (a) if the objection is not lodged with the Secretary-General within 72 hours from 10 a.m. of the date of publication of the official list of delegations on the basis of which the objection to the inclusion or exclusion of the name and function of a person is submitted. If the objection is based on a revised list, the time limit shall be reduced to 48 hours;
 - (b) if the authors of the objection remain anonymous;
 - (c) if the author of the objection is serving as adviser to the delegate to whose nomination objection is taken;
 - (d) if the objection is based upon facts or allegations which the Conference, by a debate and a decision referring to identical facts or allegations, has already discussed and recognized to be irrelevant or devoid of substance.
2. The procedure for the determination of whether an objection is receivable shall be as follows:
 - (a) the Credentials Committee shall consider in respect of each objection whether on any of the grounds set forth in paragraph 1 the objection is irreceivable;
 - (b) if the Committee reaches a unanimous conclusion concerning the receivability of the objection, its decision shall be final;
 - (c) if the Credentials Committee does not reach a unanimous conclusion concerning the receivability of the objection, it shall refer the matter to the Conference which shall, on being furnished with a record of the Committee's discussions and with a report setting forth the opinion of the majority and minority of its members, decide without further discussion whether the objection is receivable.
3. The Credentials Committee shall consider whether every objection deemed to be receivable is well founded and shall as a matter of urgency submit a report thereon to the Conference.
4. If the Credentials Committee or any member thereof submits a report advising that the Conference should refuse to admit any delegate or adviser, the President shall submit this proposal to the Conference for decision, and the Conference, if it deems that the delegate or adviser has not been nominated in conformity with the requirements of the Constitution, may, in accordance with paragraph 9 of article 3 thereof, refuse by two-thirds of the votes cast by the delegates present to admit the delegate or adviser. Delegates who are in favour of refusing to admit the delegate or adviser shall vote "Yes"; delegates who are opposed to refusing to admit the delegate or adviser shall vote "No".
5. Pending final decision of the question of his admission, any delegate or adviser to whose nomination objection has been taken shall have the same rights as other delegates and advisers.
6. If the Credentials Committee considers unanimously that the issues raised by an objection relate to a violation of the principles of freedom of association, it may propose referral of the question to the Committee on Freedom of Association of the Governing Body of the International Labour Office. The Conference shall decide, without discussion, on such proposals for referral.
7. When, in the light of the examination of an objection, the Credentials Committee unanimously considers that it is necessary to monitor the situation, it may propose this to the Conference, which shall decide, without discussion, on the proposal. If it is so decided, the Government concerned shall report on such questions that the Credentials Committee judges necessary, to the subsequent session of the Conference when it submits the delegation's credentials.

ARTICLE 26TER

Complaints

1. The Credentials Committee may consider complaints that a Member has failed to comply with paragraph 2(a) of article 13 of the Constitution where:
 - (a) the Member is alleged to have failed to pay the travelling and subsistence expenses of one or more of the delegates that it has nominated in accordance with article 3, paragraph 1, of the Constitution; or
 - (b) the complaint alleges a serious and manifest imbalance as between the number of Employers' or Workers' advisers whose expenses have been covered in the delegation concerned and the number of advisers appointed for the Government delegates.
2. A complaint referred to in paragraph 1 shall not be receivable in the following cases:
 - (a) if the complaint is not lodged with the Secretary-General of the Conference before 10 a.m. on the seventh day following the opening of the Conference and the Committee considers that there is insufficient time to deal with it properly; or
 - (b) if the complaint is not lodged by an accredited delegate or adviser alleging non-payment of travel and subsistence expenses in the circumstances set out under (a) or (b) of paragraph 1 or by an organization or person acting on his or her behalf.
3. The Credentials Committee shall, in its report, present to the Conference any conclusions that it has unanimously reached on each complaint considered by it.
4. When, in the light of the examination of a complaint, the Credentials Committee unanimously considers that it is necessary to monitor the situation, it may propose this to the Conference, which shall decide, without discussion, on the proposal. If it is so decided, the government concerned shall report on such questions that the Credentials Committee judges necessary, to the subsequent session of the Conference when it submits the delegation's credentials.

