Informal tripartite consultations on the Working Methods of the Committee on the Application of Standards (5 November 2016)

Background note

Introduction

1. Since June 2006, informal tripartite consultations on the Working Methods of the Conference Committee on the Application of Standards (CAS) have been taking place in the framework of an informal tripartite Working Group which met 11 times between 2006 and 2011. At its 322nd Session (October–November 2014), the Governing Body decided to reconvene the Working Group 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 meeting of the informal tripartite Working Group was held on 19 March 2016. ²

2. The outcome of these informal tripartite consultations and the subsequent adjustments made to the Working Methods of the CAS have been reflected in document D.1 adopted each year by the CAS, entitled “Work of the Committee”. ³

3. During its March 2016 meeting, the informal tripartite Working Group formulated recommendations to ensure the effective functioning of the CAS in June 2016, including possible adjustments to the functioning of the CAS during the two-week session of the Conference; the preparation, adoption and follow-up of conclusions; and a proposed Provisional Working Schedule. The meeting also addressed the issue of the participation in these informal tripartite consultations.

4. This meeting follows up on the March 2016 meeting, in particular the Conclusions adopted ⁴ and on the subsequent discussions in the CAS ⁵ and the Governing Body at the 105th Session of the International Labour Conference (June 2016). ⁶ This background note examines the issues that the meeting might wish to address in order to ensure the continued effective functioning of the CAS:

¹ GB.322/PV, para. 209(3).

² See Brief report of the 19 March 2016 meeting of the informal tripartite Working Group, reproduced in Annex 1.


⁴ See Conclusions in the Brief report of the 19 March 2016 meeting of the informal tripartite Working Group, reproduced in Annex 1.

⁵ Provisional Record No. 16, ILC, 2016, Part I, in particular paras 8–23 and 155–160.

⁶ GB.327/PV/Draft.
– review of the functioning of the CAS in June 2016 and possible further suggestions for improvement to the functioning of the CAS (section I);

– the preparation, adoption and follow-up of conclusions (section II);

– the discussion of the General Survey (section III); and

– the issue of the participation in these informal tripartite consultations (section IV).

I. Review of the functioning of the CAS (June 2016) and possible further suggestions for improvement

5. This section addresses the review of the functioning of the CAS in June 2016 and possible adjustments to ensure the continued effective functioning of the CAS in June 2017, taking into account the relevant decisions related to the reform of the Conference.

6. At its 326th Session (March 2016), the Governing Body requested the Office to prepare for its 328th Session (November 2016) an analysis of the 105th Session of the Conference (June 2016), to allow the Governing Body to draw lessons and take appropriate decisions as regards the arrangements for future sessions of the Conference. The analysis contained in the paragraph below is based on the general assessment provided by the Governing Body at its 327th Session (11 June 2016) and conclusions drawn by the Office after consultations with the ILC secretariats.  

7. Many groups expressed satisfaction with the way the Committee discharged its functions and noted with appreciation that most of the recommendations formulated during the informal tripartite consultations on the Working Methods of the CAS had been successfully implemented. Among the improvements noted were: timely agreement on the list of cases and the dissemination of the long list one month before the opening of the Committee’s work, improved time management and the adoption of conclusions on each specific case. The more dynamic use of the web page of the Committee, the introduction of a new programme displaying the list of speakers on screens, the electronic submissions of corrections to the minutes and the introduction of SharePoint to facilitate the communication between the Employer and Worker Vice-Chairpersons were also acknowledged as improving the Committee’s work. The introduction of these initiatives has resulted in major improvements in terms of information sharing, communication, transparency and time management. Moreover, the overall production of documents for the CAS was reduced by over 70 per cent.

8. At the 327th Session of Governing Body (June 2016), the Government representative of Canada, speaking on behalf of the group of industrialized market economy countries (IMEC), indicated  that the Office had acted upon much of IMEC’s feedback on the functioning of the Conference over the years. Measures taken by the Office that were particularly appreciated included: the provision of information well in advance; improved committee-specific web pages, notably for the CAS; and the steadily increasing use of technology. Steps must be taken, however, to ensure that the “papersmart” policy did not inadvertently make some information unavailable to delegates.

9. Moreover, IMEC was particularly pleased with the work of the CAS. The Committee had implemented many of the recommendations of the informal tripartite consultations on its

7 GB.328/WP/GBC/1/1.

Working Methods. The adoption of conclusions in every single case deserved explicit mention. Nonetheless, the adoption of the report of the Committee had conflicted with the timing of the World of Work Summit and the adoption of the conclusions of the Committee for the Social Justice Declaration.

10. Based on the experience of the work of the CAS in 2016 and taking into account the relevant results of the evaluation undertaken by the Governing Body (October–November 2015 and October–November 2016), the meeting may wish to consider the following elements and, where necessary, examine any possible adjustments to ensure the continued effective functioning of the CAS in June 2017.

Establishment of the list of cases, including the possible inclusion of cases of progress

11. This year’s modalities for the establishment of the list of cases, as revised in 2015, allowed for the timely adoption of that list. It is therefore proposed to apply the same modalities in 2017, as follows:

*Preliminary list*

The preliminary list of cases should be available no less than 30 days before the opening of the International Labour Conference.

*Final list*

The final list should be agreed upon by the Workers’ and Employers’ spokespersons on the Friday before the opening of the International Labour Conference and should be made publicly available and adopted no later than the second sitting of the CAS. The discussion of the individual cases would begin with double-footnoted cases.

12. In addition, the criteria for the determination of the list, as contained in document D.1, Part VI, should continue to be applied.

13. With regard to the adoption of the list of individual cases, the Employer members expressed in the CAS in 2016 that, in line with the mandate of the Committee as contained in article 7 of the Standing Orders of the Conference, the examination of individual cases should also cover cases of progress in the implementation of ILO Conventions in law and practice, as a way of encouraging member States in their implementation efforts.

