Fourth item on the agenda

FOLLOW-UP OF CONFERENCE DISCUSSION ON INTERNATIONAL LABOUR STANDARDS

1. In accordance with the indications given in the introduction to the Director-General's Report to the 70th Session of the Conference, 1984, and in his reply to the discussion, the present paper contains an analysis of the discussion in plenary sitting of the Conference, and suggestions concerning further action in the light of the views expressed.

I. General considerations

2. There was general recognition in the discussion of the continuing importance of the ILO's standard-setting work, as a means of promoting harmonious economic and social development in conditions of freedom and of providing models for policies, legislation and practice. Many speakers placed emphasis, in this connection, on the need for realism and effectiveness. They pointed out, more specifically, that ILO standards must respond to the needs of the entire membership, and that, wherever necessary, existing standards must be revised to adapt them to those needs. To ensure the responsiveness of ILO instruments to the needs of the membership, the entire membership should be able to participate effectively in the standard-setting process, both in the selection of topics and in the formulation of standards.

3. A number of speakers referred to the considerable administrative burden imposed on member States, including industrialised countries, in dealing with all matters relating to the adoption and implementation of ILO standards. To ensure cost-effectiveness, it is necessary to concentrate on questions of sufficient importance and to seek, whenever possible, to simplify
the system. ILO assistance in enabling national administrations and employers' and workers' organisations to cope with this work is another aspect, which will be considered among the follow-up measures below.

II. Effective participation —
financing of Conference delegations

4. The Director-General recalled in his Report (p. 19) that the question of financing by the Organisation of attendance of delegations at the Conference had been considered by a Governing Body working party from 1974 to 1976 but not pursued in view of budgetary constraints. He observed that it remained an important question of principle for the balanced functioning of the Organisation, on which renewed discussion ought to be undertaken. Support for such action was expressed by a number of Government delegates, mainly from Third World countries, by various Employer spokesmen (including the representative of the International Organisation of Employers) and by several Worker delegates.

5. The Governing Body may wish to refer this matter, in the first instance, to the Programme, Financial and Administrative Committee, to review the earlier discussions on the subject and to consider further action.

III. Questions concerning the adoption of standards

6. A first issue concerns the future orientation of standard-setting — the pace of standard-setting, the balance to be maintained between adoption of new standards and the revision and consolidation of existing instruments, and the planning of a programme of standard-setting.

7. The Conference discussion revealed a strong current of opinion in favour of slowing down the pace of standard-setting by a reduction in the number of Conference agenda items. Support for this view was expressed by many governments, including those of a number of developed countries, and by Employer spokesmen. The main arguments were that a smaller number of items would make possible wider participation of delegations and better preparation of instruments. Reference was also made to the increasing difficulties experienced in finding suitable subjects of sufficiently general interest, and to the need for fewer texts, concentrating on essential matters, which States would have the capacity to absorb, politically and technically. Slowing down was opposed by a number of Worker spokesmen, who felt that there were still many problems which called for new or improved standards.

8. The Governing Body is due to undertake a review of the classification of standards approved by it in 1979. This work is aimed also at identifying existing instruments which call for revision and subjects on which new standards could be considered. It would seem desirable to await the outcome of that review in order to determine, in the light of the number of items identified as meriting Conference action, what the proper pace of standard-setting should be in future.

9. A related question is that of relative priorities to be given to the revision and consolidation of existing standards and to the adoption of new standards. Many speakers in the discussion felt that primary attention should now be given to the former, without excluding the adoption also of some new standards. One should note the very considerable efforts already made to review and update earlier instruments. Forty-two Conventions have been revised, including half of those adopted prior to 1945. Some ten other
Conventions, without being formally revised, have been the subject of reconsideration and have been updated, adapted or supplemented by more recent standards. Of the nine subjects which have been before the Conference in the years 1979 to 1984 for adoption of standards, only two related to new subjects, the other seven involving revision, development or supplementing of previous instruments. Here again the forthcoming Governing Body review of the 1979 classification, since it will identify both revision needs and subjects for new standard-setting, should provide a basis for determining the balance which it would be reasonable to envisage in subsequent years between these two forms of action.

10. This makes it necessary to consider arrangements for the review of the 1979 classification. The original classification was drawn up by a working party of the Programme, Financial and Administrative Committee, because it was undertaken within the framework of an in-depth review by that Committee. However, what is involved is advance identification of subjects to be considered for inclusion in the agenda of the Conference. That is a matter normally dealt with not by the PFA Committee, but by the Governing Body itself. It is accordingly suggested that the review of the 1979 classification be entrusted to a working party to be established by the Governing Body itself. The members of the working party could be appointed at the next session, in February-March 1985.

11. The working party could be requested, in addition, to consider and make recommendations on the two questions mentioned earlier, namely, the pace of standard-setting and the relative attention to be given to revision and consolidation of existing standards and to the formulation of standards on new topics. The working party might also suggest priorities in dealing with the subjects listed by it, and identify subjects which might be suitable for consideration under the single-discussion procedure (see para. 20 below).

