
Informal tripartite consultations on the working methods of the Committee on the Application of Standards

(3 November 2018)

Background note

Introduction

1. Informal tripartite consultations on the working methods of the Conference Committee on the Application of Standards (CAS) took place 11 times from June 2006 to 2011. Subsequently, at its 322nd Session (October–November 2014), the Governing Body decided to relaunch informal tripartite consultations to prepare recommendations to the 323rd Session of the Governing Body (March 2015), in the context of decisions taken by the Governing Body concerning the Standards Initiative.¹ The most recent informal tripartite consultations on the working methods of the CAS were held on 17 March 2018.²
2. The outcome of these informal tripartite consultations and the subsequent adjustments made to the working methods of the CAS are reflected in document D.1, adopted each year by the CAS, entitled “Work of the Committee”.³
3. The most recent informal tripartite consultations continued the review of the functioning of the CAS. Specifically, the discussions included: the preparation, adoption and follow-up of conclusions; the discussion of the General Survey; the issue of serious failure of certain governments to respect their reporting obligations; the issue of participation in the informal tripartite consultations, including whether the number of participants should be increased, and whether observers should be permitted to take the floor; and seating arrangements at the CAS.
4. This meeting follows up on the discussions at the 332nd Session of the Governing Body, including the informal tripartite consultations held on 17 March 2018.⁴
5. As certain items had been addressed at the 4 November 2017 meeting, it was proposed that the March meeting proceed with discussion of agenda items carried over from the prior meeting:
 - the discussion of the General Survey (section II of Annex I);
 - the discussion of cases of serious failure by member States to respect their reporting obligations (section III); and

¹ [GB.322/PV](#), para. 209(3).

² Brief report of the 17 March 2018 meeting of the informal tripartite Working Group, reproduced at Annex I.

³ A copy of document D.1 is attached hereto as Annex II.

⁴ [GB.332/PV](#).

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- the issue of the participation in these informal tripartite consultations (section IV).
6. The issue of the preparation, adoption and follow-up of conclusions was raised and briefly discussed at the beginning of the meeting. There was general consensus that the Government representatives concerned should have the right to take the floor immediately after the adoption of the conclusions, rather than waiting until all the conclusions were read out. The Office undertook to take the necessary measures in this regard.
 7. Concerning the second item on the agenda, the meeting acknowledged that insufficient time was allocated to the discussion of General Surveys during the CAS and agreed to reducing the time allocated to opening items at the CAS to permit additional time for discussion of the General Survey. With regard to the proposal of inviting experts to contribute to the discussion on the General Survey, the meeting considered that the necessary expertise to support the General Survey discussion resided with the Office and the Conference, and that recourse to external experts would be appropriate only in exceptional circumstances. The Office clarified that the proposal was intended to allow for the appointment of complementary experts only where useful due to the highly technical nature of certain instruments. It was agreed that this item be discussed further.
 8. With respect to cases of serious failure by member States to respect their reporting obligations, the meeting noted the need for coordinated sustained measures. The introduction of electronic reporting, longer reporting intervals and simplified report forms had been helpful, and it was expected that the work of the Standards Review Mechanism Tripartite Working Group (SRM TWG) would also help ease the reporting burden. The meeting supported the Committee of Experts' decision to institute a procedure for "urgent appeals" in certain cases. It was important to increase visibility of this process and inform governments that the Committee of Experts may proceed to examine the substance of a matter even in the event of continued failure to report. The meeting encouraged the Office to continue in its efforts to support governments, including through provision of technical assistance to the countries concerned. It also emphasized the added value of engaging the social partners in preparing reports.
 9. Regarding the participation in the informal tripartite consultations on the working methods of the CAS, a proposal to increase government participation to 16 members and to reduce employers' and workers' participants to eight members each to allow greater regional diversity was discussed, but not retained. Governments were invited to further reflect on how to maximize their contribution to these informal tripartite consultations through their nine members and the observers attending these meetings.
 10. The meeting also raised the issue of insufficient seating at the CAS. Recalling that Room II was available for delegates to follow the proceedings on a screen when there was not sufficient seating in the room, the meeting decided that a set number of seats (two–three) could be allocated to each delegation in advance, and that additional members of the delegation not contributing directly to the deliberations could follow the meeting from the adjacent room. The Office clarified that this limitation would not apply to the delegation of the country concerned by the discussion of an individual case.
 11. On the basis of the discussions during the 17 March 2018 meeting, it is proposed that this meeting could proceed with discussion of the following agenda items:
 - proposal for possible improvements to the working methods of the CAS (section I);
 - special Centenary arrangements (section II);
 - discussion of the General Survey (section III);

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- participation in the informal tripartite consultations (section IV); and
 - seating arrangements at the CAS (section V).

I. Proposal for possible improvements to the working methods of the CAS

12. During the 107th Session of the International Labour Conference (May–June 2018), the Office carried out an internal review of the working methods followed by the secretariats of all the committees of the Conference, with a view to identifying areas for improvement. Certain proposals for possible improvements in the working methods of the CAS secretariat would have an impact on the content of *Provisional Records*. These are therefore presented for examination in the framework of these informal tripartite consultations.
13. The main proposal would be to produce Part II of the report of the CAS as a verbatim record, such as the one produced each year for the plenary session of the Conference, instead of the current summary record. The proposed new method would guarantee the same if not higher levels of transparency, timeliness and accuracy. In addition, switching from a summary to a verbatim record would allow the Office to gain considerable cost savings, which could then be directed to reinforcing other central aspects of the supervisory mechanism, such as the provision of effective technical assistance at country level. It should be noted that at its current session, the Governing Body has before it a report containing a positive evaluation of the verbatim records produced for the plenary session of the Conference.
14. The Office further proposes to reflect the discussion of the CAS on the General Survey in the same verbatim record, rather than in its current summary form which appears in Part I of the report of the CAS.
15. If these proposals were to be accepted, Part I of the report of the CAS (the General Report) would contain: a summary of the general discussion; the outcome of the discussion on the General Survey; the recommendations made with respect to cases of serious failure and the conclusions adopted on individual cases (the conclusions would appear in both Part I and Part II of the report). The discussions would be reflected in a verbatim record which would initially be presented to the plenary for adoption in patchwork form and subsequently released in three languages on the official website of the Conference (ten working days later).

