
Informal tripartite consultations on the working methods of the Committee on the Application of Standards (17 March 2018)

Background note

Introduction

1. Informal tripartite consultations on the working methods of the Conference Committee on the Application of Standards (CAS) took place 11 times from June 2006 to 2011. Subsequently, at its 322nd Session (October–November 2014), the Governing Body decided to relaunch informal tripartite consultations to prepare recommendations to the 323rd Session of the Governing Body (March 2015), in the context of decisions taken by the Governing Body concerning the Standards Initiative.¹ The most recent informal tripartite consultations on the working methods of the CAS were held on 4 November 2017.²
2. It should be recalled that the outcome of these informal tripartite consultations and the subsequent adjustments made to the working methods of the CAS are reflected in document D.1, entitled “Work of the Committee”, which is adopted each year by the CAS.
3. The most recent informal tripartite consultations reviewed the functioning of the CAS during June 2017, including measures that were implemented on an experimental basis. Specifically, discussions included: possible suggestions to improve the functioning of the CAS; the preparation, adoption and follow-up of conclusions; and the General Survey. Also discussed was the issue of participation in the informal tripartite consultations.
4. This meeting follows up on the discussions held in the CAS³ and in the Governing Body at the 106th Session of the International Labour Conference (ILC) (June 2017) as well as the informal tripartite consultations held on 4 November 2017.⁴ This background note examines the possible steps that could be taken to ensure the continued effective functioning of the CAS. The November 2017 meeting addressed two of five items on its agenda:
 - review of the functioning of the CAS in June 2017 and possible further suggestions for improvement (section I); and
 - the preparation, adoption and follow-up of conclusions (section II).
5. With regard to the first item on the agenda concerning the review of the functioning of the CAS in June 2017, the meeting participants agreed that the CAS had been able to successfully complete its work in a constructive and efficient manner due, to a large extent,

¹ [GB.322/PV](#), para. 209(3).

² Brief report of the 4 November 2017 meeting of the informal tripartite Working Group, reproduced in the appendix.

³ *Provisional Record No. 15-1*, ILC, 2017, Part I, in particular paras 26–53, 140 and 163–175.

⁴ [GB.330/PV](#); [GB.331/PV/Draft](#).

to better use of technology and strict time management, while encouraging exploration of further technological improvements. The preliminary and final lists of cases had been adopted and communicated on time, and conclusions were adopted with respect to all 24 cases of the CAS. Document D.1 was considered to provide detailed information on the manner in which the final selection of cases was made, although some called for improvements, for example in terms of regional and subregional balance among the cases selected. It was also suggested that the Office take steps to increase the visibility of the criteria set out in document D.1. The Office agreed to look into measures to give more visibility to the criteria in document D.1, and to this end will publish them in a special section on the CAS web page when the long list of cases is made available.

6. Concerning the second item on the agenda regarding preparation, adoption and follow-up of conclusions, the meeting also discussed and reviewed the modalities for the adoption of conclusions and agreed to pursue the following measures in 2018: the conclusions should be made visible on a screen while being read by the Chairperson; and a hard copy of the conclusions should also be given to the Government representative concerned. It was agreed that Government representatives concerned should have the right to take the floor immediately after the adoption of the conclusions, rather than waiting until all the conclusions were read out. The Office undertook to take the necessary measures in this regard.
7. As the first two agenda items above were discussed during the 4 November 2017 meeting, it is proposed that this meeting could proceed with discussion of the remaining three agenda items:
 - the discussion of the General Survey (section I);
 - the discussion of cases of serious failure by member States to respect their reporting obligations (section II); and
 - the issue of the participation in these informal tripartite consultations (section III).

I. Discussion of the General Survey

8. The paragraphs below are an extract from the Governing Body document *The Standards Initiative: Implementing the workplan for strengthening the supervisory system – Progress report*,⁵ which invites the Conference Committee on the Application of Standards, through the informal tripartite consultations on its working methods, to consider measures to enhance its discussion of the General Survey.
9. Many constituents emphasized during the recent informal consultations that insufficient time and attention is devoted to the discussion of General Surveys during the CAS. Furthermore, the Conference has explicitly requested the ILO to “adopt modalities to ensure that General Surveys and the related discussion by the Committee on the Application of Standards contribute to the recurrent discussions as appropriate”.⁶ **With a view to enhancing its role in giving effect to the objectives of article 19, paragraphs 5(e) and 6(d), consistent with the expansion of its mandate as a consequence of the introduction of these provisions, the CAS could explore other ways of improving its discussion of General Surveys, including through seeking to reduce to the minimum necessary the time afforded to**

⁵ [GB.332/INS/5](#), paras 62–64.

