



## THIRTEENTH ITEM ON THE AGENDA

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

1. The Committee on Sectoral and Technical Meetings and Related Issues met on 20 March 2006. The Chairperson was Mr. L. Héthy (Hungary); the Employer and Worker Vice-Chairpersons were Mr. G. Trogen and Mr. J. Zellhoefer, respectively.
2. Mr. Zellhoefer stated that his group had learned with considerable regret that Ms. Paxton, Executive Director of the Social Dialogue Sector, had decided to leave her position. He thanked Ms. Paxton for years of excellent service to the Organization and its constituents; his group had particularly appreciated her dedication, availability and willingness to meet with the Workers to work through problems. Ms. Paxton had served during years of considerable changes to the Sectoral Activities Department and the Social Dialogue Sector, which was now at the forefront of ILO activities, along with the other three strategic sectors. He wished her a successful future and hoped to see her again one day.
3. Mr. Trogen, on behalf of the Employers' group, thanked Ms. Paxton for her cooperation and dedication and wished her the best for the future; it had been a pleasure working with her.
4. The Chairperson, speaking on behalf of the Committee, expressed his appreciation, thanked Ms. Paxton for her excellent contribution to the Committee's work and wished her the best for her future activities.

## I. Report on sectoral activities in 2004-05

5. Ms. Paxton introduced the paper<sup>1</sup> before the Committee. Part I outlined sectoral activities carried out in 2004-05. These activities largely followed the plan of work that had been set out in GB.289/STM/1; any differences resulted primarily from reduced resource levels and changes to sectoral priorities. Similarly, the 2006-07 activities outlined in Part II might change in response to constituents' requests and changing priorities. Part III of the paper provided a basic overview of all 22 sectors. The sectoral activities programme would continue its new approach involving a mix of meetings, action programmes (both continued and new) and follow-up activities. More emphasis would be placed on responding to the needs of constituents through DWCPs (DWCPs). The reorganization of the Sectoral Activities Department (SECTOR) and the Social Dialogue, Labour Law and Labour Administration Department (DIALOGUE) into a single department had been undertaken with the objectives of creating synergies in approaches to social dialogue, strengthening teamwork, strengthening the approaches of the Decent Work Agenda and increasing the capacity for social dialogue, while ensuring that the identities of SECTOR and DIALOGUE would be maintained.

6. Mr. Zellhoefer welcomed the report. He reiterated the importance of sectoral activities, which provided a unique opportunity to promote decent work, good industrial relations and ILO standards. Paragraph 6 of the paper indicated that greater emphasis would be placed on the needs of constituents through DWCPs. His group supported the effective implementation of the Decent Work Agenda at the sectoral level. It was important that the social partners be involved in the design, implementation and evaluation of these programmes. Better coordination was necessary and, for that reason, he requested additional information on linkages between the DWCPs and sectoral activities work, in particular the action programmes. Referring to the reorganization of SECTOR and DIALOGUE, he welcomed the objective of achieving better coordination. However, it was

<sup>1</sup> GB.295/STM/1.

important to maintain the identity of SECTOR. To that end, the D.1 post needed to be maintained and filled quickly and the programme needed adequate staff resources, although it was understood that not all 22 sectors needed the same level of resources at the same time. The social dialogue experts in the field should be used to facilitate sectoral work; in view of the greater emphasis on DWCPs, clarifications on collaboration with the field would be appreciated. The Office had given assurances that occurrences such as a recent seminar organized in Azerbaijan without consultations with SECTOR and the concerned Global Union Federation, the ICEM, would not be repeated. SECTOR's strategy to promote sectoral occupational safety and health (OSH) Conventions and other Conventions relevant to specific industrial and occupational sectors was an excellent strategy to operationalize decent work at the sectoral level. He requested additional information on a study on the chemicals industry referred to in Part II of the report, whose subject raised some concerns in relation to the Decent Work Agenda. He also considered that the summary on the utilities sector in Part III could have better captured the main issues of that sector and the challenges it faced, notably the very mixed results of privatization and public-private partnerships, and the importance of the public sector investments and social dialogue, which remained weak.

7. Mr. Trogen welcomed the paper and commended the Office for its efforts to update the sectoral web site, but noted that some information was still missing in some language versions. The activities listed in Part I of the paper contained some differences from the previous documents, but he noted the explanation given by the Office for those discrepancies. Referring to Part II, the Employers noted the activities with satisfaction but wondered if they might not be overly ambitious and whether there were sufficient resources to carry them out. Part III was an excellent tool. Referring to the section on child labour in the chemical industry, he wondered about supporting evidence.
8. The representative of the Government of Germany, speaking on behalf of IMEC, welcomed the new approach of placing greater emphasis on responding to the needs of

constituents through decent work country programming and further integrating sectoral activities into mainstream ILO activities. Part III of the document was particularly helpful; it enabled constituents to better understand the basic conditions that made sectoral activities important. Further headings should be added on recent developments, next steps, follow-up measures and outcomes. IMEC welcomed the continuous updates to the web site which, he hoped, would facilitate dissemination to those countries that required help and knowledge on these issues but had not yet taken part in specific sectoral activities.