14. It should be noted that some governments have expressed concern at the lack of clarity and consistency in the application of the criteria contained in document D.1.  

15. The Worker members were of the view that cases of progress were important to showcase the effectiveness of the supervisory system and that better use of those cases should be ensured. They added that it would not be possible to include cases of progress in the list of 24 cases, since there were so many serious violations to address. However, discussion of a case of progress could be envisaged, but not within the list of 24 cases. The Worker members

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9 See in particular, GB.325/WP/GBC/1 and GB.325/INS/14. GB.328/WP/GBC/1/1.

10 *Provisional Record No. 16*, ILC, 2016, Part I, para. 20.

11 For example, see *Provisional Record No. 16*, ILC, 2016, Part I, para. 18.
stressed that their considerations were aimed at strengthening the supervisory system and its impact.  

16. In their closing remarks in the CAS in 2016, the Employer members reiterated their regret that no cases of progress could be included in the list this year and their wish that this issue be further discussed, in particular during further informal tripartite consultations on the Committee’s Working Methods.

17. Cases of progress were discussed by the CAS in 2006, 2007, 2008 and 2013.

**Time management**

18. During the last meeting of the informal tripartite Working Group, possible improvements to time management were discussed. The meeting agreed that strict time management should be ensured. In particular, the following measures were to be taken:  

   – sittings should start on time;
   – the speaking time limits and other modalities for time management adopted by the CAS for the examination of individual cases should also apply to the discussion of the General Survey;
   – in accordance with the established Working Methods of the CAS, the Chairperson, in consultation with the other Officers of the Committee, could decide on reduced speaking time limits;
   – when necessary, the Chairperson might also decide to announce, giving two minutes’ notice, that the list of speakers for the case being examined would be closed; and
   – 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.

19. With regard to the issue of time management, it was noted that, in 2015, a total of more than three hours was lost due to meetings starting late.

20. Upon adoption of document C.App./D.1 by the CAS in 2016, the Chairperson stressed that strict time management would have to be ensured for the Committee to be able to complete its work within a very tight time frame. While the Officers of the Committee had an important role to play in this respect, the Chairperson called on all the members of the Committee to make every effort so that sessions could start on time and the working schedule could be respected.

21. In 2016, an improvement in time management was noted, with approximately two hours lost due to meetings starting late.

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12 *Provisional Record No. 16*, ILC, 2016, Part I, para. 44.

13 *Provisional Record No. 16*, ILC, 2016, Part I, paras 155–160.

14 GB.326/INS/13.

15 *Provisional Record No. 16*, ILC, 2016, Part I, para. 15.
22. With regard to speaking time limits and as indicated in document D.1, the maximum speaking time for individual interventions (“other members”) is five minutes. In the 2016 CAS, speaking time was reduced to three minutes for individual interventions in discussions concerning nine cases.

23. In their closing remarks in the CAS in 2016, the Employer members indicated that the Committee had been able to finalize its work on time, which had been achieved thanks to excellent time management.

24. The Worker members also underlined that good time management had been ensured throughout the work of the Committee, adding that, while efforts had been made by all to respect speaking time limits, a reflection needed to be made on the impact of a reduced two-week session of the Conference on the examination of cases, their preparation and the quality of the discussions. This was an important question in view of the impact that the discussions at the Committee could have on similar issues around the world. The Worker members also expressed their surprise at the low level of participation of governments during the discussion of certain cases.

25. The Worker members indicated that the question of the impact of the shorter Conference on the work of the CAS would need to be assessed during the informal tripartite consultations on the Working Methods of the CAS.

26. Moreover, following the Conference, at the 327th Session of the Governing Body (June 2016), the Worker Vice-Chairperson stated that his group believed that the limit had been reached in terms of shortening the duration of the Conference; it could not be cut any further without having a negative impact on its outcomes. In general, however, good results had been achieved in terms of content.

Modalities for the adoption of its report by the CAS

27. Relevant information on this point is contained in Part VIII of document D.1. Part I of the report of the CAS, which consists of its General Report, is adopted during the last sitting of the Committee; for Part II of the report, which contains the summary of the discussion of individual cases, adoption by the CAS is based on the following practice: the secretariat prepares draft minutes (referred to as PVs) for each sitting of the Committee when it is examining individual cases; when a PV is ready in the three working languages, it is

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16 See document D.1 reproduced in Annex 2. “Other members” does not include the following: the spokespersons of the Employers’ and Workers’ groups, as well as the government whose case is being discussed (15 minutes); the Employer and Worker members, respectively, from the country concerned to be divided between the different speakers of each group (ten minutes); Government groups (ten minutes); as well concluding remarks from the Employers’ and Workers’ groups (ten minutes).

17 Belarus (Convention No. 29); El Salvador (Convention No. 87); Guatemala (Convention No. 87); Malaysia (Convention No. 98); Qatar (Convention No. 111); United Kingdom (Convention No. 87); Swaziland (Convention No. 87); Zimbabwe (Convention No. 98); and Bangladesh (Convention No. 87).

18 Provisional Record No. 16, ILC, 2016, Part I, in particular paras 155–160.

19 Provisional Record No. 16, ILC, 2016, Part I, para. 156.

20 Provisional Record No. 16, ILC, 2016, Part I, paras 16 and 157.

distributed to the members of the CAS, and the deadline for delegates to submit amendments to the PV is announced by the Chairperson. The deadline is typically 36 hours from the time that the PVs are made available. However, this time frame may need to be reduced as the final sitting of the meeting approaches, as there is generally little time left between the time that PVs from the last sittings are available and the final sitting of the CAS when the last PVs are adopted so that they can be published for the final report submitted to the Conference plenary.

28. During the last meeting of the informal tripartite Working Group and 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 would be 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.