II. Special Centenary arrangements

16. As the ILO is preparing for the celebration of its Centenary, a number of activities and events will focus on international labour standards.
17. In June 2019, the Centenary Conference of the ILO will hold its second discussion of the standard-setting item on violence against men and women in the world of work (document GB.332/INS/2). The Governing Body is expected to place other items on the agenda of the Centenary Conference at its forthcoming 334th Session (October–November 2018) (document GB.334/INS/2).
18. The Office has launched a Centenary focus on the universal ratification of the fundamental Conventions and the Protocol to the Forced Labour Convention. Among these instruments, particular efforts are being made to obtain the universal ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), with only six ratifications left to attain universal coverage. The campaign has produced positive results, with all countries concerned having commenced the procedure of ratification or having undertaken to do so by the end of 2019.

With respect to the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), in the framework of the “50 for freedom” campaign, 25 member States had ratified this instrument as of mid-October 2018.

19. During the 2019 sitting of the Committee of Experts on the Application of Conventions and Recommendations (November 2019), a special event in the format of a round table is foreseen with the participation of the vice-chairpersons of the CAS (to be confirmed). During the event, the panellists would discuss the combined work of the Committee of Experts and the CAS, as well as engaging in broader global reflections on the future of international supervision. The event should also include the launch of a special Centenary publication on the impact of the work of the Committee of Experts in recent decades.
20. Furthermore, following the recurrent item discussion on social dialogue, the 107th Session of the International Labour Conference (May–June 2018) called upon the Office to organize a high-level event during the ILO Centenary on freedom of association and collective bargaining in close collaboration with constituents, and with the active participation of representatives from the Committee on Freedom of Association, the Committee of Experts on the Application of Conventions and Recommendations and the tripartite Committee on the Application of Standards.
21. Moreover, in the framework of the recurrent item discussion on social dialogue, the Office is intensifying its efforts to promote the universal ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Information on the campaign and the results obtained is available on a [dedicated website](#).

III. Discussion of the General Survey

22. The paragraphs below are an extract from the Governing Body document *The Standards Initiative: Implementing the workplan for strengthening the supervisory system – Progress report*,⁵ which invites the CAS, through the informal tripartite consultations on its working methods, to consider measures to enhance its discussion of the General Survey.
23. Many constituents emphasized during the recent informal consultations that insufficient time and attention is devoted to the discussion of General Surveys during the CAS. Furthermore, the Conference has explicitly requested the ILO to “adopt modalities to ensure that General Surveys and the related discussion by the Committee on the Application of Standards contribute to the recurrent discussions as appropriate”.⁶ **With a view to enhancing its role in giving effect to the objectives of article 19, paragraphs 5(e) and 6(d), consistent with the expansion of its mandate as a consequence of the introduction of these provisions, the CAS could explore other ways of improving its discussion of General Surveys, including through seeking to reduce to the minimum necessary the time afforded to opening items, and recourse to experts on the subject concerned, appointed pursuant to article 18 of the Constitution. These and other modalities could be explored during the informal tripartite consultations on the working methods of the CAS,⁷ with a view**

⁵ GB.332/INS/5(Rev.), paras 62–65.

⁶ ILO: *Provisional Record No. 13-1*, International Labour Conference, 105th Session, Geneva, 2016, para. 15.2(b).

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

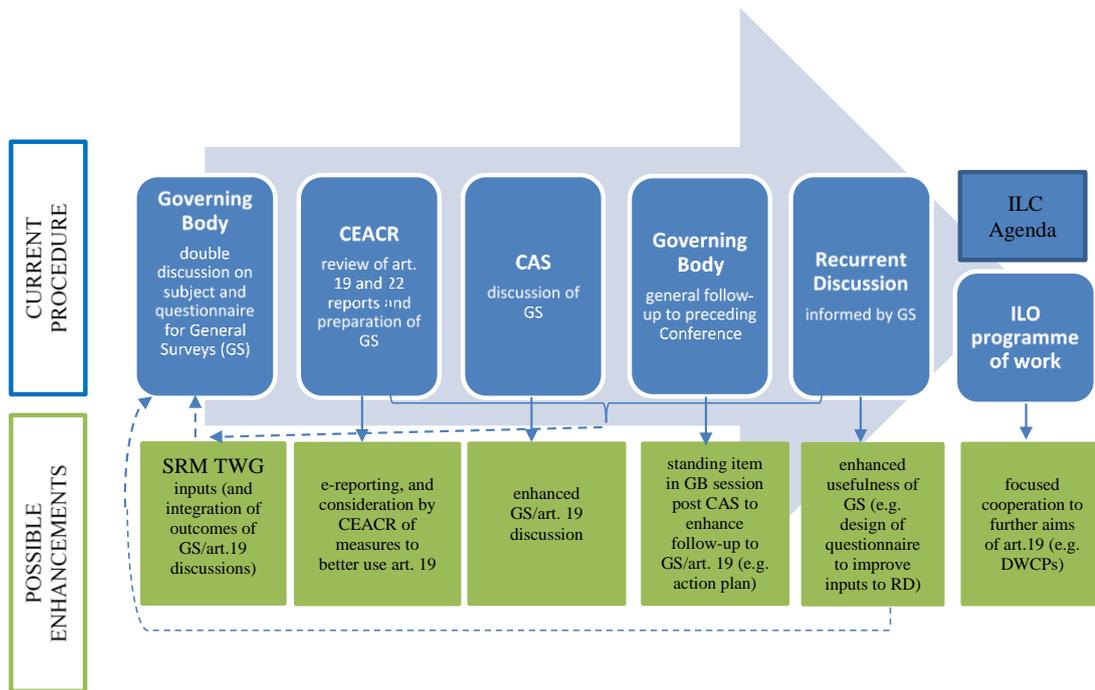
to giving effect to the ILC resolution on Advancing Social Justice through Decent Work, which called for the exploration of options to make better use of article 19, paragraphs 5(e) and 6(d).⁸