9. The representative of the Government of the Philippines, speaking on behalf of the Asia-Pacific group, noted with pleasure the Office's continuation of the 2004-05 action programmes. The mix of meetings and action programmes was important. The regrouping of SECTOR and DIALOGUE was to be welcomed, as it would further strengthen coordination and teamwork. She supported the simplified evaluation framework and noted that it clearly reflected the cooperation with the ILO Evaluation Unit. Programmes could be better assessed if they were designed with quantitative and qualitative indicators in mind. The evaluation review report should be made available by July 2006.
10. Ms. Paxton noted the positive reaction to the paper as well as the suggestions for improving future reports on sectoral activities. Linkages with the DWCPs were now greatly improved as a result of the IRIS strategic management module, a tool that allowed the Office to systematically reflect countries' priorities and reinforce DWCPs. These linkages would be strengthened by the presence of social dialogue specialists in the field. Concerning differences between planned activities and completed activities, she noted that the 2004 report had been drafted before full information had been available on resource levels. Therefore, where financial and human resource levels were more limited than originally expected, it had not been possible to carry out all the activities that had been envisaged. In addition, changes had been made to meet altered priorities, as had been the case with the meeting on the post-MFA environment. The Office would follow up on the Employers' and Workers' concerns relating to the chemicals sector.

11. The Committee took note of the information provided.

## **II. Purpose, duration and composition of sectoral meetings to be held in 2006-07**

12. The Committee had before it a paper<sup>2</sup> on the item. Introducing the paper, Ms. Paxton pointed out that as a consequence of previous decisions of the Committee on the programme of meetings for 2006-07, the Committee was asked to decide on the purposes, duration and composition of the three sectoral meetings to be held in September and October 2006 and April 2007.

13. Mr. Trogen recalled that the three proposed sectoral meetings had been agreed upon. His group therefore endorsed the point for decision.

14. Mr. Zellhoefer supported the holding of the three meetings, as outlined in the paper. His group agreed with the purpose, composition and duration of each meeting as well as the nomination of a representative of the Governing Body to be appointed as Chairperson for each meeting, taking into account the practice of rotation among the three groups. His group agreed that savings resulting from smaller meetings should be used for follow-up activities, including updating the metal trades' database in the case of the meeting on electronic components. A decision on the length, scope and purpose of the sectoral meeting for the food and drink sector would be taken at a later stage.

15. The Worker and Employer Vice-Chairpersons agreed that the Tripartite Meeting on the Production of Electronic Components for the IT Industries should comprise ten representatives from each group.

<sup>2</sup> GB.295/STM/2.

**16. *The Committee on Sectoral and Technical Meetings and Related Issues recommends to the Governing Body that:***

- (a) the purpose, duration and composition of the Tripartite Meeting on Social and Labour Implications of the Increased Use of Advanced Retail Technologies be as proposed in paragraphs 4-7 of document GB.295/STM/2;*
- (b) the purpose, duration and composition of the Tripartite Meeting on Labour and Social Issues Arising from Problems of Cross-Border Mobility of International Drivers in the Road Transport Sector be as proposed in paragraphs 9-12 of document GB.295/STM/2; and*
- (c) the purpose, duration and composition of the Tripartite Meeting on the Production of Electronic Components for the IT Industries: Changing Labour Force Requirements in a Global Economy be as proposed in paragraphs 14-17 of document GB.295/STM/2, with the participation of ten Employer and ten Worker representatives.*

### **III. Effect to be given to the recommendations of sectoral and technical meetings**

**(a) Tripartite Meeting on Promoting Fair Globalization in Textiles and Clothing in a Post-MFA Environment (Geneva, 24-26 October 2005)**

**17.** The Committee had before it a paper<sup>3</sup> on the item.

**18.** Mr. Zellhoefer recalled that it was the Workers' group that had proposed the holding of this Meeting more than two years ago, and regretted that the reluctance of the Employers'

<sup>3</sup> GB.295/STM/3/1.

group and of some Governments had delayed that important undertaking. Sectoral topics of an urgent nature needed to be examined on a timelier basis in the future; it was most unfortunate that the Meeting had not been held before the abolition of the quota system. His group endorsed the Chairperson's summary; it represented a generally fair description of the views expressed by the different groups during the discussion. Tripartite action to follow up the Meeting's recommendations should start now in view of the limited breathing space up to 2008, when all safeguard measures to protect employment would end. Until then, governments and the industry, with the involvement of the social partners, would need to review and develop policies to enhance productivity, quality and labour standards with a view to stabilizing and expanding the industry in a sustainable manner. Given the serious crisis, the ILO should play a leading role in the process of managing the impact of trade liberalization on employment standards as well as in efforts to reduce poverty and mobilize resources to ensure follow-up. His group requested additional information on resource mobilization and asked for a transparent consultation process with the regional coordinators and the social partners when new activities were developed in that context.

**19.** Mr. Trogen said that the Meeting had been a success, and indicated his group's general support for the Chairperson's summary. He reiterated the reservations of his group regarding the summary relating to policy coherence, in particular in relation to collaboration with the WTO. Since the paragraphs in question could be interpreted as a mandate to reopen the door to the debate on the social clause, his group required clarification of the Office's understanding of that aspect before it could support the point for decision.