⁶ *Resolution on Advancing Social Justice through Decent Work*, International Labour Conference, Geneva, 2016, para. 15.2(b).

opening items, and recourse to experts on the subject concerned, appointed pursuant to article 18 of the Constitution. These and other modalities could be explored during the informal tripartite consultations on the working methods of the CAS,⁷ with a view to giving effect to the ILC resolution on Advancing Social Justice through Decent Work, which called for the exploration of options to make better use of article 19, paragraphs 5(e) and 6(d).⁸

10. In addition, building on specific suggestions put forward by certain constituents, the Governing Body could consider the inclusion of a standing item in its November session following the discussion of the General Survey by the CAS with a view to enhancing the discussion and follow-up of General Surveys, and particularly to promoting the ratification of standards and their implementation by non-ratifying countries. The item could include, among other options for tripartite constituents to consider, an invitation to non-ratifying countries (on a voluntary basis) to share their experience, difficulties and efforts, with a view to encouraging ratification and giving recognition to any measures taken. The item could assist in the preparation of the related recurrent discussion and enhance the linkage between the findings of General Surveys and their discussion (including any conclusions drawn by the CAS) with ILO activities and cooperation. For example, this might lead, where appropriate, to the inclusion of the outcome of discussions arising out of General Surveys in the action plan to follow up the conclusions of the recurrent discussion.

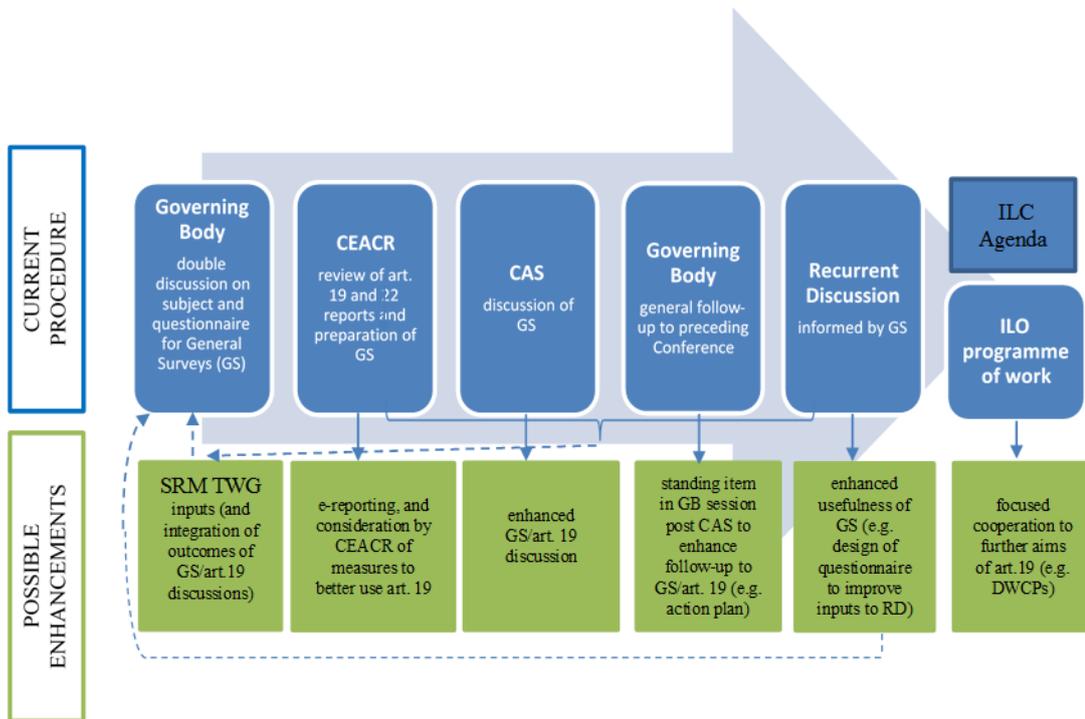
11. **The outcome of the CAS and Governing Body discussions could inform not only the recurrent discussion, but also the SRM (in its review of instruments) and ILC agenda-setting processes, and more broadly the preparation and implementation of the ILO's strategic policy framework.**⁹ The following figure illustrates how, as a first step, the strengthening of institutional discussions linked to, but also going beyond General Surveys, could enhance the use of article 19 and promote coherence.

⁷ The informal tripartite consultations on the working methods of the CAS agreed to pursue consideration of the discussion of the General Surveys by the CAS at its next meeting, to be held during the 332nd Session of the Governing Body (March 2018). For a report of the last meeting see [GB.331/INS/17](#).

⁸ See *Defending values, promoting change. Social justice in a global economy: An ILO agenda*, Report of the Director-General (Part I), International Labour Conference, 81st Session, Geneva, 1994.

⁹ See [GB.331/POL/1](#) on outcome 2 of the programme and budget concerning the ratification and application of international labour standards.