ARTICLE 26QUATER

Monitoring

The Credentials Committee also monitors any situation relating to respect by a member State for the provisions of articles 3 or 13(2)(a) of the Constitution with regard to which the Conference has requested the government concerned to report. With this objective, the Committee shall report to the Conference on the evolution of the situation. It may unanimously propose any one of the measures contained in paragraphs 4 to 7 of article 26bis or paragraphs 3 and 4 of article 26ter. The Conference shall decide, without discussion, on such proposals.

Annex III

Preparatory Technical Conference on Maritime Labour Standards

Proposed Standing Orders

ARTICLE 1

Composition

1. The Conference shall be composed of the delegates appointed by each of the States Members invited by the Governing Body to participate. Each State Member is invited to appoint three delegates (one Government delegate, one Shipowners' delegate, and one Seafarers' delegate).
2. The Governing Body shall be represented at the Conference by a tripartite delegation.
3. Each delegate may be accompanied by advisers. The advisers accompanying a delegate shall have the right to take part in the discussions and to vote under the same conditions as the delegate, unless the delegate indicates otherwise in a written note to the Secretary-General.

ARTICLE 2

Officers of the Conference

1. The Officers of the Conference shall consist of a President and three Vice-Presidents (one from each group), and three representatives of the Governing Body. It shall be the duty of the Officers to arrange the programme of the Conference, to set the date, time and agenda of the plenary sessions, and to draw up proposals regarding the establishment and composition of other committees.
2. The President shall preside over the sittings of the Conference. The Vice-Presidents shall preside in turn over the sittings or parts of sittings at which the President cannot be present.
3. The President shall direct the debates, maintain order, ensure the observance of the Standing Orders, accord or withdraw the right to address the Conference in accordance with the provisions of these Standing Orders, put questions to the vote and announce the result of the vote.

ARTICLE 3

Secretary-General of the Conference

The Director-General of the International Labour Office or a person appointed by him for that purpose shall act as the Secretary-General of the Conference.

ARTICLE 4

Committees

1. The Conference shall appoint a Steering Committee consisting of the Officers of the Conference, four Government delegates, two Shipowners' delegates and two Seafarers' delegates, representing each of the three groups. It shall be the duty of the Steering Committee to arrange the programme of the committees, to fix the date, time and agenda for the committees, and to report to the Conference on any other questions requiring a decision for the proper conduct of business or in implementation of these Standing Orders.

2. The Conference may appoint other committees or working parties after due notice has been given to the three groups.

ARTICLE 5

Admission to sittings

The sittings of the Conference and its committees shall be public unless it is otherwise decided.

ARTICLE 6

Right to participate in the work of the Conference

1. Observers from non-member States who have been invited by the Governing Body may participate in the proceedings without a vote.
2. Representatives of official international organizations which have been invited by the Governing Body to be represented at the Conference may participate in the proceedings without a vote.
3. No delegate, adviser or observer shall address the Conference without having asked and obtained the permission of the President.
4. The President may require speakers to resume their seats if their remarks are not relevant to the subject under discussion, or if they go over the time limit established by the Officers of the Conference.
5. The President may, in agreement with the Vice-Presidents, permit representatives of non-governmental international organizations with which the International Labour Organization has established consultative relationships, and representatives of other non-governmental international organizations which have been invited by the Governing Body to be represented at the Conference, to make or circulate statements for the information of the Conference on questions which are being examined by the Conference. If agreement cannot be reached, the matter shall be referred to the Conference for decision without discussion.

ARTICLE 7

Amendments, motions and resolutions

1. Amendments, motions and resolutions may be discussed only if they have been seconded.
2. (1) Motions as to procedure may be moved verbally and without previous notice. They may be moved at any time, except after the President has called upon a speaker and before the speaker has terminated his or her speech.
(2) Motions as to procedure include the following:
 - (a) a motion to refer the matter back;
 - (b) a motion to postpone consideration of the question;
 - (c) a motion to adjourn the sitting;
 - (d) a motion to adjourn the debate of a particular question;
 - (e) a motion that the Conference proceed with the next item on the agenda for the sitting;
 - (f) a motion to ask for the opinion of the President, the Secretary-General or the Legal Adviser of the Conference;
 - (g) a motion for the closure of the discussion.

