
Informal tripartite consultations on the Working Methods of the Committee on the Application of Standards (19 March 2016)

Brief report

Introduction

1. Informal tripartite consultations on the working methods of the Conference Committee on the Application of Standards (CAS) were held on 19 March 2016 from 2.20 p.m. to 4.40 p.m.
2. The meeting was chaired by Mr Siphon Ndebele (Government representative, South Africa). The Employer Vice-Chairperson of the CAS at the 104th Session (2015) of the International Labour Conference, Ms Sonia Regenbogen, and the Worker Vice-Chairperson of the Governing Body, Mr Luc Cortebeeck, spoke on behalf of the Employers' and Workers' groups, respectively. The Government representatives were from the following nine countries: Africa: Algeria and Egypt; Americas: Brazil and Canada; Asia and the Pacific: Islamic Republic of Iran, Japan and Jordan; and Europe: Austria and Spain. The meeting was also attended by a number of observers.
3. The meeting had before it a Background note prepared by the Office (Annex 1).

I. Functioning of the CAS in the context of a two-week session of the International Labour Conference (2016)

4. Introducing paragraphs 5–14 of the Background note, **the Director of the International Labour Standards Department** drew the attention of the meeting to some important issues to consider when examining the possibility of holding simultaneous sittings, in particular: the capacity of delegations to attend parallel meetings; the high number of governments that had been invited to supply information to the CAS in 2015 at the dedicated sitting concerning

cases of serious failure to respect reporting and other standards-related obligations; and the additional costs and possible difficulty in finding additional interpreters at that busy time of the year. She also recalled that last year's modalities for the establishment of the list of cases had allowed for timely adoption of that list. Further improvements for time management and for the adoption of its report by the CAS were proposed in the Background note, including: the possibility of having the list of speakers closed for each case once the examination of the case begins and having that list on a screen; the possibility for the CAS to adopt draft minutes in a "patchwork" version; and the possibility of draft minutes to be made available online on the CAS dedicated web page and for amendments to be transmitted electronically.

A. Possibility of holding simultaneous sittings

- 5. The Worker spokesperson** indicated that, while the holding of simultaneous sittings could have been a possibility to gain time, they considered that it would be preferable not to have simultaneous sittings, in view of all the elements provided by the Office in the Background note.
- 6. The Employer spokesperson** appreciated that the Office had considered the logistical and financial issues relating to the establishment of subcommittees. Noting that the workload of the CAS would be increased that year due to the discussion of the report of the 12th Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART), she wondered whether that report could be discussed in a subcommittee or during a lunch session. If that was not possible, the meeting should address the issue of time management for the examination of that report, for example by limiting it to one hour.
- 7. Government representatives** stressed the fact that simultaneous sittings would limit the participation of small delegations, which was not acceptable. There would also be difficulties with the proposal to discuss the CEART report at lunchtime, since group meetings took place during that time. However, it was agreeable to limit the discussion of that report to one hour.

8. The Chairperson concluded that, in view of the additional costs and possible difficulty in finding additional available interpreters at that busy time of the year, and of the fact that simultaneous sittings would limit the participation of small delegations, there was agreement on keeping a single sitting and limiting the discussion of the CEART report to one hour.

B. Possible/necessary adjustments to ensure the effective functioning of the CAS in June 2016

9. The Employer spokesperson considered that the focus should be on time management and emphasized the importance of starting sessions on time. She expressed interest in the proposal of closing the list of speakers as a time management effort, and displaying the list of speakers on screen. Consideration could also be given to the possibility of reducing the speaking time, once a certain number of speakers had been registered. In the case of an excessively long list of speakers, speaking time for non-governmental organizations could be limited. The discussion on the General Survey on promoting fair migration would certainly be a very rich one and generate many interventions. She proposed to implement limitations on speaking time also for interventions on the General Survey. Moreover, Government representatives could be encouraged to intervene on a regional basis. Finally, she indicated that her group was in agreement with the proposals related to the possible new modalities for the adoption of its report by the CAS.