Possible enhancements to promote more efficient use of article 19, paragraphs 5(e) and 6(d)
(building on General Survey procedures)



12. The meeting may wish to consider this matter further to explore options for improving discussions of General Surveys during the CAS.

II. Discussion of cases of serious failure by member States to respect their reporting obligations

13. It should be recalled that governments are invited to supply information on cases of serious failure to respect reporting or other standards-related obligations for stated periods (formerly known as “automatic” cases).¹⁰ These cases are considered in a dedicated sitting of the Committee. Governments that submit the required information before the sitting are not called before the Committee. The discussion of the Committee, including any explanations of difficulties that may have been provided by the governments concerned, and the conclusions adopted by the Committee under each criterion are reflected in its report.
14. During the 2017 CAS discussion of cases of serious failure by member States to respect their reporting obligations, the Employer members noted with concern the information on the number of reports requested but not received by 1 September, and also on first reports not received, as well as the general fact that the number of cases of serious failure to report had increased since the previous year.
15. The Employer members considered that reporting failures had to be addressed in a more suitable way. The ILO supervisory system could not function without such reports being submitted regularly. The Committee of Experts and the Office should provide information

¹⁰ Part V of document D.1 – Work of the Committee – adopted in 2017 (*Provisional Record* No. 15-1, International Labour Conference, 106th Session, Geneva, 2017, p. 45).

on the concrete measures taken to assist these countries with their reporting obligations, and they asked that this question be placed on the agenda of the informal tripartite consultations on the working methods of the CAS.

16. The Worker members emphasized that the fulfilment of constitutional obligations remained the basis of the ILO supervisory system. Governance of the system was based on the requirement for member States to comply with articles 22 and 35 of the ILO Constitution. Cases of serious failure needed to be examined closely, particularly in relation to ratified Conventions. Thanks to ILO technical assistance, some countries had made significant progress but much remained to be done. This year once again, a significant number of reports had arrived after the deadline of 1 September. It was not only necessary to fulfil reporting obligations, but also to do so within the applicable time limits.
17. The Worker members added that the Office needed to ensure that countries experiencing difficulties benefited from technical assistance aimed to help them fulfil their obligations. The initiative taken by the Office since the 105th Session of the Conference in 2016 to send letters to the member States which had failed to meet constitutional obligations was therefore to be welcomed.
18. In their annual exchange with the CEACR, the CAS Vice-Chairpersons reiterated their concern at the number of cases of serious failure and called on the CEACR to further reflect on this issue.
19. Following up on this exchange with the CAS Vice-Chairpersons, the issue of serious failure was discussed by the CEACR subcommittee on working methods and the Committee decided to institute a practice of launching “urgent appeals” in cases corresponding to the following criteria:
 - failure to send first reports for the third consecutive year;
 - failure to reply to serious and urgent observations from employers’ and workers’ organizations for more than two years;
 - failure to reply to repetitions relating to draft legislation when developments have intervened.

In such cases, the Committee might inform the governments concerned, in an opening paragraph to the repetition, that if they have not supplied a first report or answers to the points raised by 1 September of the following year, then it might proceed with the examination of these cases on the basis of the information at its disposal and possibly make a new comment at its next session. The Committee on the Application of Standards might also have its attention drawn to the serious reporting failure, so that governments could be called before it and thus advised that, in the absence of a report, the Committee of Experts might examine the substance of the matter at its next session. The Committee hoped that this might further reinforce the synergies between the two supervisory bodies.¹¹

20. In this context, it should be noted that the Office is actively pursuing the effective engagement of and ownership by tripartite constituents in the preparation, adoption, reporting and review of international labour standards. In its Programme and Budget for the 2018–19 biennium, under outcome 2 on the ratification and application of international labour standards, indicator 2.3. seeks to increase the number of member States in which the

¹¹ ILO: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part A), submitted to the International Labour Conference for discussion at its 107th Session, Geneva, 2018, paras 9 and 10.

constituents provide timely responses to the Office for the preparation and reporting on international labour standards. Specifically, indicator 2.3.1 focuses on timely responses to questionnaires on draft standards, while indicator 2.3.2 focuses on timely submission of article 22 and 23 reports by 1 September of each year, including through e-reporting.¹²

21. The meeting may wish to consider this matter further.

III. Participation in the informal tripartite consultations

22. It is recalled that, based on informal arrangements put in place when the first informal tripartite consultations on the working methods of the CAS were organized in June 2006, these meetings are composed of: nine Employer representatives; nine Worker representatives; and nine Government representatives. Meetings may also be attended by an indeterminate number of observers.

23. During its November 2016 meeting, participation in these informal consultations was discussed and it was decided that further consultations among governments were required.