29. With regard to the adoption of draft minutes in a “patchwork” version (with speeches reported in the corresponding working language, but conclusions in all three languages), an experimental measure aimed at facilitating the process of production of the draft PVs and ensuring their early distribution to delegates in the context of a shortened Conference, the secretariat considers that the intended aim was achieved with the PVs being distributed on time.

30. Turning to the preparation of the CAS report for submission to the Conference in the three working languages, the secretariat has noted that, with the reduction in the duration of the Conference, it has had to work under considerable additional time constraints to prepare the necessary translations, and that little or no time was available to assure quality control. In addition to obvious concerns related to the health of the colleagues involved, this has incurred additional costs related to overtime by secretariat members. This year, for example, discussions were held in the CAS up to Thursday, 9 June, and the report was then adopted by the Conference the following day, on Friday, 10 June. The secretariat considers that it cannot assure quality control on the final conclusions and PVs adopted by the CAS, as there is little or no time left to re-read them in all three languages before the report is adopted in plenary.

31. In this regard, the secretariat would propose to pursue the practice of adopting draft minutes in a “patchwork” version and extend this practice to the adoption of the draft report by the Conference. This new measure would have a positive impact on the quality of the CAS report as it would eliminate the need to translate PVs during late hours and under tight deadlines. If this new measure is pursued, the report would therefore be adopted by the Conference in a “patchwork” version, as are the PVs, although with the conclusions appearing in the report in the three working languages (English, French and Spanish). The “patchwork” version of

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22 For information, the costs of translation (translators’ pay, including overtime) have increased by 5.38 per cent from 2014 to 2015 and by 9.49 per cent from 2015 to 2016. Other costs have also increased (for example, the costs related to text-processing operators).
the adopted report would be translated soon after the Conference and made available on the ILO website. The General Report of the CAS would continue to be available and adopted in the three working languages.

32. With regard to the CAS dedicated web page, an innovation aimed at implementing the “paper smart” policy introduced by the Office under the current programme and budget, all documents of the CAS were to be made available electronically on the Committee’s dedicated web page, including the draft minutes of sittings. Each intervention was reflected in the draft minutes only in the working language in which it was delivered or the language selected by the speaker in his or her request to take the floor.

33. With regard to the amendments, the secretariat received requests for amendments this year in two forms: amendments made electronically, and in person with members of the secretariat. The electronic transmission of amendments proved to be an efficient way of dealing with requests for amendments and was widely appreciated. The secretariat would therefore propose that only amendments made electronically be made available for future sessions of the CAS.

Possible points for discussion

34. The meeting may wish to consider the following points:

(a) the possibility of including cases of progress in the list of cases (paragraphs 11–17);

(b) evaluation of the impact of the shorter Conference on the work of the CAS (paragraphs 25–26);

(c) any possible improvements to time management taking into account the experiences of the CAS in 2016 (paragraphs 18–24);

(d) the possibility of pursuing the practice of adopting draft minutes in a “patchwork” version, as well as possibly extending the practice to the adoption of the CAS report (paragraphs 28–31);

(e) the possibility of pursuing the electronic transmission of amendments and, in the future, as the only means to submit amendments (paragraph 33).

II. Preparation, adoption and follow-up of conclusions

A. Preparation and adoption of conclusions

35. During the last meeting of the informal tripartite Working Group, the meeting considered that the same modalities as those applied in 2015 for the preparation of conclusions should be applied in 2016. It also agreed that better use of technology would facilitate the preparation of conclusions.

36. In their closing remarks in the CAS in 2016, the Employer members stated that the use of technological innovations was to be welcomed and should be further pursued.

37. The secretariat considers that the use of SharePoint to facilitate communication between the Employer and Worker Vice-Chairpersons, including to prepare draft conclusions, worked
well in its initial trial period. The secretariat would therefore propose to pursue the use of SharePoint.

38. Furthermore, during the last meeting of the informal tripartite Working Group, it was decided that, on an experimental basis, three dedicated sittings would be scheduled for the adoption of conclusions in 2016.

B. Follow-up of conclusions

39. In their closing remarks in the CAS in 2015, the Worker members noted that the Conference Committee should be able to review and monitor the implementation of the conclusions over the course of its sessions.

40. In this regard, it is recalled that the Committee of Experts on the Application of Conventions and Recommendations (CEACR) examines the follow-up to the conclusions of the CAS, the corresponding information forming an integral part of the CEACR’s dialogue with the governments concerned. A specific section in the CEACR’s General Report highlights the cases in which it has examined the follow-up to the conclusions adopted by the CAS during its latest session. The CAS may therefore follow the implementation of the conclusions through the reports of the CEACR. It may also decide to re-examine a case, especially where the measures taken to implement the conclusions do not appear, based on the CEACR’s report, to be satisfactory. However, the CAS does not at present have a specific procedure or mechanism for systematically reviewing the implementation of conclusions adopted.

41. During the last meeting of the informal tripartite Working Group in March 2016, the Office was asked 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.

42. A table on the implementation of the CAS conclusions is attached to this Background note.

Possible points for discussion

43. The meeting may wish to consider the following points:

(a) possible further improvements in the preparation and adoption of conclusions (paragraphs 35–38); and

(b) possible procedure or mechanism to systematically review the implementation of conclusions adopted (paragraphs 39–42).

23 Provisional Record No. 14(Rev.), ILC, 2015, Part I, para. 159.

24 See Annex 3.
III. Discussion of General Surveys by the CAS

44. At its 105th Session (June 2016), in the context of the evaluation of the impact of the ILO Declaration on Social Justice for a Fair Globalization, the Conference adopted the resolution on Advancing Social Justice through Decent Work. 25

45. Under the resolution, the ILO should “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”. 26

46. Moreover, with respect to the standards system, the resolution calls on the ILO to “ensure that there are appropriate and effective linkages between the recurrent discussions and the outcomes of the Standards Initiative, including exploring options for making better use of article 19, paragraphs 5(e) and 6(d), of the ILO Constitution, without increasing the reporting obligations of member States”. 27

47. At the 309th Session of the Governing Body (November 2010), the Steering Group on the Follow-up to the Social Justice Declaration had taken the view that the discussion of the General Survey by the CAS should take place one year in advance of the recurrent discussion on the same topic by the Conference. As a result, since 2014, General Surveys have been examined by the CAS one year before the respective recurrent discussions.