3. Amendments and resolutions other than motions as to procedure must be submitted in writing in one of the official languages of the Conference. They must be translated and distributed before the discussion.
4. The Steering Committee shall, taking into account the recommendations of the Governing Body, establish time limits for the submission of amendments to the proposed instrument and the order and procedure for the examination of such amendments.
5. Only amendments to amendments already submitted under the conditions referred to above may be submitted without prior distribution.
6.
 - (1) Amendments shall be voted on before the resolution to which they refer.
 - (2) If there are several amendments to a motion or resolution, the President shall determine the order in which they shall be discussed and put to the vote.
 - (3) If a motion or resolution is amended as the result of a vote, that motion or resolution as amended shall be put to the Conference for a final vote.
7.
 - (1) Any amendment may be withdrawn by the person who moved it, unless an amendment to it is under discussion or has been adopted.
 - (2) Any amendment so withdrawn may be moved again without previous notice by any other delegate to the Conference.
8. No draft resolution shall be receivable unless it relates to the subject of the Conference.

ARTICLE 8

Closure

1. Any delegate may move the closure either on a particular amendment or on a general question.
2. The President shall put a motion for the closure to the vote if it is supported by at least one-fifth of the delegates present at the sitting. Before putting it to the vote, however, the President shall read out the names of those persons who have already indicated their wish to speak.
3. If application is made for permission to speak against the closure, it shall be accorded to one speaker from each group at the request of the chairperson of the group. If the closure is voted, one speaker from each group may, at the request of the chairperson of the group, speak on the question under discussion.

ARTICLE 9

Voting and quorum

1. Subject to the provisions of article 13, paragraph 4, of the Constitution, every delegate shall be entitled to vote individually on all matters which are under consideration by the Conference.
2. The votes of Shipowners' delegates and Seafarers' delegates shall be weighted so as to ensure that each of these two groups has half the voting power of the total number of governments represented at the Conference and entitled to vote.
3. Decisions shall be taken by a simple majority of the valid votes cast.
4. A vote shall not be considered valid if the number of votes cast, in favour or against, amounts to less than half the total voting power.
5. The Conference shall vote by show of hands or by record vote.
6. If the result of a vote by show of hands is challenged, the President shall cause a record vote to be taken.
7. A record vote shall also be taken if a request to that effect is made by a show of hands by at least one-fifth of the delegates present at the sitting, whether such request be made before or immediately after the vote by show of hands.

8. No amendment, motion or resolution shall be adopted if an equal number of votes is cast for and against.

ARTICLE 10

Languages

1. The International Labour Office shall make arrangements for the interpretation of speeches and translation of documents into and from French and English as well as Spanish and, as the case may be, into and from other languages in order to meet the convenience of delegates, subject to the availability of facilities and staff.
2. The report and the conclusions of the Conference shall be established in English, French and Spanish.

ARTICLE 11

Standing Orders of committees

1. These Standing Orders shall apply, *mutatis mutandis*, to committees.
2. The Conference shall have the right, if it deems it to be necessary, to appoint a drafting committee comprising one delegate from each of the three groups, as well as the Secretary-General of the Conference and the Legal Adviser or their representatives.
3. The Conference or a committee may entrust the task of drafting any decision or text to the drafting committee in order to formulate it in the appropriate way.

ARTICLE 12

Conference groups

1. Subject to the Standing Orders, each group shall control its own procedure.
2. At its first meeting, each group shall elect a chairperson, at least one vice-chairperson and a secretary. The chairperson and vice-chairperson or vice-chairpersons shall be elected from among the delegates or advisers constituting the group; the secretary may be selected from persons outside the group.
3. Each group shall hold official meetings for:
 - (a) nominations required in pursuance of these Standing Orders, such as nomination of Vice-President of the Conference and nomination of members of committees or working parties;
 - (b) any other matter referred to groups by the Steering Committee or the Conference.