24. **In addition, building on specific suggestions put forward by certain constituents, the Governing Body could consider the inclusion of a standing item at its November session following the discussion of the General Survey by the CAS with a view to enhancing the discussion and follow-up of General Surveys,** and particularly to promoting the ratification of standards and their implementation by non-ratifying countries. The item could include an invitation to non-ratifying countries to share their experience, difficulties and efforts, with a view to encouraging ratification and giving recognition to any measures taken. The item could assist in the preparation of the related recurrent discussion and enhance the linkage between the findings of General Surveys and their discussion (including any conclusions drawn by the CAS) with ILO activities and cooperation. For example, this might lead, where appropriate, to the inclusion of the outcome of discussions arising out of General Surveys in the action plan to follow up the conclusions of the recurrent discussion.
25. **The outcome of the CAS and Governing Body discussions could inform not only the recurrent discussion, but also the Standards Review Mechanism (SRM) and ILC agenda-setting processes, and more broadly the preparation and implementation of the ILO's strategic policy framework.**⁹ The following figure illustrates how, as a first step, the strengthening of institutional discussions linked to, but also going beyond General Surveys, could enhance the use of article 19 and promote coherence.

⁸ See *Provisional Record No. 13-1*, International Labour Conference, 105th Session, Geneva, 2016, para. 15.1.

⁹ See *GB.331/POL/1* on Outcome 2 of the programme and budget concerning the ratification and application of international labour standards.

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



26. In addition to the above, it is suggested that one way to make the discussion of General Surveys more targeted and interactive could be to organize the discussion on the basis of a set of questions formulated during informal tripartite consultations every March, following the release of the General Survey. This method would be similar to the one followed by other ILC committees for the discussion of reports. It would serve to structure the discussion, keep the focus on key issues and allow for targeted follow-up on subjects of interest to the constituents. It is hoped that this method could also serve to produce a more strategic outcome of the discussion and provide key input into recurrent item reports.
27. In addition to addressing the above issues, the meeting discussed whether, as an informal advisory body, it was mandated to make recommendations to the Governing Body on including a standing item on its agenda relating to the General Survey. The Office was requested to provide clarifications at the next meeting with regard to the role and utilization of experts during the discussion of the General Survey. The meeting indicated that it wished to consider this matter further to explore options for enhancing discussions of General Surveys.

IV. Participation in the informal tripartite consultations

28. It is recalled that, based on informal arrangements put in place when the first informal tripartite consultations on the working methods of the CAS were organized in June 2006, the meetings are composed of: nine Employer representatives; nine Worker representatives; and nine Government representatives. Meetings may also be attended by an indeterminate number of observers.
29. During its March 2017 meeting, participation in the informal consultations was discussed. A proposal to increase Government representation by eight members was not supported. Similarly, a proposal to give observers the floor was not supported given that as it was, all

nine of the Government representatives did not exercise their right to speak. It was decided that further consultations among governments were required.

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

V. Seating arrangements at the CAS

31. The issue of insufficient seating at the CAS was discussed, and the possibility of introducing seating limitations was raised. The meeting agreed that this matter would be included in the agenda of the next meeting to explore possible solutions.

Annex I

Informal tripartite consultations on the Working Methods of the Committee on the Application of Standards (17 March 2018)

Brief report of the meeting

1. Informal tripartite consultations on the Working Methods of the Conference Committee on the Application of Standards (CAS) were held on Saturday, 17 March 2018 from 2 p.m. to 5 p.m.
2. The meeting was chaired by Mr Siphon Ndebele (Government representative, South Africa). The Employer Vice-Chairperson of the CAS at the 107th Session (2017) of the International Labour Conference, Ms Sonia Regenbogen, and the Worker Vice-Chairperson of the CAS, Mr Marc Leemans, spoke on behalf of the Employers' and Workers' groups, respectively. The Government representatives were from the following nine countries: Algeria, Brazil, Canada, Egypt, Greece, Iraq, Lithuania, Poland and Thailand. The meeting was also attended by a number of observers.
3. The meeting had before it a background note prepared by the Office. The agenda of the meeting was presented by the Chairperson, who noted that, as the first two points from the 4 November 2017 agenda had been dealt with at that meeting, the focus of the March 2018 meeting would be on the remaining three points from that agenda. The discussion of the agenda was not finalized and it was agreed that discussions would continue in November 2018, with an extended sitting if necessary.

I. Preparation, adoption and follow-up of conclusions

4. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC), a Government representative of Brazil** raised a point in relation to point 6 of the background note of the 4 November 2017 meeting, with regard to the issue of when governments should take the floor during the adoption of the conclusions in the CAS. He recalled GRULAC's proposal, with which the Africa group had agreed, that governments should be given the floor before the adoption of conclusions. A brief discussion ensued with regard to whether or not agreement had been reached on whether the governments should take the floor immediately after the adoption of the conclusions.
5. **Speaking on behalf of the Western European group, a Government representative of Greece** concurred with the proposal made by GRULAC, expressing support for the right of governments to speak before the conclusions are adopted. In addition, she recalled that the issue of government seating in the CAS had been a concern of the governments for the past years.
6. **The Employer spokesperson** considered that the discussion was well reflected in point 6 of the background note. Her group did not consider that the notes should be revised. Noting that this item was not on the agenda, she suggested that the meeting move on. The consensus reached in the November 2017 discussions and reflected in the background note is that the Chairperson of the CAS reads out the conclusions, providing the governments concerned with copies of the conclusions in writing as well as on the screen, and at that time the government may take the floor to comment on or otherwise react to the conclusions.
7. **The Worker spokesperson** concurred with the Employers' group, noting that, with the exception of the June 2017 CAS, when several conclusions were read out before

governments were given the floor, the practice was for the conclusions to be read out and for the governments to be given the floor immediately thereafter.