10. The Worker spokesperson expressed support for the proposals regarding the timing for the establishment of the preliminary and final lists of cases and the improvements related to time management and the adoption of its report by the CAS. Concerning the proposal that draft minutes (referred to as a PV) would be made available online, he indicated that hard copies should also be made available upon request for delegates who might not have easy access to IT facilities. Concerning the electronic submission of amendments, he noted that safeguards should be put in place to allow verification of the identity of the author of the amendment and the consistency of its content with the statement as delivered.

11. Speaking on behalf of the group of Latin American and Caribbean countries

(GRULAC), a Government representative of Brazil reiterated GRULAC's position favouring more specific criteria to determine the list of cases so that the reasons for the inclusion of each case in the list were clear. Furthermore, he indicated that some of the criteria presented in document D.1 were contradictory. He expressed regret that in recent years the informal information session for governments, during which the Employer and Worker Vice-Chairpersons explained the selection of cases, had not led to an understanding of why a case was on the list. He concurred with the comments on the time lost due to meetings starting late. He supported the proposal of displaying the list of speakers on screen. Noting that some delegates decided to take the floor after listening to the various interventions, he could not support closing the list at the beginning of the discussion. The proposal to limit the time allocated as of a certain number of participants included on the list was interesting. Any adjustment to the time limits should be known in advance; delegates could be invited to register early on the list of speakers. Concerning the discussion of the General Survey, he observed that the same times allotted to the discussion of the individual cases could be applied. He was in favour of a "patchwork" trilingual version of the PVs, provided that a paper copy could be requested. He supported the electronic transmission of amendments, subject to confirmation from the Office that that would be possible.

12. Speaking on behalf of the Africa group, a Government representative of Algeria said that in order to improve time management, the Committee's sittings would have to begin more punctually. Noting that some delegations frequently decided to take the floor after hearing other speakers, he expressed reservations at the proposal to close the list of speakers at the beginning of the discussion of a case. Delegations must not be prevented from speaking when they wished to do so. He recalled that the speaking time allocated to each delegation was an upper limit, which should be the same for all speakers. He suggested that the Committee Chairperson could announce at a given point during the examination of the case that the list of speakers would be closed within a set time (two minutes). He was in favour

of displaying the list of speakers. As to the proposal to make the PVs of the sittings available electronically, he suggested distributing a paper version in parallel to the electronic version.

13. A Government representative of Canada advocated greater punctuality in beginning the Committee's sittings. He encouraged the use of information technologies, and supported the proposal for an electronic version of the PVs and making the PVs available on a dedicated web page. He also supported the proposal to produce one PV per sitting. He was in favour of the proposed "patchwork" trilingual version of the PVs, but on a one-year trial basis. He endorsed the proposal to reduce participants' speaking time where necessary. He preferred not to close the list at the beginning of the discussion to allow delegations some flexibility; without data on the additional time required for interventions requested during the discussions, it was not evident that such interventions were in fact problematic. However, speakers should be invited to request the floor in good time.

14. A Government representative of Japan considered that any measures to improve the efficient functioning of the CAS should be tried. He expressed support for reducing the speaking time limits.

15. A Government representative of Egypt suggested that speakers could orally deliver a summarized statement, with the full version being made available in writing.

16. A Government representative of Austria asked whether the final list of individual cases could be made available on Monday, 30 May 2016. As to the possibility of having the list of speakers closed for each case once the examination of the case had begun, she expressed caution given the sensitivity of the debate. She supported the proposal of having the CAS adopt draft minutes in a "patchwork" version on a trial basis. It would also be quite useful to reflect on the speaking time limits for the discussion on the General Survey. She was not in favour of limiting interventions by regions only, as individual governments should be allowed to speak. With reference to the proposal that speaking time limits might be reduced depending on the number of speakers, she noted that, while it might be possible for an

individual government to change its statement if the allotted speaking time were reduced at short notice, that would be more challenging with respect to group statements.

17. A Government representative of Spain said that, although time management must be improved, closing the list of speakers would make it impossible to have an open debate. Concerning the criteria contained in document D.1 for the establishment of the list of cases, he observed that it might be possible to specify that geographical balance should cover not only the balance between regions but also intraregional balance.