**20.** The representative of the Government of Argentina shared the concern of the ILO regarding the impact of the end of quotas and regarding the need to develop integrated strategies to deal with the new situation during the transitional period. New strategies and appropriate actions had to be implemented at all levels in order to reduce costs, improve

productivity, preserve employment and foster social stability, and thus ensure equitable social development. In MERCOSUR, a tripartite group had been set up to elaborate a post-MFA policy that focused on decent work and equitable standards. Given the strong pressure on many countries, increased international cooperation to deal with the issue was required; the ILO had a leading role to play in that context.

- 21.** An observer from the European Commission highlighted the importance which the Commission, having participated in the Meeting, attached to the ILO's contribution to the response to the crisis. Since policy coherence was of particular importance, he asked the Office to provide information on concrete follow-up activities.
- 22.** The representative of the Government of the United States said that the ILO should provide advice on best practices. He indicated that there was a need for the ILO to promote cooperation with other international institutions, including the World Bank, in the framework of the MFA Forum, and requested information on what strategies the Office intended to pursue on the issue.
- 23.** Mr. Zellhoefer recalled that the question of policy coherence had been the subject of important discussions within the ILO. The Organization could not pretend that the Bretton Woods institutions and the WTO did not exist. The initiative taken by MERCOSUR and the comments made by the observer of the European Commission were welcome. Millions of workers were affected; it was therefore necessary that the ILO continue to work at this issue to help maintain a sustainable sector.
- 24.** Ms. Paxton indicated the importance given by the ILO to the follow-up to the Meeting and outlined some activities that were currently being implemented and in line with the Chairperson's summary. They included a major drive to improve skills development for both workers and managers in selected countries particularly affected by the end of quotas. Activities were planned in Lesotho and Egypt in addition to activities within the framework of the TCF action programme. Others would be identified in an integrated



strategy to be developed with the Skills and Employability Department. The TCF action programme would continue to assist in improving the competitiveness of the technical cooperation (TC) industry through decent work; its approach was being extended to other countries not directly covered by the action programme. The ILO was also developing a global information and analysis service for the TC industry which would be available online. Moreover, although there was no change in the ILO's position with respect to the social clause, the ILO was reinforcing policy coherence in developing collaboration with other institutions and programmes, notably the Global Compact (within the framework of the TCF action programme in Morocco) and, since January, with the work of the MFA Forum as a member of the Executive Committee. All follow-up would take place within the framework of the mandate given to the ILO as a whole, and not go further. Collaboration with the World Bank had resulted in the Bank providing funds for the "Better Factories" initiative in Cambodia. Resources for ILO action on those issues would be sought through the action programme's resource mobilization strategy.

25. Mr. Trogen explained that the social clause was a very sensitive issue; his group endorsed the Chairperson's summary provided that follow-up would not include the promotion of social clauses in trade agreements.

26. *The Committee on Sectoral and Technical Meetings and Related Issues recommends that the Governing Body:*

*(a) authorize the Director-General to communicate the Note on the proceedings of the Meeting (TMTC-PMFA/2005/8) to: (i) governments, requesting them to communicate these texts to the employers' and workers' organizations concerned; (ii) the international employers' and workers' organizations concerned; and (iii) the international organizations concerned; and*

*(b) request the Director-General to bear in mind, when drawing up proposals for the future work of the Office, the wishes expressed by the Meeting in the relevant paragraphs of the Chairperson's summary.*

**(b) Tripartite Meeting of Experts on the ILO  
Multilateral Framework on Labour Migration  
(Geneva, 31 October-2 November 2005)**

27. Mr. Diop, Executive Director of the Social Protection Sector, introduced the paper<sup>4</sup> before the Committee, the mobility of workers was an essential and vital part of the global economic regime. The Multilateral Framework (contained in document TMMFLM/2005/1) was part of the plan of action agreed by constituents at the International Labour Conference in 2004. The Meeting had examined the Framework in depth and adopted it by consensus.

28. Mr. Awad, Director of the International Migration Programme, outlined the point for decision in paragraph 4. The text of the Framework adopted by the Meeting included 15 principles covering decent work, protection of migrant workers, management of labour migration and migration-development linkages, with detailed guidelines to help translate those principles into practice. Only eight Government experts out of 19, one Government observer, and Employer and Worker experts, had sent observations, which were summarized in the appendix to the paper. Government, Employer and Worker experts had expressed broad (explicit or implicit) support for the draft Framework. Even Government experts who had voiced concerns had noted the significant improvements in the adopted text over the original draft. There was also broad agreement that most principles and guidelines could prove useful in assisting member States to develop labour migration policies in different national contexts, given the non-binding nature of the Framework. Both source and receiving countries stood to benefit from orderly migration policies and the rights-based approach advocated by the Framework.

<sup>4</sup> GB.295/STM/3/2 (& Corr.).