24. The meeting may wish to consider this matter further.

¹² ILO: *Programme and Budget for the Biennium 2018–19*, Geneva, 2017, p. 19

Appendix

Informal tripartite consultations on the Working Methods of the Committee on the Application of Standards (4 November 2017)

Brief report of the meeting

1. Informal tripartite consultations on the Working Methods of the Conference Committee on the Application of Standards (CAS) were held on 4 November 2017 from 2 p.m. to 5 p.m.
2. The meeting was chaired by Mr Siphon Ndebele (Government representative, South Africa). The Employer Vice-Chairperson of the CAS at the 107th Session (2017) of the International Labour Conference, Ms Sonia Regenbogen, and the Worker Vice-Chairperson of the CAS, Mr Marc Leemans, spoke on behalf of the Employers' and Workers' groups, respectively. The Government representatives were from the following nine countries: Algeria, Brazil, Canada, Egypt, Greece, Iraq, Lithuania, Poland and Thailand. The meeting was also attended by a number of observers.
3. The meeting had before it a background note prepared by the Office. The agenda of the meeting, which followed the order of the matters set out in the background note, was presented by the Chairperson. The discussion of the Agenda was not finalized and it was agreed that discussions would continue in March 2018.

I. Review of the functioning of the CAS (June 2017) and possible further suggestions for improvement

4. **The Worker spokesperson** indicated that the functioning of the CAS in 2017 had been assured, and the modalities for the establishment of the list of cases were satisfactory. The long and short lists had been adopted on time and communicated to governments 30 days before the Conference. In addition, a greater balance between cases involving the fundamental, governance and technical Conventions had been achieved. The Workers' group considered that further progress should be based on these achievements. With respect to Commissions of Inquiry, the Workers' group agreed with the opening statement of the EU during the 2017 CAS (see paragraph 17 of the background note), in which it expressed the view that no country in which a Commission of Inquiry was ongoing should be examined by the CAS. Double procedures should be avoided, however, sometimes they were necessary, especially with respect to serious cases that had been before the Governing Body for many years. In relation to concerns regarding the clarity of the criteria for the selection of cases, the Worker spokesperson recalled that a very important criterion, which was often ignored, was the fact that the Committee of Experts on the Application of Conventions and Recommendations (CEACR) had commented on the cases in question in its most recent report adopted prior to the CAS session. The CEACR report was the basis of negotiations between Workers and Employers to establish the final list. In addition, the Workers' group was of the view that document D.1 provided detailed information on the manner in which the final selection of cases was realized. The Worker spokesperson added that steps could be taken by the Office to increase the visibility of the selection criteria contained in document D.1. While noting the absence of cases of progress in the final list, he indicated that it had not been possible to discuss cases of progress since the number of cases had been reduced from 25 to 24 and the session of the Conference had been shortened to two weeks. The Workers' group would be open to discussing cases of progress if more time were to be allocated. The Worker spokesperson recalled that Employers and Workers could discuss cases of progress in their opening and closing statements. While welcoming time management practices concerning the starting time of the sessions, the Workers' group expressed its concern that the reduction of speaking time from 5 to 3 minutes had become the rule rather than the exception. The Workers' group invited delegates to limit the number of speeches, particularly when they were repeating the same elements found in the group statements. The Workers' group was of the view that the release of summary records in a patchwork

version had been functioning well. The Worker spokesperson welcomed the uploading of CAS documents on a dedicated webpage. He added that hard copies should still be available in the meeting room. Referring to the Employers' proposal in relation to the inclusion of additional information on the CAS webpage (see paragraph 34 of the background note), the Workers' group considered that this was unnecessary, as a summary of the interventions was already included in the patchwork version.