18. The Employer spokesperson recalled the agreement made in 2015 that the final list of cases would be agreed upon by the spokespersons on the last Friday before the opening of the Conference. That commitment was made again this year. However, it was only after discussion and adoption within the groups (scheduled on Monday, 30 May, in the afternoon) that the final list could be adopted by the CAS.

19. The Worker spokesperson agreed with the Employer spokesperson on the timing for the adoption of the final list of cases, and recalled the necessity to respect the rules of the Conference. There needed to be a discussion within the groups, which implied that a final list might even be adopted after Tuesday. However, the Workers' group was committed to work towards the adoption of the list on Tuesday as the earliest time possible. With reference to the issue of reduced speaking time limits, he referred to the possibility already provided for in document D.1 (Part IX) that the CAS Officers could decide on reduced limits, for instance, where there was a very long list of speakers.

20. The Chairperson concluded the discussion noting that consensus had been reached on the modalities for the establishment of the list of cases for 2016. There had been agreement on the possibility of making draft minutes available online in a "patchwork" version, on a trial basis, with hard copies available upon request. Amendments could be transmitted electronically, provided that the necessary safeguards were in place. Early registration on the list of speakers should be encouraged and the list should be displayed on screens.

Regarding time management, he referred to the role of the Officers of the CAS. Emphasis was placed on the importance of meetings starting on time and strict time management. As much as possible, group statements should be encouraged, rather than individual statements. Speaking time limits and other modalities for time management contained in Part IX of document D.1 should apply to the discussion of the General Survey. There had been no agreement on the possibility to close the list of speakers at some point in the discussion of a case.

21. Speaking on behalf of GRULAC, the Government representative of Brazil indicated that another related matter was the order of speakers. Under the current practice, governments spoke before the concluding remarks of the Employers' and Workers' groups, which prevented them from making commitments in the light of those groups' statements.

22. The Chairperson proposed that the issue of the order of speakers could be given consideration in the future.

II. Preparation, adoption and follow-up of conclusions

23. With reference to paragraphs 15–21 of the Background note, **the Director of the International Labour Standards Department** pointed to some of the challenges encountered in 2015 in relation to the preparation and adoption of the conclusions. She invited the meeting to reflect on possible improvements in that respect and on the issue of the follow-up of conclusions.

A. Preparation and adoption of conclusions

24. The Employer spokesperson highlighted that in 2015 the work of the CAS had been very successful and had demonstrated the Committee's ability to negotiate, agree and adopt conclusions on all cases. She agreed with the proposal to have dedicated sittings for the adoption of conclusions. However, she was not in favour of a dedicated sitting for

conclusions scheduled on Saturday, 4 June, in the afternoon. Experience had shown that those sittings were not well attended. Moreover, she recalled the view of the Employers' group that there should not be any Saturday afternoon sittings. A dedicated room with appropriate IT support should be provided by the Office for the spokespersons to work on the draft conclusions.

- 25. The Worker spokesperson** underlined the usefulness of receiving from the Office a summary of the discussion, after which the drafting of the conclusions and the points of action would be left to the groups. He did not see a need for additional dedicated sittings for the adoption of conclusions. His group preferred to maintain only two such sittings, as in 2015. He stressed the importance of allocating sufficient time during the week for discussion within the groups to come to those conclusions.
- 26. The Government representative of Austria** expressed support for sessions dedicated to the conclusions. Nonetheless, a Saturday afternoon session might not be the best timing for conclusions.
- 27. The Government representative of Spain** recalled that the time between the examination of a case and the adoption of the conclusions should not be excessively long.
- 28. Speaking on behalf of GRULAC**, the Government representative of Brazil enquired as to the role of the Committee Reporter in the preparation of conclusions. He requested that seats should be reserved for the governments concerned during the adoption of conclusions. Moreover, he reiterated a constant concern of his group about the size of the room.
- 29. The Chairperson** concluded that, in order to maintain a limited number of dedicated sittings for the adoption of conclusions, while ensuring that there was not too much time between the examination of a case and the adoption of conclusions, the best compromise would be to have three dedicated sittings for conclusions (on Monday, 6 June; Wednesday, 8 June; and Thursday, 9 June), on an experimental basis.