- 29.** Mr. Trogen endorsed the text of the Framework and supported the point for decision.
- 30.** Mr. Zellhoefer stated that the non-binding Framework for a rights-based approach to labour migration constituted a unique tool for ensuring that labour migration went hand in hand with development, the promotion of decent work and the strengthening of social dialogue. Governments, employers, trade unions and civil society organizations could use the Framework, individually and together, to develop policies that were both socially just and economically sound. It would undoubtedly be useful to address several issues, including: the contribution of labour migration to sending and receiving countries; reducing migration pressures; opening new avenues for regular migration flows, bearing in mind the notions of equal treatment and opportunity for all; and the vulnerability of workers trapped in irregular situations. It could help to make migration policies sustainable and predictable, as it addressed legitimate concerns of labour migration in different circumstances and outlined a wide range of possible policy options, based on the wealth of experience that only a tripartite body such as the ILO could muster. However, he regretted that the appendix placed too much emphasis on the negative comments of a small number of governments, whose concerns had been addressed during the Meeting. It would have been more balanced if it had also provided details on the support expressed by a large number of governments before and during the Meeting.
- 31.** The representative of the Government of Mexico, speaking on behalf of GRULAC, commended the Office for producing the Framework, which was an important tool for the protection and social inclusion of migrant workers. GRULAC appreciated most of the Framework's principles and guidelines, which upheld the universal application and recognition of fundamental principles and rights at work. However, the phenomenon of international migration required a comprehensive and long-term response from the international community, in the light of economic, demographic, political, historical, and socio-cultural conditions and trends. It was the migrant worker, not the labour markets, that should be at the centre of all migration programmes and projects; GRULAC therefore

hoped that the Office would go beyond the migration management forms, and develop broader approaches in response to the needs of both migrants and States, based on the principle of shared responsibility and international cooperation. She welcomed the equal treatment of migrant workers, irrespective of their status mentioned in guideline 9.8, but regretted the lack of substantive references to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families an irreplaceable instrument in the protection of the rights of migrant workers. The most valuable principle of the Framework was, however, the promotion of opportunities for decent and productive jobs in countries of origin and destination.

**32.** The representative of the Government of the United Kingdom, speaking also on behalf of Germany, New Zealand and Switzerland, said that the Governing Body should have been involved before the Meeting of Experts in defining the format and shape of the Framework. The Framework adopted was not a consensus document. While the United Kingdom welcomed the Framework, some aspects gave rise to concerns. It was over-prescriptive; it raised unrealistic expectations regarding the rights of migrant workers in irregular status; and some elements were incompatible with national laws and policies. It was also inappropriate to request the Governing Body to approve a Framework adopted by a Meeting of Experts. Paragraph 4 of GB.295/STM/3/2 (& Corr.) therefore needed to be amended and changes needed to be made to the Preamble of the Framework. The representative proposed an amendment to that effect.

**33.** The representative of the Government of Spain supported the statement made on behalf of GRULAC. He also stressed that the time allocated for the meeting – only three days – was too short for a comprehensive discussion of this important topic.

**34.** The representative of the Government of Canada endorsed the United Kingdom's comments and amendment. The Framework went beyond the role defined in the Conference resolution. Three specific examples were: the inappropriateness of a Preamble

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in a non-binding Framework; the reference to promotion of coherence in labour migration policies at international level; and the inclusion of a follow-up mechanism. There were also procedural issues which needed to be addressed, in particular whether there had been consensus on the adoption of the text. Canada acknowledged the significant improvements that had been made to the original text, and considered the guidelines useful, since they were non-binding and flexible.

- 35.** The representative of the Government of Nigeria congratulated the Office on the very fair conclusions embodied in the Framework. She expressed concern that some Government representatives were trying to reopen issues that had been debated and fully addressed during the Meeting of Experts. Nigeria, as a labour-sending and receiving country, was very comfortable with the provisions of the Framework.
- 36.** The representative of the Government of Australia supported the United Kingdom's amendment. Australia was pleased to have been associated with the review process. Some level of prescription still remained in the Framework, which lacked proper definitions. It went beyond its own mandate as in including references to registration of births of migrant children, allocation of financial resources for concerned ministries and reducing the cost of remittances. It also duplicated work of other organizations, and did not represent genuine consensus. Nonetheless, his delegation would support the Framework, subject to approval of the amendment suggested by the United Kingdom.
- 37.** The representative of the Government of the United States stressed that the ILO had an important role to play in the protection of migrants, but noted that the Framework went beyond that mandate. While the current text was an improvement, the United States had serious concerns, which had already been expressed. The adoption of the text had not been based on consensus. The content was overly prescriptive, did not properly acknowledge the sovereign rights of States with regard to migration policy, and failed to recognize that

migratory status was a lawful basis for differential treatment under international law. The United States supported the United Kingdom's proposed amendment.

- 38.** The representative of the Government of Japan, endorsing the United Kingdom's and the United States' statements, appreciated the efforts of the Office, but expressed concern over some issues. The inclusion of a follow-up mechanism could become a new obligation for governments, despite the non-binding nature of the Framework. Greater emphasis needed to be made on measures to prevent irregular migration, especially by sending countries, and on measures to disseminate information on the risks of irregular migration. Despite those concerns, Japan supported the Framework, subject to approval of the United Kingdom's proposed amendment.
- 39.** The representative of the Government of Kenya endorsed the point for decision. The Framework was based on detailed insights into the labour migration process. He commended it because it would advance the ILO's Decent Work Agenda, addressed the vulnerability of migrant workers and their human rights, and had considerable flexibility.
- 40.** The representative of the Government of Sri Lanka welcomed the Framework in view of its rights-based approach and its emphasis on governance, migrant protection and the contribution of migration to development. It served to strengthen coherence of migration policies while promoting cooperation with other international organizations. He endorsed the point for decision in paragraph 4.
- 41.** A Worker member from Australia emphasized the non-binding nature of the Framework; while not all its elements were necessarily relevant to all situations, they reflected the aspirations of many countries. She was concerned about some of the objections and recalled that, at the Meeting, the guideline on registration of birth of migrant children had been introduced by a Government expert with the support of other Government experts. In some countries, that was already a best practice. Paragraph 4 had been drafted in line with the decision of the Conference. Since the Framework was an important "tool kit", it needed