5. **The Employer spokesperson** noted the open and constructive atmosphere of the 2017 CAS. The work of the CAS was being undertaken more efficiently through the better use of technology. With respect to the establishment of the list of cases, the Employers' group echoed the positive remarks made by the spokesperson of the Workers' group in relation to the greater balance between fundamental, governance and technical Conventions achieved in establishing the 2017 list. The Employers' group recalled that, in the establishment of the list, the Employers' and the Workers' group struck a balance between the type of Convention to be examined, the region and the level of economic development concerned. She was of the view that these selection criteria provided a good basis for discussion and welcomed the governments' suggestions on how this process could be made even more transparent. Referring to the concerns raised by some governments that certain member States were repeatedly placed on the list, the Employers' group indicated that guidance and assistance should be given to these member States after the matters were examined by the CAS. The Employers' group was in favour of discussing cases of progress, as mentioned by the Africa group during the 2017 CAS. The Employer spokesperson echoed the comments made by the Worker spokesperson, recognizing that there were some challenges in light of article 26 of the ILO Constitution and that the duplication of cases should be avoided. Regarding the modalities for the adoption of the CAS report, the Employers agreed with the modalities described in paragraphs 30 to 34 of the background note. The Employer spokesperson expressed disappointment at the Workers' views that no additional information should be made available on the CAS webpage. She added that increased information sharing could be an important step towards transparency.
6. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC), a **Government representative of Brazil** echoed the positive remarks made by the Employers' and Workers' spokespersons. He added, however, that GRULAC wanted some clarification on the establishment of the list of cases and the methods used for choosing a given case, including how geographical balance was taken into account. He said that duplicated proceedings should be avoided. Referring to document D.1, he indicated that geographical balance and the criteria of developed and undeveloped countries should be considered as a priority criteria. He agreed with the Workers' group that more visibility should be given to the selection criteria and document D.1. Cases of progress should be included in the final list. He welcomed the good atmosphere between Employers and Workers and asked for further participation of governments.
7. Speaking on behalf of the Asia and Pacific group (ASPAG), a **Government representative of Thailand** welcomed the improvements in the CAS. There had been an improvement in the preliminary list of cases in terms of regional balance. However, subregional balance should be further taken into consideration. Referring to paragraph 16 of the background note, the speaker indicated that 30 days advance notice of the list was not sufficient for governments. The speaker also asked whether it would be possible to give more advance notice with respect to the final list. She supported the proposal included in paragraph 25 of the background note concerning the reduction of speaking time, taking into account the number of speakers for a specific group.
8. Speaking on behalf of the Africa group, a **Government representative of Algeria** appreciated the improved use of technology during the 2017 CAS. He called upon the Office to facilitate the sharing of documents on the CAS webpage and to give more advance notice with respect to the final list of cases. He asked whether the long list could be prepared by the Governing Body session in March. A better balance between regions and Conventions should be achieved. In this regard, he indicated that in 2017 a high number of cases dealt with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). He recalled that in selecting cases the Arab countries were not considered as a region by the ILO. In addition, transparency and tripartite consultations should be guaranteed in selecting the cases. A report on the progress achieved by member States should be prepared. While taking note of the amendments adopted concerning time management, he indicated that 15 minutes was still insufficient for governments. He asked the Office to support the governments in this regard.
9. A **Government representative of Egypt** referred to document D.1 and indicated that it lacked a lot of criteria that could help constituents in selecting the cases. The speaker asked why the Arab States still appeared as a region, adding that there should only be four regions. He said that improvements should be made to the list of cases in terms of regional balance and Conventions. In this regard, he

indicated that during the 2017 CAS, there were 13 cases from the Africa region in the long list and seven in the short list, and 13 cases concerning Convention No. 87.

10. Speaking on behalf of the group of industrialized market economy countries (IMEC), **a Government representative of Canada** indicated that he was pleased with the functioning of the CAS in 2017, in particular with the strict time management, the adoption of conclusions in all the cases, and the improved use of technology. On behalf of Canada, the speaker welcomed the fact that the social partners met their commitments in 2017. He asked the Office to explore whether a lengthier advance notice of the lists could be given. He agreed that priority should be given to cases of serious failure; however, cases of progress should be more highlighted. With respect to complaints under article 26, the speaker agreed that duplication should be avoided as much as possible. He echoed the positive remarks made concerning time management in 2017 and indicated that governments' interventions should be not limited. He added, however, that governments could consider the possibility of reducing their statements. He was pleased with the use of patchwork versions and the timely publication of the cases on the webpage.
11. **A Government representative of Greece** appreciated the fact that the social partners were able to establish the lists on time. While understanding the time limitations of the CAS, the speaker indicated that cases of progress should be discussed. She did not agree with the possibility of reducing the number of speakers within each group. There should be no limits placed on the number of countries taking the floor. Furthermore, the speaker indicated that attention should be given to avoiding duplication of procedures and that this should be examined on a case by case basis.
12. **A Government representative of Poland** echoed the positive remarks made previously concerning the functioning of the CAS in 2017. The speaker indicated that cases of progress should be discussed, as it could be useful to other countries to have examples of good practices.
13. **A Government representative of Brazil** was pleased with the time management efforts taken in 2017. He did not agree with the possibility of limiting the interventions of governments. Governments must be accorded the right to respond in particular situations. He was of the view that within regional groups it should be discussed how to avoid repeating ideas presented in individual interventions. The speaker supported the idea raised by Canada concerning the possibility of providing lengthier advance notice of the lists. He recalled that, in the previous meeting, discussions were held on the difficulties encountered by countries located further from Geneva that would have to come to the Conference on a very short notice. He asked the Office for proposals in this regard. He also supported the proposal raised by the Africa group in relation to the need of achieving a better balance between Conventions on the list.
14. **A Government representative of Greece** indicated that the fact that the short list was adopted when the CAS had already started represented a challenge for those constituents that had to come from afar.
15. **The Employer spokesperson** indicated that it was helpful to hear the governments' proposals concerning cases of progress. She also appreciated some of the proposals made in terms of improving the selection criteria. She recalled that the Workers and the Employers used the CEACR report together with the criteria contained in document D.1 to discuss the selection of cases to be included in the list. She indicated that there were cases where a number of factors were taken into consideration and that they tried to provide as much information as possible. In this context, the Employer and Worker Vice-Chair worked in the 2017 CAS to provide information at the governments' meeting to explain the selection process. She was of the view that document D.1 could possibly be improved, but it already provided a good basis for the establishment of the list. While noting the point made by GRULAC in relation to the possibility of placing the criteria of regional balance higher up in document D.1, she recalled that there was no hierarchical order of importance among the criteria contained in that document. She indicated that, depending on the cases, one or more factors may be taken into consideration. Regional balance may be one of the most important factors. The Employers' group also noted the importance of ensuring a better balance between Conventions. Furthermore, the Employers' group recalled the time challenge regarding the adoption of the lists. In this regard, the Employer spokesperson suggested that the long list was in fact the CEACR report and the "medium" list was what we call now the long list. She added that the inclusion of a member State in the long list 30 days in advance was a signal that it might be included in the short list. In terms of the adoption of the short list, the social partners needed to have consultations and there was no time for that, except at the beginning of the CAS. She recalled that the agreement was to deliver the short list on the second day of the CAS, which only gave the social partners one day to have consultations in relation to the list of cases. She proposed to discuss how to continue to improve the system and indicated that, taking into account the remarks made by the previous speakers, speaking time limits should not be changed.