48. Thus, the subjects of General Surveys have in past years been aligned with the strategic objectives that are examined in the context of the recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008). For the current cycle of recurrent discussions, the corresponding General Surveys have already been examined by the CAS. At the time of the Governing Body’s decision on the choice of instruments for the 2016 General Survey, the modalities for recurrent discussions, including the next cycle, were yet to be determined. It was therefore decided that the instruments to be selected need not necessarily be linked to a specific strategic objective.

49. However, the 2016 CAS’ discussion of the General Survey, together with the outcome 28 of this discussion and the General Survey itself, will feed into the general discussion on labour migration which will take place during the 106th Session (June 2017) of the Conference, rather than a recurrent discussion.

50. It should be recalled that consensus has emerged among constituents in the discussions at previous Governing Body sessions to keep the format of having the review of the General Survey one year in advance of the corresponding recurrent discussion. 29

51. The constituents provided some guidance on the recurrent discussions and General Surveys that may provide some background for these informal consultations. 30

25 Text of the resolution.

26 Subparagraph 15.2(b) of the resolution.

27 Paragraph 15.1 of the resolution.

28 Provisional Record No. 16, ILC, 2016, Part I, paras 105–106.

29 GB.328/INS/5/2, para. 11(ii).

30 Provisional Record No. 13-2(Rev.), ILC, 2016.
discussions of the Committee for the Social Justice Declaration (105th Session of the Conference (June 2016)), the Employer Vice-Chairperson, while acknowledging the success of the recurrent discussion on social protection that had led to the adoption of Recommendation No. 202, underscored that, in general, recurrent discussions had not produced the results expected. Recurrent discussions had become somewhat general, superficial and unspecific, and were often mere general policy discussions. Their conclusions tended to be weak in terms of providing practical guidance to the Office.

52. The Employers added that, while it was typically difficult to establish a causal link between an ILO intervention and an outcome, there had been inadequate attempts to proceed to an evaluation to see if policies had worked in different national contexts. General Surveys with a wide range of instruments had not made it possible to allow for an in-depth analysis of the reasons behind non-ratification.

53. The Worker Vice-Chairperson indicated that it was important to enhance the impact of the reports under article 19 of the ILO Constitution used for General Surveys which were discussed by the CAS and whose objective primarily consisted in the identification of obstacles to ratification, as well as to identify gaps in existing standards. Therefore article 19 reports provided an ideal basis to identify specific issues for discussion during the recurrent discussions. Furthermore, enhancing the impact of the General Surveys would also create positive synergies with the Standards Initiative, not only with the Standards Review Mechanism, but also with what is the day-to-day work of the ILO of promoting the ratification and also implementation of ILO standards.

54. The Government member of the Netherlands, speaking on behalf of the EU and its Member States and the Government members of the former Yugoslav Republic of Macedonia, Serbia and Albania, Bosnia and Herzegovina, Norway, Ukraine, the Republic of Moldova, and Georgia, stated that the recurrent discussions offered the opportunity to identify a shared and updated vision for the practical implementation of the integrated approach and the choice of priorities for future action related to the strategic objectives. The recurrent discussions and the related General Surveys also enabled the ILO, its constituents and stakeholders to advance knowledge and foster debate in areas with an uneven rate of ratification of Conventions.

55. At its current session (October–November 2016), the Governing Body will discuss the modalities of recurrent discussions, including options for the next cycle and sequence of recurrent discussions. ³¹

56. Under all options, it is proposed that the recurrent discussion in 2020 focuses on the strategic objective of social security, for two reasons: the recurrent discussion would then not only be informed by the General Survey discussion on the social protection floor at the CAS in 2019, but it would also be well aligned with the time frame of the action plan (2011–19). ³²

57. For all options outlined above, the full synchronization of the General Survey and its debate at the CAS with recurrent discussions will not be re-established until 2020, unless labour protection is selected as the item for the first recurrent discussion in 2018 which would be informed by the General Survey on occupational safety and health discussed by the CAS in 2017. However, since labour protection was last discussed in 2015, this would result in a

³¹ GB.328/INS/5/2.

³² GB.328/INS/5/2, para. 17.
very close interval between the two recurrent discussions on this item and thus not proposed. 33

58. As indicated in the Governing Body document (GB.328/INS/5/2), modalities will have to be established in full consistency with the implementation of the two components of the Standards Initiative: the Standards Review Mechanism and its tripartite working group (SRM TWG) and the functioning of the supervisory system, which is to be discussed by the Governing Body in its sessions in November 2016 and March 2017. Among aspects being considered, consideration will be given to the discussions of the General Survey by the CAS and better ways to use the CAS debate and outcome as one of the sources to inform the corresponding recurrent discussion.

59. There is therefore an opportunity for the informal tripartite consultations on the Working Methods of the CAS to provide its views which could feed into the Governing Body discussion in March 2017.

60. In light of the resolution on Advancing Social Justice through Decent Work, the meeting may wish to consider better ways to use the CAS debate and outcome as one of the sources to inform the corresponding recurrent discussion.

IV. Participation in the informal tripartite consultations

61. It is recalled that, 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 these meetings was as follows: nine Employer representatives; nine Worker representatives; and nine Government representatives. Meetings may also be attended by observers.

