



## **IOE NOTES FOR SONIA REGENBOGEN**

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

**7 December 2017, 3-4 pm ILO Room VII**

#### **Essence of Employers' intervention:**

1. Inform the CEACR of the constructive atmosphere in the works of the 2017 CAS
2. Request information with regards to CEACR discussions on working methods
3. Request information on how CEACR handled the issue of C87 and RTS

#### **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. We note however with surprise that this year our meeting is shorter (one hour only) compared to the three hours we used to have in past years. We trust that for next year we will go back to the three-hour format to have meaningful exchanges. This is the spirit enshrined in the Standard Initiative.

Having said that, the Employers welcome the ongoing close cooperation between CAS, the Experts and the Office. The constant and direct dialogue between the CAS and the CEACR, along with representatives of the Office, 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. We trust that possibilities for additional meaningful and spontaneous dialogue between members of CAS, the CEACR and the Office will be explored.

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

#### **B. 2017 CAS**

The CAS demonstrated once again in 2017 its ability to lead a meaningful and results-oriented tripartite dialogue. The CAS thus reaffirmed its role as cornerstone of the ILO Supervisory System where 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 and vis-à-vis the Report of the Experts, these were voiced in a spirit of respect and understanding.

A balanced list of 24 cases was negotiated in good faith, and was delivered by the proposed deadline containing 16 cases on Fundamental Conventions, 5 cases on Priority and 3 cases on technical Conventions. In composing the list, consideration was also given to regional balance as well as level of development of the countries.

Another important feature was the active role played again this year by Workers and Employers in the drafting of the conclusions. The drafting process was again facilitated by the use of the new Sharepoint software allowing for simultaneous work on the text of the conclusions. We saw real tripartite ownership of the outcomes of the CAS. Conclusions reflect faithfully the preceding discussions and the specific context of the countries. We would also like to stress that, as in previous years, the conclusions contain **only** consensus recommendations. Controversial issues or fundamental disagreements such as those on whether C87 contains rules regarding a right to strike and recommendations made by the CEACR that a country should take action to comply with such rules are **thus intentionally not included in** the CAS conclusions.

### C. Working Methods

As stated in the past, Employers expect that the Experts will consider and implement further measures to make the report more reader-friendly, transparent and relevant. Para 7 to 10 of the report refers to the work of the Experts subcommittee on working methods. However, the concrete results coming out of these discussions and how they improve the supervision of standards from one session to the next were not presented in the report last year.

***Could you share with us today what are the issues that you discussed in the working methods meeting? What were the outcomes?***

***Could you also include the concrete outcomes in the general part of the Experts report for next year?***

This is important, among others, to inform and enrich the discussion at the GB level.

In addition, the Employers would like to propose to set up a ***joint working party of Experts and CAS members to look into further improvements***. We believe that in this way, the cooperation amongst the regular supervisory bodies and thus, the effective functioning and cohesion of the regular supervisory system could be strengthened.

Government reports are the vital fact basis and thus the starting point for any standards supervisory activity. In this regard we would like to know:

- ***How many reports were received by September 1 deadline this year?***
- ***How many reports were received after the deadline?***
- ***For how many reports will the examination by the Committee have to be postponed because of lack of time and/or resources?***

- ***Was the CEACR able to examine reports deferred from previous years at this session?***

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

It is important to highlight that discussions are taking place at the GB level on how to streamline reporting. Employers supported optimizing the use of technology, and extending the reporting cycle for technical conventions to facilitate reporting and increase the rate of reports that are complete and provided within the deadlines in future. Discussions on this topic will continue.

We note that the number of **cases of serious failure to report** has increased in 2016 compared to last year: Governments of 17 countries (compared to 14 in 2015) have not submitted reports to the Experts for two or more years and governments from 12 countries (compared to 7 in 2015) have failed to supply a first report for two or more years. Nine governments have not submitted the first report on the Maritime Labour Convention. There are also cases in which countries have not reported to the Experts for more than ten years.

***What are the figures for 2017?***

***Have the experts discussed this fundamental issue?***

***If so, what concrete measures have been taken by the Experts to ensure fuller submission of reports and responses to previous CEACR comments, specifically in regard to those countries with a long history of failure to report?***

***Has the Committee made any decision with regards to giving more visibility to these cases in its report?***

Apart from government reports, comments from employers and workers' organisations provide very useful information on the reality and the current impact of the implementation of any ratified standard. There are still cases where the Government fails to share the report with the social partners. Governments are not always aware of their obligation to communicate to the social partners copies of the report and information supplied to the Office.

For instance, paragraph 29 of the 2016 report mentioned the two countries that have failed to indicate, during the past three years, the representative organisations of employers and workers to which, in accordance with article 23 of the Constitution, copies of the report and information supplied to the Office shall be communicated.

Employers' organisations, with the invaluable support of IOE, are working to contribute to the supervisory system in a more effective manner by submitting up-to-date and relevant information to the Experts on the way Member States are applying in law and practice ratified Conventions, communicating not only shortcomings in application but most importantly progress and alternative ways to implement ILO instruments.

However, in our opinion more could be done to ensure the involvement of the social partners. Therefore, we would like to ask you:

## ***What concrete measures can be taken by the Experts to encourage Governments to respect this obligation?***

### **D. C87 and the RTS**

As in previous years, we respectfully express our fundamental disagreement about the Experts non-binding interpretations on a “right to strike” in the context of Convention 87 and about the Experts requesting governments to bring their law and practice in line with these interpretations. We continue to trust that the Experts will revisit their position on the “right to strike, taking fully into account the dissenting views expressed by the majority in the Governing Body in March 2015.

The Employers are confident that the CEACR, in doing so, would constructively support a positive outcome of the Standards Initiative process.

### **E. Concluding Remarks**

Chair,

The ILO’s international labour standards are the starting point of ILO’s standards supervisory mechanisms and the need for them to be adapted as necessary to ongoing and future 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 the regular standards supervision as a whole.

Spontaneous dialogue between CEACR and 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 Experts listen to the ILO’s tripartite constituency, implement measures to make the regular standard supervision more effective and facilitate 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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