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16. **The Worker spokesperson** recalled that the CAS was an autonomous part of the supervisory mechanism. Therefore, the cases of the CAS should not be limited to cases that had not been examined under article 26 of the ILO Constitution. While he agreed that duplication should be avoided, he indicated that there were some cases where duplication was necessary and cited, as an example, the cases of the Bolivarian Republic of Venezuela and Guatemala. In relation to the establishment of the list, the Workers' group echoed the comments made by the Employers' group that there was no hierarchy among the different criteria contained in document D.1. All the governments in the long list should be aware that their case may be discussed. Governments should not wait until the short list was adopted. In addition, he recalled that if a case was a "double-footnote case", the government concerned should be aware that it would be included in the short list. The Worker spokesperson indicated that the short list could not be sent earlier to the governments as it needed to be discussed before between the social partners prior to being sent. Finally, the Workers' group indicated that there was no time for the discussion of cases of progress in the 24 cases. However, the Workers' group welcomed the possibility of discussing cases of progress in their initial and concluding statements.
 17. **The Chairperson** recalled the importance for governments to look into the CEACR report and the "double-footnote cases" to know if they would be included in the list of cases.
 18. **The Director of the International Labour Standards Department** echoed the comments made by the Chairperson. She indicated that the Office would look into measures to give more visibility to the criteria in document D.1.
 19. On behalf of the Africa group, **a Government representative of Algeria** asked the informal working group responsible for the CAS to propose changes concerning the establishment of the list. He indicated that it was necessary to improve transparency in this regard. He was of the view that governments should also participate in the establishment of the list of cases. He indicated that it would be preferable for the CEACR to draw up the long list instead of the social partners.
 20. **A Government representative of Brazil** indicated that he understood the difficulties in establishing the lists. However, recalling the difficulties that distant countries encountered in having to come to Geneva on very short notice, he asked whether it would be possible to give more advance notice with respect to the final list.
 21. **The Chairperson** recalled that the list was not final until it was adopted by the CAS. It could not therefore be made public before its adoption. He also recalled that the Africa group's proposal had already been discussed on several previous occasions. He therefore requested the Africa group to prepare a specific proposal for the next informal consultation meeting in March 2018.
 22. On behalf of the Africa group, **a Government representative of Egypt** indicated that the group's proposal was to give the mandate to the CEACR to select the cases to be included in the long list, and then the cases in the short list could be chosen by the social partners. He asked the Employers' and the Workers' groups to express their opinions in this regard. He asked that the Africa group's proposal be included in the report of the CAS informal consultations.
 23. **The Worker spokesperson** recalled that it was not the mandate of the CEACR to select cases that would be discussed by the CAS. The CEACR was an independent body, and its mandate was clear. The Workers' group recalled that it was the responsibility of the social partners to negotiate both the long and the short lists.
 24. **The Employer spokesperson** indicated that the mechanism of having a long list was an attempt to give prior notice to governments. With respect to the proposal of having the CEACR adopt the long list, the Employer spokesperson indicated that the CEACR could already give an indication of the seriousness of a case by double-footnoting the case. She recalled that sometime in the 1980s, when the CEACR had double-footnoted about a dozen cases, the CAS had objected to the high number of cases "chosen" by the CEACR rather than by the CAS. There were clear delineations between the roles of the CEACR and the CAS.