62. During its last meeting, it was therefore decided that the current informal arrangements (nine/nine/nine, with the possibility for observers to attend) should be maintained, pending further consultations among governments on the matter. 34

63. The meeting may wish to consider this matter.

33 GB.328/INS/5/2, para. 20.

34 See Brief report of the 19 March 2016 meeting of the informal tripartite Working Group, reproduced in Annex 1.
Annex 1

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 Sipho 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 the 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 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 before a deadline. 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 multilingual 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 multilingual 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 representative of the Government 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 envisaged in document D.1, 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 importance 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, and 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 mechanisms 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.

34. The Government representative of Canada said in relation to the proposal to prepare 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.

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 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 the draft of 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. The 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 and not nine participants.

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 the proposal, 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. The proposal was therefore rejected.

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.
Annex 2

Work of the Committee

I. Introduction

This document (D.1) sets out the manner in which the work of the Committee on the Application of Standards (CAS) is carried out. It is submitted to the Committee for adoption when it begins its work at each session of the Conference. The document reflects the results of the discussions and informal tripartite consultations that have taken place, since 2002, on the Working Methods of the Committee, including on the following issues: the elaboration of the list of individual cases to be discussed by the Committee, the preparation and adoption of the conclusions relating to these individual cases, time management and respect for parliamentary rules of decorum.

This document takes into account the results of the last informal tripartite consultations on the Working Methods of the CAS held in March 2016.

II. Terms of reference and composition of the Committee, voting procedure and report to the Conference

Under its terms of reference as defined in article 7, paragraph 1, of the Standing Orders of the Conference, the Committee is called upon to consider:

(a) the measures taken by Members to give effect to the provisions of Conventions to which they are parties and the information furnished by Members concerning the results of inspections;

(b) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution;

(c) the measures taken by Members in accordance with article 35 of the Constitution.

In accordance with article 7, paragraph 2, of the Standing Orders of the Conference, the Committee submits a report to the Conference. Since 2007, in response to the wishes expressed by ILO constituents, the report of the Committee has been published both in the Record of Proceedings of the Conference and as a separate publication, to improve the visibility of the Committee’s work.

Questions related to the composition of the Committee, the right to participate in its work and the voting procedure are regulated by section H of Part II of the Standing Orders of the Conference.

Each year, the Committee elects its Officers: its Chairperson and Vice-Chairpersons as well as its Reporter.

1 Since 2010, it is appended to the General Report of the Committee.
III. Working documents

A. Report of the Committee of Experts

The basic working document of the Committee is the report of the Committee of Experts on the Application of Conventions and Recommendations (Report III (Parts 1A and B)), printed in two volumes.

Report III (Part 1A) contains, in Part One, the General Report of the Committee of Experts, and in Part Two, the observations of the Committee of Experts concerning the sending of reports, the application of ratified Conventions and the obligation to submit the Conventions and Recommendations to the competent authorities in member States. At the beginning of the report there is an index of comments by Convention and by country. In addition to the observations contained in its report, the Committee of Experts has, as in previous years, made direct requests which are communicated to governments by the Office on the Committee’s behalf. ²

Report III (Part 1B) contains the General Survey prepared by the Committee of Experts on a group of Conventions and Recommendations decided upon by the Governing Body.

B. Summaries of reports

At its 267th Session (November 1996), the Governing Body approved new measures for rationalization and simplification of the arrangements for the presentation by the Director-General to the Conference of summaries of reports submitted by governments under articles 19, 22 and 35 of the Constitution. ³ Requests for consultation or copies of reports may be addressed to the secretariat of the CAS.

C. Other information

The secretariat prepares documents (which are referred to, and referenced, as “D documents”) which are made available ⁴ during the course of the work of the Committee to provide the following information:

(i) reports and information which have reached the International Labour Office since the last meeting of the Committee of Experts; based on this information, the list of governments which are invited to supply information to the Conference Committee due to serious failure to respect their reporting and other standards-related obligations is updated; ⁵

² See para. 36 of the General Report of the Committee of Experts. A list of direct requests can be found in Appendix VII of Report III (Part 1A).

³ See Report of the Committee of Experts, Report III (Part 1A), Appendices I, II, IV, V and VI; and Report III (Part 1B), Appendix III.

⁴ D documents will be made available online on the Committee’s dedicated web page (hard copies will be made available to delegates upon request).

⁵ See below Part V.
(ii) written information supplied by governments to the Conference Committee in reply to the observations made by the Committee of Experts, when these governments are on the list of individual cases adopted by the Conference Committee. 6

The Information document on ratifications and standards-related activities (Report III (Part 2)), prepared by the Office to accompany the report of the Committee of Experts, provides an overview of recent developments relating to international labour standards, the implementation of special procedures and technical cooperation in relation to international labour standards. It also contains, in the form of tables, information on the ratification of Conventions, together with “country profiles” containing key information on standards for each country.

IV. General discussion

In accordance with its usual practice, the Committee begins its work with the consideration of its Working Methods on the basis of this document. The Committee then holds a discussion on general aspects of the application of Conventions and Recommendations and the discharge by member States of standards-related obligations under the ILO Constitution, which is primarily based on the General Report of the Committee of Experts.

It also holds a discussion on the General Survey, which this year concerns the Migration for Employment Convention (Revised), 1949 (No. 97), the Migration for Employment Recommendation (Revised), 1949 (No. 86), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Migrant Workers Recommendation, 1975 (No. 151). 7

V. Cases of serious failure by member States to respect their reporting and other standards-related obligations 8

Governments are invited to supply information on cases of serious failure to respect reporting or other standards-related obligations for stated periods. These cases are considered in a dedicated sitting of the Committee. Governments that submit the required information before the sitting will not be called before the Committee. The discussion of the Committee, including any explanations of difficulties that may have been provided by the

6 See below Part VI (supply of information).

7 It should be recalled that the subjects of General Surveys have been aligned with the strategic objectives that are examined in the context of the recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008). For the current cycle of recurrent discussions, the corresponding General Surveys have already been examined by the CAS. At the time of the Governing Body’s decision on the choice of instruments for the 2016 General Survey, the modalities for recurrent discussions, including the next cycle, were yet to be determined. It was therefore decided that the instruments to be selected needed not necessarily be linked to a specific strategic objective. However, the Committee’s discussion of this year’s General Survey, together with the outcome of this discussion and the General Survey itself, will feed into the general discussion on labour migration which will take place during the 106th Session (June 2017) of the Conference.