8. **The Government representative of Brazil** indicated that there was agreement that the procedure followed during the June 2017 CAS, in which governments were allowed to take the floor only after all the conclusions were adopted, was inappropriate. His group disagreed with the procedure followed in the 2017 CAS, but not with the established practice of allowing the government concerned to take the floor immediately after the adoption of each conclusion. He requested that the different views expressed on this point be reflected by the Office in the background note.

II. Discussion of the General Survey

9. **The Worker spokesperson** recalled that the discussion of the General Survey was very important for the recurrent item discussion. As noted in paragraph 9 of the background note, it was true that insufficient time was often allocated to do full justice to the discussion of General Surveys during the CAS. He recalled that the ILC resolution called on the Office to make better use of article 19, paragraphs 5 and 6, and that it had been proposed to include a standing item on the discussion of the General Survey in the November Governing Body session. This would provide an option for follow-up and ensure greater policy coherence in relation to recurrent item discussions and other activities. His group therefore supported this proposal for a standing item. He further noted the proposal in paragraph 9 of the background note regarding the use of article 18 of the ILO Constitution to appoint experts on the topic being addressed. The Workers' group asked the Office to provide more information as to when recourse would be made to experts and what their role might be.
10. **The Employer spokesperson** stated that her group agreed with the need to enhance General Survey discussions, and supported the proposal of reducing the time allocated to the discussion of opening items in order to allocate more time to allow for a more in-depth discussion of the General Survey. She also proposed that the meeting find a way to reduce the minimum reporting times, and to introduce a more user-friendly, standardized procedure, including by limiting the number of instruments covered, to enable delegates to make more focused statements. Her group had some concerns regarding the use of experts, considering that, since the necessary expertise rested with the Office, outside experts should be hired only in exceptional situations. Moreover, until the Governing Body took a decision on the issue of time allocation, it was not useful for the meeting to duplicate the discussion.
11. **Speaking on behalf of the Western European group, the Government representative of Greece** indicated that her group could accept the inclusion of a standing item on the General Survey for the November Governing Body to enhance follow-up, but suggested that, for the sake of time management, governments could be requested to submit information in writing in advance of the discussion. Her group agreed with the Workers' group that it would like to have additional information concerning the hiring of outside experts, in light of the time constraints. In respect of paragraph 11 of the background note, she suggested strengthening the links between the Standards Review Mechanism (SRM) and the discussion on the General Survey, as this would enhance the functioning of both mechanisms.
12. **Speaking on behalf of the Eastern European group, the Government representative of Poland** supported the Office's proposal to link the results of the General Survey to the SRM. This would bring added value, as General Surveys often provide information on the reasons why a government has not ratified an instrument or why an instrument might be considered outdated.
13. **The Government representative of Canada** indicated that her Government was open to the possibility of allocating more time to the General Survey discussion, but recalled IMEC's position that this should not be done at the expense of the time allocated to individual cases. With regard to the proposal concerning the hiring of outside experts, she recalled IMEC's

statement in the context of the discussion in relation to GB.332/INS/PV that caution should be taken in introducing additional elements or speakers, given the significant workload of the CAS. Her Government could support the proposal of including a standard item on the General Survey on the agenda of the November Governing Body, as this could enhance institutional coherence, by supporting the SRM and standard-setting processes. Nonetheless, she questioned the feasibility of adding additional elements to an already packed Governing Body agenda.

14. **Speaking on behalf of GRULAC, a Government representative of Brazil** concurred that the General Survey discussion was very important to the ILO normative system as a means of improving understanding of the realities of the world of work in relation to certain topics and instruments. His group agreed that there was little time for in-depth discussion, but considered that, as the CAS is a committee of the Conference, it was required to comply with the general rules of the Conference and its working methods. This meeting had only an advisory role, and could not determine how the CAS would proceed. His group also questioned whether outside experts would add value to the discussion of the General Survey, noting that the Office had the necessary expertise. In addition, as the discussion was an opportunity for governments to engage in a document prepared by the Committee of Experts and provide input, he suggested that governments should be encouraged to bring their best experts on the topic to contribute to the discussion. With regard to the proposal in relation to placing a standing item on the agenda of the Governing Body, he considered that this was for the Governing Body to decide, and was part of an ongoing discussion regarding GB.332/INS/5(Rev.). He suggested that the meeting discuss the proposals in an informal session, without adopting any decisions, in advance of the CAS, to enable groups to develop a clear understanding of other groups' positions in preparation for the CAS discussions.
15. **The Employer spokesperson** recalled that the mandate of the meeting was not that of a technical committee. It was an informative mandate, to inform the CAS of challenges to ratification or implementation of the standards under consideration. The meeting was different from a technical committee and lacked authority to engage in advance discussions prior to the CAS. There had been a discussion in planning for the CAS about the possibility of a side event, but this was rejected, as governments considered that they did not have sufficient resources to take this on. Her group considered that governments in fact do have the opportunity to provide input into the issues being debated when they provide information to the Committee of Experts in preparation of the General Survey. She suggested that the Office could provide information to help the Committee have a clearer understanding of the mandate of the Committee of Experts in relation to the General Survey, to focus the discussions.
16. **The Worker spokesperson** considered that his group could align itself with the Employers' proposal regarding a more user-friendly approach, on condition that this would not prejudice the quality of General Surveys. The Workers considered that there could be added value in including a standing item on the General Survey in the November Governing Body. While this was for the Governing Body to decide, the meeting could nevertheless express support for the proposal, as it would provide an opportunity for follow-up to the General Survey. He reiterated his group's query regarding whether experts were not available within the Office and the manner in which outside experts might be utilized.
17. **The Director of the International Labour Standards Department** clarified that the proposal was intended to allow for the appointment of complementary experts only where useful due to the highly technical nature of certain instruments. Recognizing that the CAS already brings together many experts, she noted that the proposal was to have the possibility of bringing complementary expertise where needed. The Office was also fully mindful of the time constraints, and would therefore consider this option only if it would add value to the discussion. She further noted that the D.0 document circulated in the meeting already reflected the Office proposal to save time by reducing the time allocated to the general discussion of opening items. Responding to a query from the Worker spokesperson, she clarified that no decision had been taken on the Committee on Freedom of Association