II. Preparation, adoption and follow-up of conclusions

25. **The Employer spokesperson** welcomed the manner in which the conclusions were drafted. The Employers' group was of the view that the commitment to adopting clear conclusions had been taken into account. In relation to certain concerns raised by governments, the Employers' group asked the

Office whether it would be possible to distribute a copy of the conclusions and to put them up on the screen prior to their adoption.

26. **The Worker spokesperson** echoed the positive remarks made by the spokesperson of the Employers' group, concurring that the preparation and adoption of the conclusions had been carried out efficiently in 2017. Referring to paragraphs 37 to 39 of the background note, the Workers' group was of the view that the transparency of the process had been adequately safeguarded. The conclusions were precisely based on the discussions. Governments had the opportunity to respond to all remarks made during the CAS discussions. The Worker spokesperson was of the view that governments should not be involved in the drafting of conclusions. It would be virtually impossible to ask governments to remain neutral when drafting conclusions referring to themselves. He indicated that it was only the two spokespersons of the social partners that should continue to draft conclusions. In relation to the concern expressed by some governments that they were always on the list, he highlighted the importance of following up on the conclusions. He indicated that governments should be aware that they would continue to be included on the list if there had been no progress. He was of the view that the publication of the table of the follow-up of conclusions was very useful and asked for further information to be added, including summaries of mission reports and the roadmaps adopted by governments to address the conclusions of the CAS. He indicated that national organizations of employers and workers should be involved in missions.
27. Speaking on behalf of GRULAC, **a Government representative of Brazil** agreed that it would not be possible to have the government concerned involved in the drafting of conclusions. He added, however, that in his view, the Chairperson should be included in the process of drafting conclusions. The concerned government should be informed of the conclusions in advance, before they are read in plenary, to have sufficient time to respond to them. He added that it would not harm the process to inform the government concerned in advance, when consensus was reached by the social partners. The speaker was of the view that it was important to grant the floor to the concerned government at the time of the adoption of the conclusions and not after the conclusion had been adopted. He welcomed the suggestion of the Employers' group that the conclusions should be displayed on the screen. Referring to document D.1, he indicated that it included the possibility of informing governments before the conclusions on their own case had been adopted. The conclusions should be followed up in a consistent manner and follow-up should be focused on the tripartite recommendations of the CAS and not on the CEACR report. The drafting of the conclusions should take into account the development level of the country concerned.
28. Speaking on behalf of the Africa group, **a Government representative of Algeria** supported the proposal made by GRULAC with regard to informing the governments concerned prior to the adoption of conclusions and to allow them to provide their response. He was of the view that the floor should be given only to constituents of member States that have ratified the Convention that is being discussed. He indicated that conclusions could not be adopted in a bipartite process and proposed to involve the governments in the drafting of the conclusions.
29. **A Government representative of Greece** was of the view that governments should be informed before the conclusions were adopted and should have the opportunity to respond. She was pleased with the publication of the table on the follow-up of the conclusions of the CAS on its dedicated webpage. She indicated that more visibility and awareness of the existence of this table was needed.
30. **A Government representative of Poland** supported the proposal made by Greece.
31. **The Employer spokesperson** echoed the positive remarks made by the Workers in relation to the publication of the follow-up table on the CAS webpage. Further information could be included in the table, such as summaries of mission reports. National organizations of employers and workers, as well as ACTRAV and ACT/EMP should also be involved in missions. She asked the Office to continue to provide information on the follow-up to CAS conclusions. With respect to the adoption of conclusions, the Employer spokesperson agreed with the Workers' group that governments already had the opportunity to respond to the comments of the CEACR in their opening statements, and to respond to the conclusions of the CAS in their concluding statements. The social partners' goal was to present the conclusions in a straightforward manner, taking into account all interventions made during the discussion. The conclusions should reflect the entire discussion. The Employers' group recommended that they continue with the process that was already in place: the Chairperson reads the conclusions and then they are adopted. The Employers' group proposed that the conclusions be displayed on the screen, and that a hard copy be given to the government concerned. The government could then take the floor to provide its comments. The Employers' group expressed its concern with providing the conclusions to the governments in advance as this could lead to governments wanting

to modify the conclusions. They were of the view that the current process worked well, which was giving the government the opportunity to respond to the conclusions. Governments should be prepared to react to issues raised during the discussions. Extra steps that could make the work of the CAS more difficult and less efficient should not be adopted. With respect to GRULAC's proposal, the Employers' group agreed that the level of development of a member State should be taken into consideration when adopting conclusions.