30. The Director of the International Labour Standards Department indicated that she would follow up on the issue of the size of the room and that seats would be reserved for the governments concerned during the adoption of conclusions.

B. Follow-up of conclusions

31. The Employer spokesperson indicated that, while it was the Committee of Experts on the Application of Conventions and Recommendations (CEACR) that reflected on the follow-up of the conclusions, it did not systematically refer to all follow-up action given. She proposed that the Office would prepare a document on the follow-up of conclusions, which could be submitted to the CAS for discussion after the discussion on the General Survey and the general discussion.

32. The Worker spokesperson supported the idea that the Office would produce a document on the follow-up to the conclusions, but wondered whether and when there would be time for discussing such a document in the CAS. He recalled that one of the problems of the supervisory system was to assess the actual follow-up given by the government to the conclusions of the CAS. That was why they were asking for a follow-up mechanism relating to the conclusions.

33. Speaking on behalf of GRULAC, the Government representative of Brazil said that it would be interesting to have a document on the implementation of the conclusions, and suggested that the idea could be discussed in the Legal Issues and International Labour Standards (LILS) Section of the Governing Body.

34. The Government representative of Canada said in relation to the proposal of a document on the follow-up of Committee conclusions that not only should the context of a shortened Conference be taken into account, but also the fact that it raised the issue of a possible increased burden on governments in addition to their reporting obligations.

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- 35. The Government representative of Austria** supported the points raised by the Government representative of Canada. If, in addition to the follow-up by the CEACR, a new system would be put in place, that might result in additional reporting burden, which should be avoided.
- 36. The Director of the International Labour Standards Department** proposed that the Office would prepare a document on the issue for consideration at the next informal tripartite consultations.
- 37. Speaking on behalf of GRULAC**, the Government representative of Brazil said that he would wait for that document in order to consider the matter.
- 38. The Government representative of Spain** said that that meeting was perhaps not the appropriate forum for such a discussion.
- 39. The Chairperson**, while taking due note of the concerns raised by Government representatives, noted the decision of the meeting to request the Office to prepare a document on the follow-up to the conclusions of the CAS for consideration at the next informal tripartite consultations.

III. Provisional Working Schedule

- 40. The Worker spokesperson** expressed concern at the schedule and workload proposed for the last sitting of the CAS, which included the adoption of conclusions, the adoption of the outcome of the discussion on the General Survey and the adoption of the General Report of the CAS and which would be simultaneous with the World of Work Summit. With reference to the possible decision by the Governing Body that the Conference would conclude its work on the last Friday afternoon, instead of Saturday morning, the Workers' group stressed that any further reduction in the duration of the Conference would be detrimental to the proper functioning of the CAS.

41. The Chairperson recalled the agreement reached earlier in the meeting that three dedicated sittings for the adoption of conclusions should be scheduled and that the examination of the CEART report should take no more than one hour. A sitting should be scheduled on the Saturday afternoon to give the CAS sufficient time for the examination of all cases.

IV. Participation in the informal tripartite consultations

42. Based on informal arrangements which had been put in place when the first informal tripartite consultations on the working methods of the CAS were organized in June 2006, the composition of those meetings was as follows: nine Employer representatives, nine Worker representatives, and nine Government representatives. Meetings could also be attended by observers.

43. Speaking on behalf of GRULAC, the Government representative of Brazil reiterated the proposal made by GRULAC in 2015 that the composition should be a multiple of eight, with 16 Government representatives, eight Employer representatives and eight Worker representatives.

44. A Government representative of Jordan highlighted that, while there were usually four regions, the CAS was the exception for which five regions were considered, including the Arab region. It would be difficult to accommodate five regions if the multiplier was eight.

45. The Chairperson noted that for the time being the current informal arrangements would be maintained, pending further consultations among governments on the matter.

46. Speaking on behalf of GRULAC, the Government representative of Brazil reiterated his group's long-standing position on the need to address those matters within the Working Party on the Functioning of the Governing Body and the International Labour Conference (WP/GBC).