reporting to the CAS, noting that if there were a decision taken to this effect, this would need to be reflected in the D.0 document.

18. **A Government representative of Canada** suggested that the usefulness of General Surveys could be enhanced by ensuring that the relevant questionnaire is streamlined, tightly focused and firmly grounded in the instruments intended to be addressed.
19. **Speaking on behalf of GRULAC, a Government representative of Brazil** concurred that the General Survey should be made more user-friendly, while maintaining the quality. His group was not in agreement with the proposal that the meeting make a recommendation to the Governing Body concerning including a discussion of the General Survey as a standing item on its agenda. His group still proposed having informal consultations, which would not have to be pre-CAS, and could simply be an informal discussion among the tripartite constituents to discuss issues of common concern. With regard to the time allocated to the General Survey discussion, he asked the Office to clarify whether the time foreseen for the discussion had actually been fully used by governments during the last meeting. Another issue related to the discussion, but that should be addressed separately, was the issue of the adoption of the outcome of the discussion of the General Survey by the CAS and the need to have the proposed outcome available as soon as possible. When would this be made available to the CAS according to the programme of work?
20. **The Director of the International Labour Standards Department** noted that in accordance with the practice in past years, there had been only one session foreseen for the discussion of the General Survey, on 29 May 2017. While more time had initially been foreseen, this was not needed, so this change reflected current practice. She noted that for two years she had also been presenting the General Survey, primarily for ILO staff, but the invitation could be extended for others to join. With regard to the issue of when the proposed outcome document would be distributed, the Office aimed to do this as far in advance as possible, but this was up to the vice-chairpersons, not the Office.
21. **The Chairperson** noted that there was an emerging consensus around the need to find additional time for discussion, and that the changes to the D.0 document appeared to be supported by the meeting. With regard to the issue of use of experts, this could be further examined at the next meeting. He noted that the Office would develop the ideas that had been brought forward, for further discussion at the next meeting. He also noted the different views expressed regarding the proposal concerning recommending inclusion of a standing item on the General Survey at the November Governing Body.
22. **Speaking on behalf of GRULAC, a Government representative of Brazil** suggested that there could be another round of discussions in November 2018 concerning the General Survey discussion as well as the issue of the adoption of the outcome of the General Survey discussion. His group considered that there should be a process for adopting such outcome in a tripartite manner. He questioned whether there was a role for the Chairperson in the drafting of the conclusions.
23. **Speaking on behalf of the Western European Group, the Government representative of Greece** indicated that since GRULAC's proposal regarding the General Survey could have many implications, her group could not react immediately. She invited views from her group to see how to move forward, and requested that this point be returned to at the next meeting. She thanked the Office for the suggestion of inviting all delegates to the presentation of the General Survey.
24. **The Chairperson** noted that the groups had agreed to seek the views of their members on the proposals and that these would be addressed at the next meeting.
25. **The Employer spokesperson** noted that if the meeting wished to discuss this further, it would be necessary to have more information from the Office, since discussion of the conclusions of the General Survey was a relatively new procedure. This could also be controversial, as it was not clear how a Chairperson would be expected to take into account input from a government on the outcome of a General Survey.

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26. **The Workers' group** concurred with the Employers' group, noting that the most important thing was for governments to make interventions that would enable the social partners to reach solid agreement on the proposed outcome.

III. Cases of serious failure by member States to respect their reporting obligations

27. **The Worker spokesperson** stated that his group was concerned at some governments' continued failure to respect their reporting obligations, although slight improvements had been noted, as 71.1 per cent of requested reports had been received in 2017, marginally more than the 69.7 per cent received in 2016. He also noted that the provision of technical assistance in such cases had had positive results. He thanked the Office for its efforts and encouraged it to continue to follow up with governments closely, including through technical assistance. He highlighted the importance of the participation of the social partners in the preparation of reports, where tripartite mechanisms existed, in order to improve the quality of reporting. The current report reflected that 11 member States had made some improvements in meeting their obligations. The Workers' group appreciated the effort that needed to be invested, and would support action to improve this difficult situation.
28. **The Employer spokesperson** noted that this was a very important issue and there was a need for coordinated sustained measures. The Employers' group considered that technical assistance measures taken to help countries meet their reporting obligations should be extended where possible. Technical assistance measures should take a long-term view and focus on preparation of outstanding reports while building the reporting capacities of the countries concerns. The introduction of electronic reporting, longer reporting intervals and simplified report forms had been helpful, and it was expected that the work of the Standards Review Mechanism Tripartite Working Group (SRM TWG) would also help ease the reporting burden. She added that, in respect of the urgent appeals, greater visibility was key. She queried whether the Committee of Experts had a mandate to decide on an urgent appeal where a country has failed to report for more than two years to observations from the social partners. It was important to clarify to governments that they may be called before the CAS even if they have not submitted a report responding to observations.
29. **Speaking on behalf of GRULAC, a Government representative of Brazil** indicated that his group supported technical assistance measures to help countries meet their reporting obligations.
30. **A Government representative of Canada** considered that the urgent appeals procedure was a reasonable approach that complemented the existing practice of sending letters to countries.
31. **Speaking on behalf of ASPAG, a Government representative of Japan** asked the Office to address the issue of deferred files, noting that this could weaken the effectiveness of the urgent appeals procedure.
32. **Speaking on behalf of the Africa group, a Government representative of Algeria** recommended that targeted measures be taken to provide technical assistance, focusing on a certain number of countries.
33. **Speaking on behalf of the Eastern European group, a Government representative of Poland** noted that the reporting deadline was a critical issue, especially given the problem of translations for countries whose national language is not one of the official ILO languages. This impacts some countries' ability to meet reporting deadlines.
34. **The Director of the International Labour Standards Department** responded to the query from the Employers' group, noting that, in the absence of a reply from the government concerned, the Committee of Experts can nevertheless take into account the observations of the social partners in assessing compliance. This is in the Committee's mandate, but it is in

