

Fact Sheet on the ILO supervisory system: Article 24 representation procedure

What is the Article 24 ILO representation procedure?

The representation procedure is governed by Articles 24 and 25 of the ILO Constitution. It gives an industrial association of employers or workers the right to make a representation to the ILO Governing Body, against any member State which in its view, “*has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party*”. Individuals cannot make representations directly to the ILO but can pass on relevant information to their workers’ or employers’ organisation.

Submission of an Article 24 representation

Since the Governing Body’s November 2018 INS 5 [decision](#), the submission of Article 24 representations can now be made through a [new model electronic form](#). The form requires the complainant to specify the reasons for submitting their allegations through an Article 24 procedure, as opposed to other procedures, as well as general information about the complainant and the allegations concerned. It also allows the complainant a possibility for a temporary suspension of a maximum period of six months to seek conciliation or other measures at the national level prior to the examination of the representations.

Employers were supportive of the introduction of this model electronic form as it will increase transparency, accessibility and provide a justified recourse to ILO supervisory procedures. Furthermore, it will help to ensure that the Article 24 procedure is available for the most needed

cases where national remedies do not exist, or where the dispute cannot be resolved at the national level. However, the Employers were hesitant with setting the maximum length of six months for the period of suspension and would have preferred the length of the period to be decided under the discretion of the ad hoc tripartite committee. The Governing Body will review these arrangements after a two-year trial period (i.e. 2021).

Receivability and examination of Article 24 Representations

At present, the Governing Body determines the receivability of representations based on the [Standing Orders](#). If considered receivable by the Governing Body, an ad-hoc tripartite Governing Body committee made up of three members may be set up, to examine the representation and the government’s response in private and confidential sittings. Until now, representations partly or exclusively concerning the application of Conventions Nos. 87 and 98 have been referred to the Committee on Freedom of Association (CFA) for examination. Whenever a representation under Article 24 is referred to the CFA, an ad-hoc tripartite committee composed of CFA members is established. Ratification of the Conventions concerned is a prerequisite for membership of Governments in ad hoc committees unless no Government titular or deputy member of the Governing Body has ratified all the Conventions concerned.

As indicated above, representations must now provide for the possibility of voluntary conciliation or similar measures at the national level and temporary suspension from examination by the ad hoc tripartite Governing

Body committee for a maximum period of six months. The suspension would be subject to an agreement of the complainant and the government concerned.

Furthermore, members of Article 24 ad hoc tripartite committees need to receive all relevant information and documents from the Office at least 15 days before their meetings.

The report of the tripartite committee to the Governing Body provides the legal and practical aspects of the case, examines the information submitted, and concludes with some recommendations. Where the government's response is not considered satisfactory, the Governing Body is entitled to publish the representation and the response. At present, the recommendations of tripartite committees are followed up by the Committee of Experts within its regular review.

How does the procedure work in practice?

As of [June 2020](#), representations have been made against 74 of the 187 member States of the ILO. Of those member States, 27 have been the subject to only one representation and seven have been the subject to eight or more representations.

As of [June 2020](#), there are 10 pending Article 24 representations (2 Europe, 5 Latin America, 2 Asia, 1 Africa).

The receivability of a representation is usually determined within three to six months from the time when it is lodged, depending on the timing of the Governing Body sessions. In difficult cases, the question of receivability may be considered twice by the Officers of the Governing Body, in which case the timeline may be extended up to one year. Normally, the tripartite committee is established in the session of the Governing Body that takes a decision on its receivability, or in the following weeks. In the case of renewal of the Governing Body, the establishment of the ad hoc tripartite committee may be delayed until the new Governing Body membership is appointed.

Once the receivability has been established, Article 24 representations usually take another 9 and 24 months to resolve, i.e. until the time of submission by the tripartite committee of its report to the Governing Body. Most often, the examination of a representation involves two to three meetings of the tripartite committee over two, but not necessarily consecutive, Governing Body sessions.

Why is the procedure important for employers?

It is important for Employers for the following main reasons:

- As **complainants**, employers' organisations may seek recourse to an article 24 representation procedure to provide a high degree of visibility in the Governing Body for a major violation in law and practice of a ratified Convention by an ILO member State. Once adopted by the Governing Body, the report of the tripartite committee can be widely disseminated and carries the moral and political weight of an official recommendation from an international supervisory mechanism to an ILO member State.
- As a **member of the tripartite committee** examining a representation, the Employer representative has the unique opportunity to jointly determine the analysis and content of the report, and thus the ILO response to particular issues related to the Convention in question. The Employer representative is a "co-owner of/accountable for" the report that is proposed for adoption. The active involvement of an Employer representative asserting the Employers' positions and priorities in the deliberations and recommendations of the committee is of fundamental importance.

- National employers in the ILO member State against which an Article 24 representation has been filed by a trade union could be affected by the content of the report, for instance if the member State is requested to enact/amend legislation or implement policies in conflict with employers' needs. The assessment of the violation may also have an impact on the reputation of the relevant employer party to the case. Moreover, once aware of the representation, national employers may decide to make a submission to the government providing the employers' perspectives to the complaint.

What is the role of the IOE in Article 24 representation procedures?



IOE provides valuable support to:

- inform national employers that an Article 24 representation has been filed against their government;
- may assist in finding solutions at national level through the most representative employer organisation when the examination of a representation is suspended;
- assist in selecting a competent employer Governing Body candidate to be part of the ad hoc tripartite Committee;
- liaise with the ILO Office to ensure the employer representative member of a tripartite Committee has all the necessary background material to undertake a comprehensive and informed examination of the representation;
- alert national Employers as soon as the report of the tripartite committee has been adopted; and
- advise its members on the functioning of this supervisory mechanism and its relationship with other aspects of the ILO standards supervisory system

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