to be promoted; she therefore sought clarification as to whether the suggested amendment would diminish the status or value of the Framework and its follow-up. She also expressed concern that the ILO might lack the resources needed to effectively promote the ILC plan of action and the Multilateral Framework.

- 42.** Mr. Zellhoefer was concerned about the repeated references to lack of consensus in the adoption of the Framework. He cited the Deputy Legal Adviser's statement in paragraph 200 of the *Note on the proceedings* of the Meeting (in document TMMFLM/2005/2); consensus was not identical with unanimity.
- 43.** The Legal Adviser, referring to the introductory note in the Compendium of rules applicable to the Governing Body, agreed that consensus did not mean unanimity. Those dissenting from the general trend were prepared simply to make their position or reservations known and placed on the record. Consensus was characterized by the absence of any objection presented as an impediment to the adoption of the decision in question.
- 44.** Mr. Awad explained that the Framework would retain its status as regards promotion and follow-up by the ILO, even if the United Kingdom's proposed amendment were adopted, and referred to paragraphs 20 and 21 of GB.289/STM/2 in support.
- 45.** In the spirit of cooperation, Mr. Zellhoefer agreed to the proposed amendment. The Framework was not binding and did not call into question or undermine the sovereign right of States; if a country did not agree with it, it had the right to ignore it. His group looked forward to active promotion efforts, and hoped that governments and social partners would use the Framework as a tool in addressing and guiding labour migration issues.
- 46.** Mr. Trogen supported the proposed amendment. His group recognized the important work done by the Meeting, and had strongly supported it. The Employers wanted to move the process forward and hoped that the tool kit would be used by governments and constituents.

47. The representatives of the Governments of Mexico, Nigeria and Spain stated that they preferred the existing text, but accepted the amendment. Nevertheless, Mexico and Spain reserved their positions in further discussion by the Governing Body.
48. An observer from the European Commission said that the Commission supported the Framework. It was proving useful for technical cooperation with third-party countries: for instance, in its work with ECOWAS, and with countries in Latin America and Asia.
49. *The Committee on Sectoral and Technical Meetings and Related Issues recommends to the Governing Body:*
- (a) *that it take note of the report of the Tripartite Meeting of Experts;*
- (b) *that (i) the words “Tripartite Meeting of Experts” replace “Governing Body of the International Labour Office” in the introductory phrase of the Preamble to the ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration; (ii) the penultimate preambular paragraph “Having considered the report and draft ILO Multilateral Framework on Labour Migration submitted to it by the Tripartite Meeting of Experts in 2005;” be deleted; and (iii) in the final paragraph of the Preamble, the words “Hereby requests the Governing Body to take note of” replace the words “Hereby approves”, and the words “adopted by the Governing Body of the International Labour Office,” be deleted;*
- (c) *that it authorize the Director-General to publish the ILO Multilateral Framework on Labour Migration.*



**(c) Meeting of Experts on Updating the  
List of Occupational Diseases  
(Geneva, 13-20 December 2005)**

**50.** The Committee had before it a paper<sup>5</sup> on the item. Mr. Niu, Senior Specialist in Occupational Health of the InFocus Programme on Safety and Health at Work and the Environment (SafeWork), introduced the report of the Meeting of Experts, recalling its origin, purpose and mandate. He specified the three criteria which had guided the Office in the preparation of the proposed list submitted to the Meeting, namely: (i) all the amendments submitted to the Committee on Occupational Accidents and Diseases of the 90th Session of the International Labour Conference in 2002 regarding the list of occupational diseases annexed to Recommendation No. 194; (ii) the replies to the Office questionnaire on the list of occupational diseases from governments, employers' and workers' organizations of the member States and relevant international organizations; and (iii) the analysis of about 50 most up-to-date national and other lists of occupational diseases collected by the Office and the evaluation of international scientific developments in the identification of occupational diseases. The procedure for updating the list of occupational diseases outlined in Paragraph 3 of Recommendation No. 194 called for the list contained in the annex to the Recommendation to be regularly reviewed and updated through tripartite meetings of experts. Although the Meeting had not produced a single updated list of occupational diseases, the results achieved represented remarkable progress towards the full accomplishment of that goal. In order to build on what had been achieved so far, it would be highly advisable for the Governing Body to authorize the Office to proceed with consultations and to convene another meeting of experts in the near future in order to fulfil the mandate to regularly review and update the list of occupational diseases annexed to Recommendation No. 194.

**51.** Mr. Trogen said that the Meeting had ended in an unfortunate deadlock. With a view to being constructive, he proposed that the Governing Body should take note of the report,

<sup>5</sup> GB.295/STM/3/3.

which should not, however, be circulated because that would create confusion. He was willing to consider positively a proposal for another meeting of experts but was against new rules which would jeopardize consensual decision-making and thus devalue those meetings.