8 Formerly known as “automatic” cases (see Provisional Record No. 22, International Labour Conference, 93rd Session, June 2005, para. 69).
governments concerned, and the conclusions adopted by the Committee under each criterion are reflected in its report.

The Committee identifies the cases on the basis of criteria which are as follows: 9

- None of the reports on ratified Conventions has been supplied during the past two years or more.
- First reports on ratified Conventions have not been supplied for at least two years.
- None of the reports on unratified Conventions and Recommendations requested under article 19, paragraphs 5, 6 and 7, of the Constitution has been supplied during the past five years.
- No indication is available on whether steps have been taken to submit the Conventions and Recommendations adopted during the last seven sessions of the Conference to the competent authorities, in accordance with article 19 of the Constitution.
- No information has been received as regards all or most of the observations and direct requests of the Committee of Experts to which a reply was requested for the period under consideration.
- The government has failed during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23, paragraph 2, of the Constitution, copies of reports and information supplied to the Office under articles 19 and 22 have been communicated.

VI. Individual cases

The Committee considers cases relating to the application of ratified Conventions. These cases are selected on the basis of the observations published in the report of the Committee of Experts.

Preliminary list. Since 2006, an early communication to governments of a preliminary list of individual cases for possible discussion by the Committee concerning the application of ratified Conventions has been instituted. In 2015 and 2016, the preliminary list of cases has been made available 30 days before the opening of the International Labour Conference. The preliminary list is a response to the requests from governments for early notification, so that they may better prepare themselves for a possible intervention before the Committee. It may not in any way be considered definitive, as the adoption of a final list is a function that only the Committee itself can assume.

Establishment of the list of cases. The list of individual cases is submitted to the Committee for adoption, after the Employers’ and Workers’ groups have met to discuss and adopt it. The final list should be adopted at the beginning of the Committee’s work, ideally no later than its second sitting. The criteria for the selection of cases, as revised in 2015, should reflect the following elements:

9 These criteria were last examined by the Committee in 1980 (see Provisional Record No. 37, International Labour Conference, 66th Session, 1980, para. 30).
the nature of the comments of the Committee of Experts, in particular the existence of a footnote; ¹⁰
the quality and scope of responses provided by the government or the absence of a response on its part;
the seriousness and persistence of shortcomings in the application of the Convention;
the urgency of a specific situation;
comments received by employers’ and workers’ organizations;
the nature of a specific situation (if it raises a hitherto undisputed question, or if the case presents an interesting approach to solving questions of application);
the discussions and conclusions of the Conference Committee of previous sessions and, in particular, the existence of a special paragraph;
the likelihood that discussing the case would have a tangible impact;
balance between fundamental, governance and technical Conventions;
geographical balance; and
balance between developed and developing countries.

There is also the possibility of examining one case of progress as was done in 2006, 2007, 2008 and 2013. ¹¹

Since 2007, it has been the practice to follow the adoption of the list of individual cases with an informal information session for governments, hosted by the Employer and Worker Vice-Chairpersons, to explain the criteria used for the selection of individual cases.

Automatic registration. Since 2010, cases included in the final list have been automatically registered and scheduled by the Office, on the basis of a rotating alphabetical system, following the French alphabetical order; the “A+5” model has been chosen to ensure a genuine rotation of countries on the list. This year, the registration will begin with countries with the letter “E”. Cases will be divided into two groups: the first group of countries to be registered following the above alphabetical order will consist of those cases in which the Committee of Experts requested governments to submit full particulars to the Conference (“double-footnoted cases”). ¹² Since 2012, the Committee begins its discussion of individual cases with these cases. The other cases on the final list are then registered by the Office also following the abovementioned alphabetical order.

Information on the agenda of the Committee and the date on which cases may be heard is available:

(a) through the Daily Bulletin;
(b) by means of letters sent to the representatives of the countries concerned by the Chairperson of the Committee;

¹⁰ See paras 40–47 of the General Report of the Committee of Experts. The criteria developed by the Committee of Experts for footnotes are also reproduced in Appendix I.

¹¹ See paras 48–54 of the General Report of the Committee of Experts. The criteria developed by the Committee of Experts for identifying cases of progress are also reproduced in Appendix II.

(c) by means of a D document containing the list of individual cases and the working schedule for the examination of these cases, which is made available to the Committee as soon as possible after the adoption of the list of cases. 13

Supply of information. Prior to their oral intervention before the Conference Committee, governments may submit written information that will be summarized by the Office and made available to the Committee. 14 These written replies are to be provided to the Office at least two days before the discussion of the case. They serve to complement the oral reply that will be provided by the government. They may not duplicate the oral reply nor any other information already provided by the government. The total number of pages is not to exceed five pages.

Adoption of conclusions. The conclusions regarding individual cases are proposed by the Chairperson of the Committee, who should have sufficient time to hold consultations with the Reporter and the Vice-Chairpersons. The conclusions should take due account of the elements raised in the discussion and information provided by the government in writing. The conclusions should be short, clear and specify the action expected of governments. They may also include reference to the technical assistance to be provided by the Office. The conclusions should reflect consensus recommendations. Divergent views can be reflected in the CAS record of proceedings. Conclusions on the cases discussed will be adopted at dedicated sittings. The governments concerned will be informed of the adoption of conclusions by the secretariat including through the Daily Bulletin.