Conclusions

I. **Functioning of the CAS during the two-week 105th Session of the Conference (2016)**

A. **Possibility of holding simultaneous sittings**

The meeting considered the possibility for the CAS to set up subcommittees to examine certain matters, such as cases of serious failure by governments to respect their reporting and other standards-related obligations. In examining this possibility, the meeting took into account in particular: the additional costs and possible difficulty in finding additional available interpreters at that busy time of the year; and the fact that simultaneous sittings would limit the participation of small delegations. There was agreement to maintain a single sitting.

B.1. **Establishment of the list of cases**

The meeting acknowledged that the modalities and criteria for the establishment of the list of cases which had been applied in 2015 had allowed for the timely adoption of that list. It therefore agreed that the same modalities should be applied in 2016. The preliminary list of cases should be available no less than 30 days before the opening of the Conference (i.e. 30 April 2016). The final list should be agreed upon by the Worker and Employer spokespersons on the Friday before the opening of the Conference (27 May 2016) and should be adopted, after the Employers' and Workers' groups had met to discuss and adopt it, ideally no later than the second sitting of the CAS.

B.2. Time management

Following examination of the implications on the work of the CAS of a two-week session of the Conference, the meeting considered possible improvements to time management. It agreed on the following measures:

- noting that in 2015, a total of more than three hours had been lost with meetings starting late, strict time management should be ensured; in particular, sittings should start on time;
- the speaking time limits and other modalities for time management contained in Part IX of document D.1 should apply to the discussion of the General Survey;
- as much as possible, group statements should be encouraged, rather than national statements;
- the Chairperson, in consultation with the other Officers of the Committee, could decide on reduced speaking time limits, for instance where there was a very long list of speakers, as provided for in document D.1 (Part IX);
- the list of speakers should be visible on a screen and early registration on that list of delegates intending to take the floor should be encouraged.

B.3. Modalities for the adoption of the CAS report

Following examination of the possible improvements in the modalities for the adoption of its report by the CAS, the meeting agreed on the following measures, on an experimental basis:

- the CAS should adopt the draft minutes of the examination of individual cases in a “patchwork” trilingual version (that is, each intervention is reflected only in the corresponding working language – English, French or Spanish), provided that the

secretariat would still ensure that the full draft report of the CAS, including the PVs of individual cases, was prepared in three languages for adoption by the Conference;

- draft minutes should be made available online on the CAS dedicated web page; hard copies would be made available to delegates upon request;
- amendments may be transmitted electronically, provided that the necessary safeguards are in place to allow verification of the identity of the author of the amendment and the consistency of its content with the statement as delivered.

The Workers' group expressed concern with the schedule proposed for the last sitting of the CAS, when the General Report is adopted, which would be simultaneous with the World of Work Summit.

II. Preparation and follow-up of conclusions

A. Preparation of conclusions

The meeting considered that the same modalities as those applied in 2015 for the preparation of conclusions should be applied in 2016. It agreed that better use of technology would facilitate the preparation of conclusions.

B. Follow-up of conclusions

The meeting asked the Office to prepare a document on the issue for consideration at the next informal tripartite consultations. Emphasis was placed on the need to ensure that no additional reporting burden would ensue for governments.

III. Provisional Working Schedule (D.0)

Following examination of the two options prepared by the Office, the meeting agreed that, on an experimental basis, three dedicated sittings should be scheduled for the adoption of conclusions in 2016 (on the Monday, Wednesday and Thursday of the second week). Moreover, during the dedicated sittings, seats should be reserved in the room for the delegations of the countries concerned.

The meeting also agreed on the following points:

- examination of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) should take no more than one hour;
- a sitting should be scheduled on the Saturday afternoon.

With reference to the possible decision by the Governing Body that the Conference would conclude its work on the last Friday afternoon, instead of Saturday morning, the Workers' group stressed that any further reduction in the duration of the Conference would be detrimental to the proper functioning of the CAS.

IV. Participation in the informal tripartite consultations

While noting the proposal from GRULAC that participation should be a multiple of eight, with 16 Government representatives, eight Employer representatives and eight Worker representatives, the meeting decided that the current informal arrangements (9/9/9, with the possibility for observers to attend) should be maintained, pending further consultations among governments on the matter.