- 52.** Mr. Zellhoefer deeply regretted that as a result of a lack of consensus, the Meeting could not fulfil its mandate to adopt a list of occupational diseases to replace the list included in the annex to Recommendation No. 194. The Workers' group did not accept the addition of a set of general criteria for identifying occupational diseases to the list and the deletion of the open items; that would change the scope of the Recommendation, as had been indicated by the Legal Adviser. The Governing Body should take note of the report of the Meeting, but should not authorize its distribution since it would not be useful to communicate divergent opinions concerning the list. He expressed concern as regards the convening of another meeting that should take into account the report of the December Meeting, because some amendments that had been suggested went beyond the mandate of that Meeting. He said that it was unlikely that a meeting could be reconvened shortly, since there was a need for clarification, careful preparation and consultations. The Workers also opposed a possible revision of the rules governing meetings of experts.
- 53.** The representative of the Government of Japan expressed his disappointment over the fact that the Governing Body's work agenda placed two OSH subjects for discussion in two separate meeting rooms at the same time.
- 54.** The representative of the Government of China expressed appreciation for the efforts made by the Office and the contributions of the experts to update the list, as proposed by the International Labour Conference in 2002 and mandated by the Governing Body at its 291st Session in November 2004. He regretted that the Meeting had failed to reach consensus on a single list. Another meeting of experts should be convened to finish the job as a matter of urgency. An early convening of that meeting would be useful in view of the

need for continuity, and could save resources, as there would be no need to radically renew the technical basis used for the work of the December Meeting. The Office should proceed with consultations. The next meeting should focus on key issues and be smaller. A proper balance should be maintained in the composition of experts from both developed and developing countries in order to ensure that the updated list would be universally acceptable and applicable. He invited the Office to approach donors for possible financing of another meeting if it could not be supported by regular budget funds in the near future. China was reluctant to support proposals concerning new rules for meetings of experts before the Office provided legal advice concerning the time, cost and other implications.

- 55.** The representative of the Government of Nigeria expressed disappointment over the fact that it had not been possible to adopt a single list. The Governing Body should take note of the report of the Meeting of Experts and authorize its distribution, since it was important that both lists be circulated. Given their importance, meetings of experts should be governed by specific rules.
- 56.** The representative of the Government of Canada concurred with the need for rules, and pointed out that guidelines for conducting meetings of experts would be useful. Meetings of experts should work on the basis of consensus; rules would not necessarily always mean voting. Referring to document GB.289/STM/2, she recalled that over time there had been a shift towards negotiations and discussions similar to those during tripartite sectoral meetings. It would be wise to maintain the past practice of experts participating in meetings of experts in their personal capacity, without representing interest groups. In that regard, it was very important that mandates assigned by the Governing Body to meetings of experts should be extremely clear if no new rules for such meetings were to be adopted.
- 57.** In response to the points raised during the discussion, Mr. Niu emphasized the need for consultations, in particular on the open items, as well as for a balanced approach which

would take into account the situation in both developed and developing countries, and the fact that many diseases found in work settings might also be found in other settings.

- 58.** The Chairperson indicated that there was a general agreement to propose to the Governing Body that it take note of the report of the Meeting. There was no agreement on the proposals to distribute the report of the Meeting and to establish new rules for meetings of experts.
- 59.** In order to advance the discussion, Mr. Zellhoefer proposed an amended text to replace subparagraphs (b), (c) and (d) of the point for decision.
- 60.** Mr. Trogen proposed a subamendment to the proposed new text which would make it clear that the next meeting would be convened by the Governing Body, and pointed out that the consultations for preparing common ground would need to be carried out with the ILO constituents.
- 61.** Mr. Zellhoefer agreed with the subamendment proposed by the Employers.
- 62.** The Chairperson concluded that there was a consensus to leave paragraph 8(a) unchanged and replace subparagraphs (b), (c) and (d) with the text proposed by Mr. Zellhoefer, as subamended by Mr. Trogen.
- 63. *The Committee on Sectoral and Technical Meetings and Related Issues recommends that the Governing Body:***
- (a) take note of the report of the Meeting of Experts on Updating the List of Occupational Diseases;*
- (b) convene another meeting of experts to complete the work accomplished by the Meeting already held concerning the review and updating of the list of occupational diseases included in the annex to the List of Occupational Diseases Recommendation, 2002 (No. 194). To that end the Office is invited*

*to proceed with consultations for the purpose of preparing common ground before the convening of the next meeting by the Governing Body; and*

*(c) request that the Director-General make proposals for financing such a meeting within the Programme and Budget proposals for 2008-09.*

**(d) Joint Maritime Commission**

**(i) 30th Session of the Commission**  
*(Geneva, 23 February 2006)*

**(ii) Report of the Subcommittee of the Joint Maritime Commission on Wages of Seafarers**  
*(Geneva, 24 February 2006)*

**64.** The Committee had before it two documents on these items.<sup>6</sup>

**65.** Ms. Doumbia-Henry, Director of the International Labour Standards Department, introduced both documents, recalling that the Joint Maritime Commission had endorsed the resolutions adopted by the 94th (Maritime) Session of the International Labour Conference (February, 2006) while giving high priority to certain activities. The Commission had also expressed the wish for a tripartite meeting of interested parties to be convened by the Governing Body with a view to evaluating progress made in promoting the Convention. As for the ILO minimum basic wage for able seafarers, the recommendations of the Subcommittee of the Joint Maritime Commission were the first follow-up activity related to the Maritime Labour Convention, 2006.