As per the Committee’s decision in 1980, 15 Part One of its report will contain a section entitled “Application of ratified Conventions”, in which the Committee draws the attention of the Conference to: (i) cases of progress, where governments have introduced changes in their law and practice in order to eliminate divergences previously discussed by the Committee; (ii) certain special cases, which are mentioned in special paragraphs of the report; and (iii) cases of continued failure over several years to eliminate serious deficiencies in the application of ratified Conventions which it had previously discussed.

VII. Participation in the work of the Committee

As regards failure by a government to take part in the discussion concerning its country, despite repeated invitations by the Committee, the following measures will be applied, in conformity with the decision taken by the Committee at the 73rd Session of the Conference (1987), as amended at the 97th Session of the Conference (2008), 16 and mention will be made in the relevant part of the Committee’s report:

– In accordance with the usual practice, after having established the list of cases regarding which Government delegates might be invited to supply information to the Committee, the Committee shall invite the governments of the countries concerned in writing, and the Daily Bulletin shall regularly mention these countries.

– Three days before the end of the discussion of individual cases, the Chairperson of the Committee shall request the Clerk of the Conference to announce every day the names

13 Since 2010, this document is appended to the General Report of the Committee.

14 See above Part III(C)(ii).

15 See footnote 9 above.

of the countries whose representatives have not yet responded to the Committee’s invitation, urging them to do so as soon as possible.

– On the last day of the discussion of individual cases, the Committee shall deal with the cases in which governments have not responded to the invitation. Given the importance of the Committee’s mandate, assigned to it in 1926, to provide a tripartite forum for dialogue on outstanding issues relating to the application of ratified international labour Conventions, a refusal by a government to participate in the work of the Committee is a significant obstacle to the attainment of the core objectives of the International Labour Organization. For this reason, the Committee may discuss the substance of the cases concerning governments which are registered and present at the Conference, but which have chosen not to be present before the Committee. The debate which ensues in such cases will be reflected in the appropriate part of the report, concerning both individual cases and participation in the work of the Committee. In the case of governments that are not present at the Conference, the Committee will not discuss the substance of the case, but will draw attention in its report to the importance of the questions raised. In both situations, a particular emphasis will be put on steps to be taken to resume the dialogue.

VIII. Minutes of the sittings

No minutes are published for the general discussion and the discussion of the General Survey. Minutes of sittings at which governments are invited to respond to the comments of the Committee of Experts will be produced by the secretariat. Each intervention will be reflected only in the corresponding working language – English, French or Spanish – and the draft minutes will be made available online on the Committee’s dedicated web page (hard copies will be made available to delegates upon request). It is the Committee’s practice to accept amendments to the draft minutes of previous sittings prior to their approval by the Committee. The time available to delegates to submit amendments to the draft minutes will be clearly indicated by the Chairperson when the draft minutes are made available to the Committee. In order to avoid delays in the preparation of the report of the Committee (which will be submitted for adoption to the Conference in three languages), no amendments may be accepted once the draft minutes have been approved.

The minutes are a summary of the discussions and are not intended to be a verbatim record. Speakers are therefore requested to restrict amendments to the elimination of errors in the report of their own statements, and not to ask to insert long additional passages. It would be helpful to the secretariat in ensuring the accuracy of the minutes if, wherever possible, delegates would hand in a written copy of their statements to the secretariat.

17 In the case of a government which is not accredited or registered to the Conference, the Committee will not discuss the substance of the case, but will draw attention in its report to the importance of the questions raised. It was considered that no country should use inclusion on the preliminary list of individual cases as a reason for failing to ensure that it was accredited to the Conference. If a country on the preliminary list registered after the final list was approved, it should be asked to provide explanations (see Provisional Record No. 18, International Labour Conference, 100th Session, 2011, Part I/54).

18 These new modalities result from the informal tripartite consultations of March 2016. Delegates who will be intervening in a language other than English, French or Spanish will be able to indicate to the Secretariat in which of these three working languages their intervention should be reflected in the draft minutes.

19 Further information on the procedure for the submission of amendments will be communicated to delegates at the beginning of the session of the Committee.
IX. Time management

– Every effort will be made so that sessions start on time and the schedule is respected.

– Maximum speaking time during the examination of individual cases will be as follows:
  ■ fifteen minutes for the government whose case is being discussed, as well as the spokespersons of the Workers’ and the Employers’ groups;
  ■ ten minutes for the Employer and Worker members, respectively, from the country concerned to be divided between the different speakers of each group;
  ■ ten minutes for Government groups;
  ■ five minutes for the other members;
  ■ concluding remarks are limited to ten minutes for the government whose case is being discussed, as well as spokespersons of the Workers’ and the Employers’ groups.

– Maximum speaking time will also apply to the discussion of the General Survey, as follows: 20
  ■ fifteen minutes for the spokespersons of the Workers’ and the Employers’ groups;
  ■ ten minutes for Government groups;
  ■ five minutes for the other members;
  ■ concluding remarks are limited to ten minutes for spokespersons of the Workers’ and the Employers’ groups.

– However, the Chairperson, in consultation with the other Officers of the Committee, could decide on reduced time limits where the situation of a case would warrant it, for instance, where there was a very long list of speakers.

– These time limits will be announced by the Chairperson at the beginning of each sitting and will be strictly enforced.

– During interventions, a screen located behind the Chairperson and visible by all speakers will indicate the remaining time available to speakers. Once the maximum speaking time has been reached, the speaker will be interrupted.

– The list of speakers will be visible on screens in the room. Early registration on that list of delegates intending to take the floor is encouraged. 21

– In view of the above limits on speaking time, governments whose case is to be discussed are invited to complete the information provided, where appropriate, by a

20 These new modalities result from the informal tripartite consultations of March 2016.

21 These new arrangements result from the informal tripartite consultations of March 2016.
written document, not longer than five pages, to be submitted to the Office at least two days before the discussion of the case. 22

X. Respect of rules of decorum and role of the Chairperson

All delegates have an obligation to the Conference to abide by parliamentary language and by the generally accepted procedure. Interventions should be relevant to the subject under discussion and should avoid references to extraneous matters.