32. **The Worker spokesperson** agreed with the comments made by the Employers' group. In relation to the suggestion raised by the Africa group to limit the right to speak or to refuse it to member States that had not ratified a certain Convention, he indicated that it was not in their mandate to refuse the right to take the floor. In addition, it would be impossible for some groups to make a statement, as they had different rates of ratification.
33. **The Director of the International Labour Standards Department** indicated that pursuant to the proposals made, the Office would take the necessary measures in the 2018 CAS to have the conclusions displayed on the screen and to give a hard copy of the conclusions to the government concerned. She also indicated that the Office would take into account the proposal of including in the follow-up table the mission reports and information concerning technical assistance when it is provided. In terms of organizing the next CAS, the government response to the conclusions should be heard once the conclusions have been adopted.
34. Speaking on behalf of the Africa group, **a Government representative of Egypt** was of the view that governments should be able to vote in relation to the adoption of the conclusions. He asked the Office for clarification about the process of the adoption of the conclusions.
35. **The Worker spokesperson** indicated that an agreement between the Employers and the Workers already represented the majority of delegates (two-thirds).
36. **The Chairperson** said that there would be challenges in relation to the possibility of giving the conclusions to the government concerned prior to their adoption. This would make the adoption process more difficult and would affect its transparency. He recalled that, despite the explanations provided, the governments continued to make this proposal.
37. **A Government representative of Greece** was of the view that the government concerned should take the floor before the conclusions were adopted. This was not, however, with the aim of enabling them to influence the conclusions.
38. Speaking on behalf of GRULAC, **a Government representative of Brazil** expressed the view that to give the government concerned the possibility of providing a response before the conclusions were posted on the screen and read by the Chair, was a question of due process. The government should have the right to reply before the conclusions were adopted. He indicated that one of the key mandates of government representatives was to be able to inform their government of what was going to happen. They should not be able to influence the adoption of the conclusions, but to be aware of them.
39. On behalf of the Africa group, **a Government representative of Algeria** echoed the comments raised by GRULAC with regard to the need to inform the government concerned before the adoption of the conclusions so that the government could have sufficient time to respond. In reply to the Workers' group intervention concerning the two-thirds majority agreement among the social partners, the speaker indicated that consensus should be based on tripartite discussions.
40. **The Employer spokesperson** said that governments were given the right to make an intervention and the right to make a submission. She recalled that there was also an expectation that governments might wish to take the floor, but that it was not an obligation for them to react to the conclusions. Therefore, the Employers' group did not agree with the proposal of providing the conclusions to the government concerned before their adoption. Most governments did not make substantive comments at the moment that they responded to the conclusions of the CAS.
41. **The Worker spokesperson** echoed the comments made by the Employers' group. He was of the view that the system should remain as established. He indicated that when the conclusions were adopted, a comprehensive response was expected which could not be provided in the few minutes prior to adoption of the conclusions.

III. Discussion of the General Survey

42. **The Worker spokesperson** recalled that the CAS resolution was to advance social justice and better work. The Workers' group asked the Office to provide more information on the proposal concerning article 18 of the Constitution.
43. **The Employer spokesperson** recalled that the 2017 CAS resolutions included improvements in relation to the contributions to General Surveys. The Employers' group recalled that the General Survey had a particular value which was to give a comprehensive picture of the implementation of certain Conventions. The time allocated for the discussion of the General Survey during the CAS could be reconsidered, however there were time constraints that should be taken into account.
44. On behalf of GRULAC, **a Government representative of Brazil** asked for more time for the informal consultations in March.
45. On behalf of the Africa group, **a Government representative of Algeria** endorsed the proposal made by GRULAC. He proposed to disassociate the examination of the General Survey from the work of the CAS. A specific committee should be established to deal with the discussions concerning the General Survey. The speaker was of the view that this would enhance the consideration of the General Survey.
46. **The Chairperson** requested whether it was possible for the social partners to continue the informal consultations in March.
47. **A Government representative of Canada** referred to a statement made by IMEC regarding time management.
48. **A Government representative of Greece** asked to explore the possibility of bringing experts to the CAS discussions, always taking into account the time limitations of the CAS. The speaker agreed to continue the informal consultations in March.
49. On behalf of GRULAC, **a Government representative of Brazil** indicated that further discussion on the General Survey was needed. A preparatory committee should be established before the CAS in order to gather all the relevant information. More time would be needed also for adoption of the General Survey. Moreover, he added that governments should be allowed to participate more in the informal consultations and observers should be heard at least once.
50. On behalf of the Africa group, **a Government representative of Egypt** supported the proposal made by GRULAC with regard to further participation of the governments in the informal consultations.
51. **The Chairperson** indicated that discussion of the remaining agenda items would continue in March 2018.