**66.** Mr. Zellhoefer commended the almost unanimous adoption of the Maritime Labour Convention, 2006 which his group regarded as a bill of rights for seafarers. The resolutions adopted by the Conference identified a full programme of work for the Office which found

<sup>6</sup> GB.295/STM/3/4/1 and GB.295/STM/3/4/2.

their full support. His group endorsed both papers and recommended the adoption of the points for decision.

67. Mr. Trogen endorsed the two papers and their points for decision. His group agreed with the priority attributed by the Shipowners' group of the Joint Maritime Commission to the resolutions adopted by the Conference.

68. *The Committee on Sectoral and Technical Meetings and Related Issues recommends that the Governing Body:*

(a) *request the Director-General to take into consideration the views of the Commission when making proposals for the future work programme of the Office; and*

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

(i) *communicate the text of the resolution concerning the ILO minimum basic wage for able seafarers to governments of member States, drawing their attention to the paragraph relating to the increase in the wage figure which should be applied in substitution for those contained in the Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187) and Guideline B2.2.4 of the Maritime Labour Convention, 2006 on the minimum monthly basic pay or wage figure for able seafarers;*

(ii) *communicate the text of the resolution to the international employers' and workers' organizations having consultative status;*

(iii) *request governments to transmit the text of the resolution to the employers' and workers' organizations concerned; and*

*(iv) in due course, consult the international employers' and workers' organizations concerned on the convening of a meeting of the Joint Maritime Commission Subcommittee on wages of seafarers as requested by the resolution.*

#### **IV. Sectoral action programme evaluation framework**

69. The Committee had before it a paper<sup>7</sup> on this item. Ms. Paxton noted that the implementation of sectoral action programmes had been regularly reviewed by the Global Steering Group and the Committee on Sectoral and Technical Meetings and Related Issues throughout the biennium. The proposed framework responded to further requests from constituents to evaluate the relevance and effectiveness of action programmes, and the degree to which they had contributed to the strategic objective of strengthening tripartism and social dialogue as a means of improving conditions in specific sectors. The evaluation would consider both quantitative and qualitative factors, taking into account both common and sector-specific performance indicators developed in cooperation with the ILO's Evaluation Unit. An evaluation questionnaire would be formulated with the indicators and with a view to enabling future action programmes to establish baseline criteria for evaluation. The evaluation framework and indicators had been modified in response to suggestions made by the Global Steering Group in October 2005, notably in terms of gauging the impact of the programmes in participating countries.

70. Mr. Trogen observed that the evaluation framework for the action programmes had been dealt with previously, both in the Committee on Sectoral and Technical Meetings and Related Issues and in the Global Steering Group. The Employers' group reiterated its support for the framework as proposed.

<sup>7</sup> GB.295/STM/4.

**71.** Mr. Zellhoefer welcomed the initiative of establishing a framework for evaluating the relevance and effectiveness of the action programmes. The action programmes were a good means of action that brought the ILO closer to its constituents. Efforts should continue to enhance impact at national level through the promotion of effective social dialogue and implementation of ILO standards at sectoral level. Since follow-up was an important aspect of the action programmes' sustainability, his group welcomed the fact that the evaluation would make recommendations, but wondered whether the evaluation criteria had been the subject of consultations with the Global Union Federations. The Workers' group looked forward to the evaluation paper, which would be submitted for decision to the Committee in November 2006.

**72.** The representative of the Government of Germany, speaking on behalf of IMEC, said that although document GB.295/STM/4 contained no further details on the evaluation framework than those presented on earlier occasions, IMEC viewed positively the close collaboration with the Evaluation Unit in developing sector-specific indicators and the evaluation questionnaire, and would appreciate further information in this regard. Another issue was how to transmit knowledge of achievements and lessons learned to countries that had not participated in the action programmes, including use of the web site. IMEC welcomed the fact that the evaluation reports would include a section on what worked well and what did not, and noted the importance of analysing the reasons for successful or unsuccessful outcomes so that lessons could be drawn.

**73.** Ms. Walgrave, Director of DIALOGUE/SECTOR, said that following the previous discussion on the evaluation framework and in line with the request of the constituents, the common indicators had been reviewed and each sectoral specialist had discussed the sector-specific indicators with the Evaluation Unit. Assistance had also been sought regarding the development of the evaluation questionnaire. The work was now well advanced and the evaluation would be undertaken in accordance with the framework described in the document. Submission of the draft questionnaire to the next session of the



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Committee on Sectoral and Technical Meetings and Related Issues would delay the process unduly. It was important that the evaluation be carried out in a timely manner so that lessons learned from the first generation of action programmes could serve to improve the design and implementation of the second generation. The first draft of the evaluation report would be submitted to the Global Steering Group in September 2006 and the final report would be submitted to the Committee on Sectoral and Technical Meetings and Related Issues in November 2006.