It is the role and task of the Chairperson to maintain order and to ensure that the Committee does not deviate from its fundamental purpose to provide an international tripartite forum for full and frank debate within the boundaries of respect and decorum essential to making effective progress towards the aims and objectives of the International Labour Organization.

22 See Part VI above.
Appendix I

Criteria developed by the Committee of Experts for footnotes

Excerpts of the General Report of the Committee of Experts (105 III(1A))

40. As in the past, the Committee has indicated by special notes (traditionally known as “footnotes”) at the end of its comments the cases in which, because of the nature of the problems encountered in the application of the Conventions concerned, it has seemed proper to ask the government to supply a report earlier than would otherwise have been the case and, in some instances, to supply full particulars to the Conference at its next session in June 2016.

41. In order to identify cases for which it inserts special notes, the Committee uses the basic criteria described below, while taking into account the following general considerations. First, the criteria are indicative. In exercising its discretion in the application of the criteria, the Committee may also have regard to the specific circumstances of the country and the length of the reporting cycle. Second, the criteria are applicable to cases in which an earlier report is requested, often referred to as a “single footnote”, as well as to cases in which the government is requested to provide detailed information to the Conference, often referred to as a “double footnote”. The difference between these two categories is one of degree. Third, a serious case otherwise justifying a special note to provide full particulars to the Conference (double footnote) might only be given a special note to provide an early report (single footnote) when there has been a recent discussion of the case in the Conference Committee. Finally, the Committee wishes to point out that it exercises restraint in its recourse to “double footnotes” in deference to the Conference Committee’s decisions as to the cases it wishes to discuss.

42. The criteria to which the Committee has regard are the following:

   – the seriousness of the problem; in this respect, the Committee emphasizes that an important consideration is the necessity to view the problem in the context of a particular Convention and to take into account matters involving fundamental rights, workers’ health, safety and wellbeing, as well as any adverse impact, including at the international level, on workers and other categories of protected persons;
   – the persistence of the problem;
   – the urgency of the situation; the evaluation of such urgency is necessarily case-specific, according to standard human rights criteria, such as life-threatening situations or problems where irreversible harm is foreseeable; and
   – the quality and scope of the government’s response in its reports or the absence of response to the issues raised by the Committee, including cases of clear and repeated refusal on the part of a State to comply with its obligations.

43. In addition, the Committee wishes to emphasize that its decision not to double footnote a case which it has previously drawn to the attention of the Conference Committee in no way implies that it has considered progress to have been made therein.

44. At its 76th Session (November-December 2005), the Committee decided that the identification of cases in respect of which a government is requested to provide detailed information to the Conference would be a two-stage process: first, the expert initially responsible for a particular group of Conventions recommends to the Committee the insertion of special notes; second, in light of all the recommendations made, the Committee will, after discussion, take a final, collegial decision once it has reviewed the application of all the Conventions.
Appendix II

Criteria developed by the Committee of Experts for identifying cases of progress

Excerpts of the General Report of the Committee of Experts (105 III(1A))

49. At its 80th and 82nd Sessions (2009 and 2011), the Committee made the following clarifications on the general approach developed over the years for the identification of cases of progress:

(1) The expression by the Committee of interest or satisfaction does not mean that it considers that the country in question is in general conformity with the Convention, and in the same comment the Committee may express its satisfaction or interest at a specific issue while also expressing regret concerning other important matters which, in its view, have not been addressed in a satisfactory manner.

(2) The Committee wishes to emphasize that an indication of progress is limited to a specific issue related to the application of the Convention and the nature of the measures adopted by the government concerned.

(3) The Committee exercises its discretion in noting progress, taking into account the particular nature of the Convention and the specific circumstances of the country.

(4) The expression of progress can refer to different kinds of measures relating to national legislation, policy or practice.

(5) If the satisfaction relates to the adoption of legislation, the Committee may also consider appropriate follow-up measures for its practical application.

(6) In identifying cases of progress, the Committee takes into account both the information provided by governments in their reports and the comments of employers’ and workers’ organizations.

50 Since first identifying cases of satisfaction in its report in 1964, the Committee has continued to follow the same general criteria. The Committee expresses satisfaction in cases in which, following comments it has made on a specific issue, governments have taken measures through either the adoption of new legislation, an amendment to the existing legislation or a significant change in the national policy or practice, thus achieving fuller compliance with their obligations under the respective Conventions. In expressing its satisfaction, the Committee indicates to governments and the social partners that it considers the specific matter resolved. The reason for identifying cases of satisfaction is twofold:

– to place on record the Committee’s appreciation of the positive action taken by governments in response to its comments; and

– to provide an example to other governments and social partners which have to address similar issues.

…

53. Within cases of progress, the distinction between cases of satisfaction and cases of interest was formalized in 1979. In general, cases of interest cover measures that are sufficiently advanced to justify the expectation that further progress would be achieved in the future and regarding which the Committee would want to continue its dialogue with the government and the social partners. The Committee’s practice has developed to such an extent that cases in which it expresses interest may encompass a variety of measures. The paramount consideration is that the measures contribute to the overall achievement of the objectives of a particular Convention. This may include:

– draft legislation that is before parliament, or other proposed legislative changes forwarded or available to the Committee;

– consultations within the government and with the social partners;

– new policies;
– the development and implementation of activities within the framework of a technical cooperation project or following technical assistance or advice from the Office;
– judicial decisions, according to the level of the court, the subject matter and the force of such decisions in a particular legal system, would normally be considered as cases of interest unless there is a compelling reason to note a particular judicial decision as a case of satisfaction; or
– the Committee may also note as cases of interest the progress made by a state, province or territory in the framework of a federal system.