IOE NOTES FOR SONIA REGENBOGEN

Meeting between the Vice Chairpersons of the Committee on the Application of Standards (CAS) and the Members of the Committee of Experts on the Application of Conventions and Recommendations (CEACR)

2 December 2016, 3-6 pm room VII

Essence of Employers’ intervention:

1. Inform the CEACR of the constructive atmosphere in the works of the 2016 CAS
2. Refer briefly to issues of concern in the 2016 CEACR Report.
3. Request detailed information from the CEACR about its working methods

A. Introduction

Thank you, Chairperson, for inviting me to represent the Employers at this session of your annual meeting.

The Employers very much appreciate once again having an opportunity for direct dialogue with the Experts where an IOE representative can also be present as an observer.

The Employers welcome the ongoing close cooperation between the CAS, the Experts and the Office. The Employers appreciated the presence of the Chairperson of the Committee of Experts in the CAS debate. The constant and direct dialogue between the CAS and the CEACR, along with representatives of the Office, is of the utmost importance, not only for ILO constituents to better understand standards-related requirements, but also to facilitate the CEACR’s understanding of the realities and needs of the users of the supervisory system. We trust that possibilities for additional spontaneous dialogue between members of the CAS, the CEACR and the Office will be explored.

I would like to start by drawing your attention to the positive and constructive atmosphere in which the CAS took place this year.

B. 2016 CAS

The CAS demonstrated once again in 2016 its ability to lead a meaningful and results-oriented tripartite dialogue. The CAS thus reaffirmed its role as a cornerstone of the ILO Supervisory System where the ILO’s tripartite constituents debate the application of international labour standards, on the basis of the Experts’ technical preparatory work.

While divergences on substantial issues remain among the tripartite constituents, these were voiced in a spirit of mutual respect and understanding.
The list of 24 cases was negotiated in good faith, and was delivered by the proposed
deadline. The Employers regretted, however, that none of the cases of progress on
the long list were part of the list of 24 cases. We trust that cases of progress will be
included among the 24 cases to showcase good practice in the application of
Conventions and to commend, on a tripartite basis, Governments’ efforts in this regard.

Another important feature was the active role played by Workers and Employers in the
drafting of the conclusions. The drafting process allowed for meaningful discussions
on the issues and in many cases on the context of the countries examined. We saw
real tripartite ownership of the outcomes of the CAS. The conclusions only reflect
consensus recommendations. This is also clear with the paragraph at the beginning of
the section on individual cases.

Controversial issues or fundamental disagreements like the one on whether C87
contains a right to strike are not reflected in – **and thus not covered by** - the CAS
conclusions. The divergent views which still exist on this issue in the CAS are set out
in the CAS record of proceedings, both in Part One, the General Report, and in Part
Two, the Report on the discussion of individual cases. In their operational part, the
Conclusions adopted are short, clear and straightforward, requesting Governments to
take concrete measures. We are proud of the active and constructive engagement of
the social partners in this regard.

**C. C87 and the RTS**

Despite these very positive elements, the Experts’ interpretations on the “right to strike”
in the context of C87 requesting Governments to bring their law and practice in line
with these interpretations continue to be of fundamental concern to the Employers. In
its 2016 report, 40 out of the 56 observations and 41 out of 50 direct requests under
C.87 deal partly or wholly with the “right to strike”. According to these figures there are
only very few ratifying countries that fully live up to the Experts’ interpretations on the
“right to strike”. This reflects a significant discrepancy between the Experts’ views and
the reality of industrial relations systems.

I will not repeat the Employers’ well-known position on this matter which has not
changed. We trust that the CEACR, in producing the 2017 Report, takes into account
the joint statement, the Government Group statements, and the discussion of the
tripartite meeting of experts of February 2015 demonstrating that while always
maintaining its independence, the Committee is not in isolation from the debates taking
place in the ILO Governing Body, listens to the ILO’s tripartite constituency and
facilitates the understanding and application of international labour standards.

Another concern is the naming of companies in the CEACR report be that in a positive
or in a negative manner. Also on this point I will not reiterate the well know Employers
position as highlighted in the general discussion and by letter from the IOE Secretary
General in the month of September 2016.

**D. CEACR Working methods**

I would like to spend some time to seek clarification from the Experts- and benefit from
the spontaneous interaction with as many Experts as possible- on another very
important issue; the CEACR working methods.
We noted with concern from paragraph 35 of the 2016 Report that in view of the heavy workload, the Experts were unable to examine a number of reports last year. Unfortunately, we were not able to get the exact figures from paragraph 35. This was the case despite the fact that the CEACR, for the first time since 2001, was able to function with its full membership and despite the fact that around 30 per cent of government reports requested were not received by the time of the meeting of the Experts. Had all government reports been received, the number of unexamined reports would have been even greater. In this regard we would like to know:

- How many reports were received but not examined last year?
- Is the CEACR able to examine those reports at this session?

As for this session:

- How many reports were requested from Governments on the application of Conventions ratified by member States?
- How many reports were received by the September 1 deadline?
- How many reports were received after the deadline?
- How many reports will the Committee have to postpone the examination of because of a lack of time and/or resources?

We would be grateful if the Committee can respond to these questions and present these very important figures in its next report.

Paragraphs 24 and 25 of the 2016 Report highlight from 14 countries have not sent any of the reports due for at least the past two years and that seven countries have failed to supply a first report for two or more years.

In paragraph 30 the Committee notes with concern that the number of comments to which replies have not been received remains significant.

**What concrete measures have been taken by the Committee and or the Office to persuade these countries to submit their reports and to reply to previous CEACR comments?**

As regards possible ways of giving more visibility to the Committee’s findings by country, we note the Committee’s invitation in the general part of its report, to use the electronic means available, in particular through the NORMLEX database, to facilitate access to all the comments made on the application of ratified Conventions for each country.

In this regard, the Employers and a number of Governments have made clear proposals in the CAS general discussion and the November Governing Body, inviting the Committee to take a further step and present the observations by country in the printed version of the report. This will allow for an integrated understanding of the situation of a given country in the application of the ratified Conventions. It will also make the report user-friendly.

**What concrete measures is the Committee considering to implement proposals made by constituents to make the report user-friendly?**

**If no concrete measures are taken for the 2017 Report, what are the obstacles for their implementation?**

**E. Concluding Remarks**

Let me conclude by saying that the ILO’s international labour standards are the starting point for the ILO’s standards supervisory mechanisms and the need for them to be adapted as necessary to changes in the world of work must not be overlooked. The Employers consider the work of the CEACR as fundamental to the successful functioning of the CAS and to the regular supervision of standards as a whole.
Spontaneous dialogue between the CEACR and the CAS is of utmost importance, not only for ILO constituents to better understand standards-related requirements, but also to facilitate the CEACR’s understanding of the realities and needs of the users of the supervisory system.
It is important that while always maintaining its independence, the Committee listens to the ILO’s tripartite constituency, implements measures to make the regular supervision of standards more effective and facilitates the understanding and application of international labour standards.
I would like to conclude by requesting the Experts to reflect this intervention in full in the General Part of the CEACR Report under the heading “Relations with the Conference Committee on the Application of Standards”.
I thank you for your attention

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For additional information, please contact Maria Paz Anzorreguy, Senior Adviser anzorreguy@ioe-emp.org; Alessandra Assenza, Adviser assenza@ioe-emp.org