74. The Committee took note of the information provided.

**V. Report of the Sixth 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 (London, 19-21 September 2005)**

75. Ms. Doumbia-Henry, Director of the International Labour Standards Department, introduced the paper on the item.<sup>8</sup> She noted that the work of the Working Group complemented the work that had led to the adoption of the Maritime Labour Convention, 2006; a resolution on the issue had been adopted by the 94th (Maritime) Session of the International Labour Conference in February 2006. It was important that the database on reported cases of abandonment, hosted by the ILO, would soon become operational.

76. Mr. Zellhoefer indicated that his group supported the revised terms of reference as proposed, and requested that the database on reported cases of abandonment should be made public as soon as possible. He noted that the Director-General of the ILO and the Secretary-General of the IMO had taken the initiative to write joint letters to those flag States that had abandoned vessels depending on their registry, urging them to find a solution regarding repatriation and payment of outstanding wages to the seafarers on board

<sup>8</sup> GB.295/STM/5.

the ships in question. The issue was central to the concept of decent work in the maritime industry. He therefore supported the holding of a seventh session of the Joint Working Group. The resolution adopted in February by the Conference called for a mandatory solution to the abandonment issue, together with the provision of financial security in cases of death or personal injury. As the International Shipping Federation (ISF) had repeatedly stated that it did not represent fishing vessel owners, he supported the inclusion of a fishing vessel owner in the Employers' delegation at the next session of the Working Group.

77. Mr. Trogen indicated that his group supported the recommendations contained in paragraph 9(a), (b) and (c) of document GB.295/STM/5. This included the holding of a seventh session of the Working Group. In the future, however, his group would like to see separate meetings – one dedicated to abandoned merchant vessels and another dedicated to fishing vessels.

78. *The Committee on Sectoral and Technical Meetings and Related Issues recommends that the Governing Body:*

(a) *take note of the report of the Sixth 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 (IMO/ILO/WGLCCS 6/6); and*

(b) *approve:*

(i) *the revised terms of reference for further work of the Working Group, as contained in Annex 1 of the report;*

(ii) *the operation of a database on incidents of abandonment of seafarers on the terms proposed by the Working Group; and*

*(iii) the holding of a seventh session of the Working Group, with participation by eight ILO representatives (three Shipowner, one fishing vessel owner, and four Seafarer), at no cost to the ILO.*

## **VI. Other questions**

### **(a) Report of the Second Session of the Joint ILO/IMO/Basel Convention Working Group on Ship Scrapping (Geneva, 12-14 December 2005)**

**79.** Ms. Paxton introduced the paper <sup>9</sup> before the Committee, which summarized the outcome of the work of the Second Session of the Joint ILO/IMO/Basel Convention Working Group on Ship Scrapping.

**80.** Mr. Trogen took note of the paper on behalf of the Employers.

**81.** Mr. Zellhoefer pointed out that the recent recall of the French aircraft carrier *Clemenceau* highlighted the crisis of the global shipbreaking industry. Many workers depended on shipbreaking for their livelihoods, but to date little had been done to ensure that they worked in decent and safe conditions. The Workers supported the work of the Joint Working Group, including the ILO presence to guarantee that workers' rights were taken into account in the development of "green" ship recycling. The Workers' group thanked the Office for the information provided and took note of the paper.

**82.** The Committee took note of the information provided.

<sup>9</sup> GB.295/STM/6/1.

**(b) Invitation by the International Maritime Organization (IMO) to the ILO to participate in the development of safety standards for small fishing vessels**

**83.** The Committee had before it a paper<sup>10</sup> on this item. Ms. Paxton introduced the document, noting that the paper concerned the invitation by the IMO to the ILO to become involved in the development of safety standards for small fishing vessels. The United Nations Food and Agriculture Organization (FAO) was already participating in this work. In the paper, the Office proposed that it should respond positively, participate in the work, and report back to the Committee on Sectoral and Technical Meetings and Related Issues on the progress made in developing safety standards. At a future session of the Committee on Sectoral and Technical Meetings and Related Issues, the Office would present a proposal on how the ILO's tripartite constituents might further contribute to that work, in particular following the consideration of an ILO Convention and Recommendation on work in the fishing sector at the International Labour Conference in 2007.

**84.** Mr. Zellhoefer endorsed the point for decision in paragraph 7 on behalf of the Workers' group.

**85.** Mr. Trogen, referring to paragraph 6 of the paper, said that the ILO delegation should be composed of representatives nominated by the groups. This tripartite delegation should be involved in the development of safety standards for small fishing vessels from the very beginning of the process.

**86. *The Committee on Sectoral and Technical Meetings and Related Issues:***

*(a) takes note of the letter from the IMO Secretary-General inviting the ILO to participate in the development of safety standards for small fishing vessels; and*

<sup>10</sup> GB.295/STM/6/2.

*(b) recommends that the Governing Body approve the proposals by the Office set out in paragraph 6 of document GB.295/STM/6/2.*

Geneva, 24 March 2006.

*Points for decision:* Paragraph 16;  
Paragraph 26;  
Paragraph 49;  
Paragraph 63;  
Paragraph 68;  
Paragraph 78;  
Paragraph 86.