the government's interests to respond, since failure to reply affects the Committee's ability to assess compliance. The Office had followed this practice for decades, and it was a challenge to put a sustainable system of reporting in place. High turnover in ministries affected governments' ability to respond, and the Office was now looking at having more comprehensive regular discussions on standards, looking at ratifications, including follow-up on SRM decisions and reporting concerns.

35. **The Chairperson** noted that the meeting supported the Committee of Experts' decision to institute a procedure for "urgent appeals" in certain cases. It was important to increase the visibility of this process and inform governments that the Committee of Experts may proceed to examine the substance of a matter even in the event of continued failure to report. The Office was encouraged to continue in its efforts to support governments, including through provision of technical assistance to the countries concerned. He also noted that tripartite discussion was critical, since consultation generally improved the quality of government reports. Efforts should be made to engage the social partners when finalizing reports.

IV. Participation in the informal tripartite consultations

36. **Speaking on behalf of GRULAC, a Government representative of Brazil** expressed the view that the meeting could benefit from more government participation. He noted that governments did not have the same structure that characterized the social partners, who speak with one voice. Following discussions on GB.332/INS/5(Rev.) in the Governing Body, a number of proposals had been tabled inviting the meeting to make recommendations. He proposed that an ideal scenario would involve four Government representatives from each region, for a total of 16, with an additional eight for each of the social partners, which would make for better regional representation.
37. **Speaking on behalf of the Africa group, a Government representative of Algeria** supported the proposed increase in government participation.
38. **The Employer spokesperson** considered that the proposed composition of the meeting was not balanced, and her group could not support it, although this issue kept coming up at each meeting. She noted that there was nothing preventing Government members from broadly consulting in their regions or in any other appropriate forum.
39. **The Worker spokesperson** welcomed the notion that the social partners spoke with one voice, but noted that this was not correct. The meeting was an informal working group charged with giving input to the CAS. While he recognized that there were a limited number of governments, he noted that observers were also permitted to participate. Expanding the meeting would inhibit constructive debate, and his group was not in favour of the proposal.
40. **Speaking on behalf of GRULAC, a Government member of Brazil** suggested adding one Government representative from each region for a total of 12. Noting the lack of support for increased participation, he suggested an alternative solution, whereby observers could be allowed to take the floor and speak once.
41. **Speaking on behalf of the Western European group, a Government representative of Greece** noted that not all of the nine Government representatives had taken the floor, and supported the proposal that observers could be allowed to do so, as long as there was sufficient time.
42. **The Chairperson** suggested that, if there were nine Government representatives and typically only four took the floor, the governments could be asked to identify a group of speakers from each region to speak. Since the meeting had never utilized the full nine government speakers, it made no sense to add the observers before first going back to the governments and asking them to address the concern about regional representation.

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43. **The Employers' and Workers' groups** concurred with the proposal made by the Chairperson.
 44. **The Chairperson** requested the governments to consult with a view to ensuring that the nine representatives were fully utilized. If a challenge were to arise, the meeting could then see how best to address this.

V. Any other business

45. **Speaking on behalf of GRULAC, a Government representative of Brazil** raised the issue of insufficient seating at the CAS, noting that at the previous session, the country name indicators had been removed and it had become difficult to know where participants were sitting.
46. **The Worker spokesperson** noted that there was no fixed seating for anyone in the room, with the exception of the government under examination. He noted that there was an adjacent overflow room which could allow delegates to follow the discussion remotely.
47. **The Chairperson** suggested that consideration could be given to the possibility of limiting seating per delegation, with additional delegates being given the possibility of sitting in the adjacent room.
48. **The Director of the International Labour Standards Department** clarified that any seating limitation would not apply to countries being examined. She indicated that the Office would take the issue under advisement.
49. **The Chairperson** indicated that this matter would be included in the agenda of the next meeting.
50. **Speaking on behalf of GRULAC, a Government representative of Brazil** noted that the meeting's mandate and parameters of its operations as well as the issue of the discussion on the General Survey, were all items to be placed on the next agenda.
51. **The Employers' group** recalled GRULAC's suggestion that meetings be held twice a year, whereas previously the meeting was once a year. Her group proposed that the meeting in November include the possibility of an extension rather than having two meetings, which would imply both a financial and human cost.
52. **The Workers' group** recalled that the meeting should be cost-efficient. His group did not see the need for the informal consultations suggested by GRULAC, noting that there were no resources for an additional meeting on the General Survey.
53. **Speaking on behalf of GRULAC, a Government member of Brazil** considered that there should ideally be two meetings a year, but his group acknowledged the challenges. He asked the Office to plan for an additional one to two hours for interpretation, to enable the November meeting to be extended, as well as for the Office to provide the provisional working schedule in November. He queried whether the revised D.1 document would also be addressed.
54. **The Director of the International Labour Standards Department** noted that the next D.1 document would be adopted by the CAS and the revised document posted on the CAS web page by the end of May for the CAS to examine and adopt. In response to GRULAC's query regarding discussion of the D.1 document, this would only be discussed in relation to certain points.
55. In concluding the meeting, it was agreed that the informal tripartite consultations on the working methods of the CAS should be held once a year, and that the next meeting would be held during the 334th Session of the Governing Body, in November 2018. It was also requested that provision be made for an extended meeting if necessary, but that this would not preclude a March sitting if there were an urgent need. The meeting was adjourned.

