



9 March 2017

## **IOE FACTSHEET ON THE ILO SUPERVISORY SYSTEM: ARTICLE 24 REPRESENTATION PROCEDURE**

1. **What is the Article 24 ILO Representation Procedure?**
2. **How does the Procedure work in practice?**
3. **Why is the procedure important for Employers?**
4. **What is the role of the IOE in Article 24 Representation Procedures?**

### **What is the Article 24 ILO Representation Procedure?**

The [representation procedure](#) is governed by Articles 24 and 25 of the ILO Constitution.

It gives an industrial association of employers or workers the right to make a representation, to the ILO Governing Body (GB), against any member State which in its view, “*has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party*”. Individuals cannot make representations directly to the ILO but can pass on relevant information to their workers’ or employers’ organisation, as applicable.

At present, the Officers of the GB determine the receivability of representations, based on the Standing Orders. If considered receivable by the GB, a three-member, ad-hoc tripartite GB committee may be set up to examine, in private and confidential sittings, the representation and the government’s response. Until now representations concerning the application of Conventions Nos. 87 and 98 were referred to the Committee on Freedom of Association (CFA) for examination.

At present, there are no time limits set out in the Standing Orders in relation to the establishment of a tripartite committee or its examination of the representation. The tripartite committee can determine time limits in relation to its requests for information in the course of its examination.

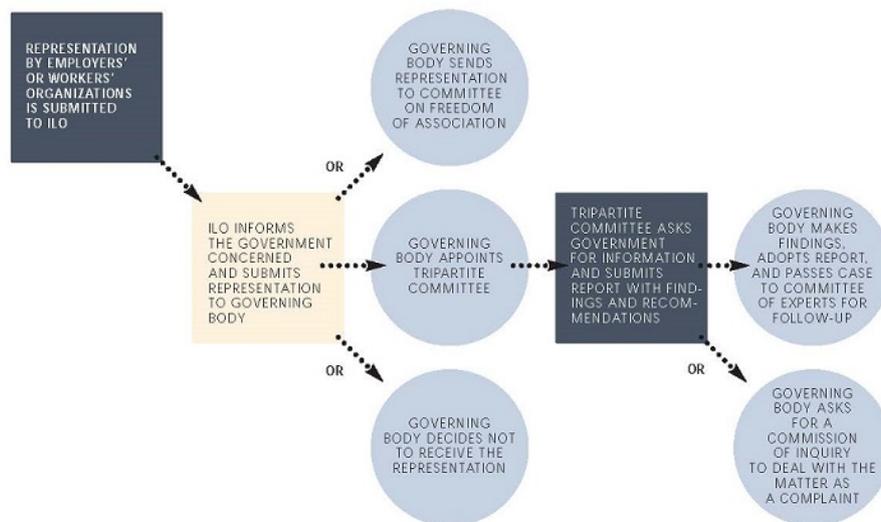
The subsequent report<sup>1</sup> of the tripartite committee to the GB states the legal and practical aspects of the case, examines the information submitted, and concludes with recommendations. Where the government’s response is not considered satisfactory, the GB is entitled to publish the representation and response. The recommendations of tripartite committees are followed up by the Committee of Experts within its regular review.

In recent years, there has been a sharp increase in the number of representations from workers’ organisations, leading to an increased workload for the ILO and the GB. Ways to streamline, to make the procedure more transparent and to increase tripartite governance in the functioning of the procedure are currently being examined under the ILO Standards Initiative, including amending the receivability criteria which are formal - with the result that basically any representation filed is accepted - and the confusion related to the automatic referral of article 24 representations regarding Freedom of Association and Collective Bargaining Conventions to the CFA.

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<sup>1</sup> Adopted reports may be consulted [here](#)

## The Representations procedure



### Statistical information about the use and operation of the article 24 procedure

At present, there are nine pending article 24 representations (4 representations against countries in Europe, 4 in Latin America and 1 in Asia). At the beginning of 2016, there were 21 pending representations, 11 of which were resolved by the end of the year.

Article 24 representations usually take between 9 and 24 months to resolve from the time that they are determined to be receivable until the time that the tripartite committee submits its report to the Governing Body. Most often, this involves two to three meetings of the tripartite committee over two, not necessarily consecutive, Governing Body sessions.

Representations have been made against 71 of the 187 member States of the ILO. Of those 71 member States, 24 have been the subject of only one representation and seven have been the subject of eight or more.

The receivability of a representation is usually determined within 3 to 6 months from the time that it is lodged, dependant on the timing of the Governing Body sessions. In some cases, the question of receivability is considered twice by the Officers of the Governing Body, in which case the timeline may be extended to one year. Normally, the tripartite committee is established in the same session of the Governing Body that the representation is deemed receivable, or in the months before the next session of the Governing Body. In the case of renewal of the Governing Body, the groups may wish to delay the establishment of the committee until the new membership is appointed.

### Why is the Article 24 Representation procedure important for Employers?

It is important for Employers for the following main reasons:

- **As complainants,** Employers' Organisations may have recourse to an Article 24 representation procedure to provide a high degree of visibility in the GB for a specific violation in law and practice of a ratified Convention by an ILO Member State. Once adopted by the GB, the report of the tripartite committee can be widely disseminated and carries the moral weight of an official recommendation to an ILO member State.
- As a **member of the tripartite committee** examining a representation, the Employer representative has the unique opportunity to co-determine the analysis and content of the report, and thus the ILO response to particular issues related to the Convention in question. The Employer representative is a "co-owner of/accountable for" the report that is proposed for adoption. The active involvement of an Employer representative defending the Employers' positions and priorities in the deliberations and recommendations of the committee is of fundamental importance.
- **National employers of an ILO member State against which an Article 24 representation has been** filed by a trade union could be affected by the content of the report, for instance if the member State is requested to enact/amend legislation, in conflict with employers' interests.

### What is the role of the IOE in Article 24 Representation Procedures?

Given the private and confidential nature of Article 24 representation procedures, the direct influence of the IOE on the procedure and the outcomes is limited. However, the IOE does:

- **inform** national Employers that an Article 24 representation has been filed against their government
- **assist** in the selection of a competent employer GB candidate to sit in the tripartite Committee
- **liaise** with the ILO Office to make sure this employer representative has all the necessary background material to undertake a comprehensive and informed examination of the representation
- **alert** national Employers as soon as the report of the committee has been adopted

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