Annex II

INTERNATIONAL LABOUR CONFERENCE
107th Session, Geneva, May–June 2018

C.App./D.1

Committee on the Application of Standards

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.¹ This 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 on 4 November 2017 and on 17 March 2018.

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.

¹ Since 2010, the document is appended to the General Report of the Committee.

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.

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 A and B)), printed in two volumes.

Report III (Part A) 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 B) 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 available⁴ 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

² See para. 41 of the General Report of the Committee of Experts. A list of direct requests can be found in Appendix VII of Report III (Part A).

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

to serious failure to respect their reporting and other standards-related obligations is updated;⁵

- (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

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, entitled *Ensuring decent working time for the future*. The General Survey concerns the 16 ILO instruments on working time and covers nine Conventions, one Protocol and six Recommendations. These are: the Hours of Work (Industry) Convention, 1919 (No. 1); the Weekly Rest (Industry) Convention, 1921 (No. 14); the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30); the Forty-Hour Week Convention, 1935 (No. 47); the Night Work (Women) Convention (Revised), 1948 (No. 89); the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948; the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106); the Holidays with Pay Convention (Revised), 1970 (No. 132); the Night Work Convention, 1990 (No. 171); the Part-Time Work Convention, 1994 (No. 175); the Night Work of Women (Agriculture) Recommendation, 1921 (No. 13); the Holidays with Pay Recommendation, 1954 (No. 98); the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103); the Reduction of Hours of Work Recommendation, 1962 (No. 116); the Night Work Recommendation, 1990 (No. 178); and the Part-Time Work Recommendation, 1994 (No. 182).⁷ The instruments on working time that have been determined to be outdated, have been shelved or withdrawn, are not included in the scope of the General Survey.⁸

⁵ See below Part V.

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). The discussion of General Surveys by the Committee will continue to be held one year in advance of the recurrent discussion under the new five-year cycle of recurrent discussions adopted by the Governing Body in November 2016. The full synchronization of General Surveys and their discussion by the Committee will be re-established under the new cycle in the context of the recurrent discussion on social protection (social security) to be held by the Conference in 2020 (see GB.328/INS/5/2 and GB.328/PV (paras 25 and 102)). It is also anticipated that the General Survey on working time will make a useful contribution to the work of both the ILO Tripartite Meeting of Experts on working time and work–life balance tentatively planned for 2019 and of the Tripartite Working Group of the Standards Review Mechanism of the ILO Governing Body.

⁸ In addition, certain sectorial instruments such as the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153), and the Hours of Work and Rest Periods (Road Transport) Recommendation, 1979 (No. 161), are excluded from the scope of the General Survey.

V. Cases of serious failure by member States to respect their reporting and other standards-related obligations⁹

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 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:¹⁰

- None of the reports on ratified Conventions have 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 have been supplied during the past five years.
- No indication is available on whether steps have been taken to submit the instruments adopted during the last seven sessions of the Conference to the competent authorities, in accordance with article 19 of the Constitution.¹¹
- 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 have been communicated.

⁹ Formerly known as “automatic” cases (see *Provisional Record* No. 22, International Labour Conference, 93rd Session, June 2005, para. 69).

¹⁰ These criteria were last examined by the Committee in 1980 (see *Provisional Record* No. 37, International Labour Conference, 66th Session, 1980, para. 30).

¹¹ This time frame begins at the 95th Session (2006) and concludes at the 104th Session (2015) of the International Labour Conference, bearing in mind that the Conference did not adopt any Conventions or Recommendations during the 97th (2008), 98th (2009) and 102nd (2013) Sessions.

At its last session (November–December 2017), the Committee of Experts decided to institute a new practice of launching “urgent appeals” on cases corresponding to certain criteria of serious reporting failure¹² and to draw the attention of the Committee on the Application of Standards to these cases, so that governments can be called before the Conference Committee and thus advised that, in the absence of a report, the Committee of Experts might examine the substance of the matter at its next session. The Committee of Experts expressed the hope that this may further reinforce the synergies between the two supervisory bodies. This new practice is most likely to have an impact on the working methods of the Conference Committee as of the 108th Session of the ILC (2019) (see section VI concerning the adoption of conclusions).

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. Since 2015, 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.

¹² Based on the discussion that took place on the subcommittee on working methods, the Committee decided to institute a practice of launching “urgent appeals” to cases corresponding to the following criteria:

- failure to send first reports for the third consecutive year;
- failure to reply to serious and urgent observations from employers’ and workers’ organizations for more than two years;
- failure to reply to repetitions relating to draft legislation when developments have intervened.

In such cases, the Committee might inform the governments concerned that if they have not supplied a first report or answers to the points raised by 1 September of the following year, then it might proceed with the examination of these cases on the basis of the information at its disposal and possibly make a new comment at its next session (see paragraphs 9 and 10 of the General Report of the Committee of Experts (Report III (Part A), ILC, 107th Session, 2018)).

As of the revision in 2015 of the criteria for the selection of cases, the selection should take into consideration, on balance, the following elements:

- the nature of the comments of the Committee of Experts, in particular the existence of a footnote; *
- 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 undiscussed 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.

* See paras 50–52 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 of this document.

There is also the possibility of examining one case of progress as was done in 2006, 2007, 2008 and 2013.¹³

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 “O”. 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”).¹⁴ 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.

¹³ See paras 53–59 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 of this document.

¹⁴ See para. 50 of the General Report of the Committee of Experts.

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

- (a) through the *Daily Bulletin* and the Committee's dedicated web page;
- (b) 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.¹⁵

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.¹⁶ 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 Vice-Chairpersons and submitted by the Chairperson to the Committee for adoption. The conclusions should take due account of the elements raised in the discussion and information provided in writing by the government. 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 Committee's record of proceedings.

Conclusions on the cases discussed will be adopted at dedicated sittings. The government representatives concerned will be informed of the sitting for the adoption of the conclusions concerning their country by the secretariat through the *Daily Bulletin* and the web page of the Committee. The conclusions are made visible on a screen in the language being read out by the Chairperson, and at the same time a hard copy of these conclusions is provided to the government representative concerned in one of the three working languages, as requested by the government. The government representatives may take the floor after the Chairperson has announced the adoption of the conclusions.

As per the Committee's decision in 1980,¹⁷ 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. As of 2019, this section of the report might also reflect "urgent appeals" following the decision of the Committee of Experts to institute a new practice in this regard (see section V).

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

¹⁵ Since 2010, this document is appended to the General Report of the Committee.

¹⁶ See above Part III(C)(ii).

¹⁷ See footnote 9 above.

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),¹⁸ 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 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.¹⁹ 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).²⁰ 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

¹⁸ See *Provisional Record* No. 24, International Labour Conference, 73rd Session, 1987, para. 33; and *Provisional Record* No. 19, International Labour Conference, 97th Session, 2008, para. 174.

¹⁹ 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).

²⁰ 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.

will be clearly indicated by the Chairperson when they are made available to the Committee. The amendments should be clearly highlighted and submitted either electronically or in hard copy. Please refer to Appendix III or contact the secretariat in relation to the procedure for amendments to draft minutes and their electronic submission. In order to avoid delays in the preparation of the Committee's report, 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.

Following the practice adopted last year, the second part of the report of the Committee which reflects the discussions of cases in which governments are invited to respond to the comments of the Committee of Experts will be submitted for adoption to the plenary session of the Conference in a single document reflecting the working language – English, French or Spanish – in which statements were delivered by the member of the Committee. Only the first – general – part of the report and the conclusions reached after the discussion of individual cases will be translated at that stage in all three languages for adoption.²¹ The fully translated versions of the report will be made available online ten days following its adoption.

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:²²
 - fifteen minutes for the spokespersons of the Workers' and the Employers' groups;
 - ten minutes for Government groups;
 - five minutes for the other members;

²¹ These new modalities result from the informal tripartite consultations of November 2016.

²² These new modalities result from the informal tripartite consultations of March 2016.

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- 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.²³
 - 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 written document, not longer than five pages, to be submitted to the Office at least two days before the discussion of the case.²⁴

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.

²³ These new arrangements result from the informal tripartite consultations of March 2016.

²⁴ 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 (107 III(A))

45. 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 deemed appropriate 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 May–June 2018.

46. 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.

47. 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 well-being, 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.

48. 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.

49. 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 (107 III(A))

53. Following its examination of the reports supplied by governments, and in accordance with its standard practice, the Committee refers in its comments to cases in which it expresses its *satisfaction* or *interest* at the progress achieved in the application of the respective Conventions.

54. 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.

55. Since first identifying cases of satisfaction in its report in 1964,¹ 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.

...

¹ See para. 16 of the report of the Committee of Experts submitted to the 48th Session (1964) of the International Labour Conference.

58. Within cases of progress, the distinction between cases of satisfaction and cases of interest was formalized in 1979.² 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.

² See para. 122 of the report of the Committee of Experts submitted to the 65th Session (1979) of the International Labour Conference.

Appendix III

Procedure for amendments to draft minutes

With reference to **Part VIII of document C.App./D.1**, this note provides information on the new procedure for amendments to draft minutes (PVs), taking into account the fact that, since 2016, each intervention is reflected in the draft PVs only in the corresponding working language¹ – English, French or Spanish – and the draft PVs will be made available online on the Committee’s dedicated web page.²

It is recalled that the Committee’s practice is to accept amendments to the draft PVs of previous sittings **prior to their approval by the Committee**. The time available to delegates to submit amendments to the draft PVs will be clearly indicated by the Chairperson when the draft PVs are made available to the Committee.

Delegates are encouraged to submit their amendments to the secretariat **electronically** in “track changes” via the following email address: AMEND-PVCAS@ilo.org. In order to make amendments directly in track changes, delegates are invited to request the “Word version” of the minute by sending an email to the address above.

Amendments will be received **only if they are sent from the email address** which will have been provided by the delegate concerned when requesting the floor. The secretariat will acknowledge receipt of the amendment and may contact the delegate concerned when the request does not fulfil the requirements contained in document C.App./D.1, which read as follows: *Minutes are a **summary of the discussions** and are not intended to be a verbatim record. Delegates are 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**.* Delegates should specify the draft PV concerned and make clearly visible the changes they wish to make.

Delegates who wish to submit hard copies of their amendments will still be able to do so from 1.30 p.m. to 2.30 p.m. each day, in Office No. 6-140. The secretariat will verify that the request fulfils the requirements reproduced above. Delegates will therefore need to show their identification badge.

¹ When filling in a request for the floor, delegates will be requested to indicate in which working language (English, French or Spanish) their intervention should be reflected in the draft PVs, if this intervention is not in one of these three languages. They will also be requested to provide an email address and a phone number.

² Hard copies will be made available to delegates upon request.