12. The Director-General's Report (p. 8) stressed the need for careful technical preparation of the forthcoming review of the 1979 classification, so as to make available a series of annotations to the earlier lists which would make possible a stricter, more realistic selection of topics. Such an approach is all the more important in view of the insistence in the Conference discussion on selection of important questions of relevance and interest to the membership as a whole. It will require thorough consultation of all technical departments as well as of the regional departments.

13. In the course of the forthcoming review, provision should be made for consultation of governments and employers' and workers' organisations at an appropriate stage, as was done on the occasion of the drawing up of the 1979 classification. The working party could also consider the possibility of seeking advice from recognised experts on the matters before it.

14. Like the 1979 classification, any revised classification would be of an indicative nature aimed at assisting the Governing Body in taking decisions on the agendas of Conference sessions.

15. It was pointed out in the Director-General's Report (pp. 14-15), and also stressed by a number of speakers in the Conference discussion, that certain subjects of concern to the ILO might not lend themselves to the adoption of standards, since they involved broad questions of policy or wide variations in practice. In such cases, a general discussion may be more appropriate, with a view to clarifying issues, offering an opportunity for exchange of experience, and providing guidance for national policies and for the future development of ILO programmes. Such general discussions need to be carefully prepared to enable them to fulfil these objectives, including, for example, the prior identification of points for discussion.
16. Various matters were considered in the recent Conference discussion concerning the procedure for deciding the Conference agenda. A number of speakers expressed support for the suggestion made in the Director-General's Report (p. 19) that the final decision on the agenda be taken earlier (in May instead of November), so as to make available more time for governments to examine and prepare replies to the initial questionnaires and to consult employers' and workers' organisations in that connection. Much emphasis was also placed on wider involvement of the membership in decisions on agenda items. One possibility might be a written consultation of all member States once every two years, the results of which would be taken into consideration in the following two years in making proposals to the Governing Body. Another aspect is the consultation of regional bodies (advisory committees and regional conferences). In view of the periodicity of regional meetings, it would not be feasible to have a system of consultation at fixed intervals. On the other hand, on the occasion of the discussion of questions concerning the ratification and implementation of ILO standards (which already constitutes a regular feature of their work), the regional bodies could also be asked to consider the question of items for future standard-setting and the priorities which would be desirable in the interests of their respective regions.

17. The questions mentioned in the preceding paragraph are of an essentially technical nature on which a considerable measure of agreement appears to exist. Since they concern matters of procedure, the Governing Body may wish to refer them for examination to the Committee on Standing Orders and the Application of Conventions and Recommendations.

18. Various questions arise from the Conference discussion in relation to the procedure for adoption of Conventions and Recommendations. One relates to the time at which decisions on the form of instruments should be taken. A number of speakers expressed support for the suggestion in the Director-General's Report (p. 21) that such decisions should be taken at the first discussion or that, if the decision is changed during the second discussion, final consideration of the question should be deferred to a subsequent session. The Governing Body may wish to refer this matter to the Committee on Standing Orders and the Application of Conventions and Recommendations. That Committee might also be asked to examine several other proposals of a procedural nature made during the discussion, namely:

- that consultation of employers' and workers' organisations on proposals for standards should be mandatory;

- that the substance of comments made by such organisations should be included in Conference reports; and

- that the members of any incomplete delegation to the Conference should be unable to vote.

19. Certain suggestions made in the Director-General's Report concerning the procedure for adoption of standards referred to measures which are already available and would not call for any change in rules. It is therefore sufficient to recall them, to be borne in mind in practice. One relates to the possibility for a Conference Committee which found it difficult to complete its work in the available time (particularly on the occasion of a second discussion) to propose to the Conference that the item to be deferred for further consideration at a subsequent session. Another concerns the submission as early as possible of proposed amendments, so as to facilitate translation, reproduction and circulation. There is also the question of setting up of working parties by committees for detailed consideration of amendments, a practice which is especially useful on a second discussion.
20. It was suggested in the Director-General's Report (p. 20) that greater use might be made of the single-discussion procedure, preceded by a technical meeting. This found a certain measure of support. It should be realised, however, that preparatory technical conferences are costly, both for the Organisation and for member States which have to send special delegations. If attendance were limited, the result would go against the expressed desire for the widest possible participation in the standard-setting process. One might nevertheless consider the use of the single-discussion procedure in the case of topics of an essentially technical character for which initial discussion by a tripartite expert meeting of limited size would be acceptable. The working party which will consider the revision of the 1979 classification of standards could be asked to examine which items, among those suggested for future standard-setting, might be dealt with in this manner.

21. The Director-General's Report urged greater efforts by governments of regional or subregional groups or other like-minded groups of countries to co-ordinate their positions in the standard-setting process (p. 19). A number of speakers expressed their agreement with this suggestion. Responsibility for initiating and organising such co-ordination must lie with the governments concerned, subject to any assistance which the ILO might provide, for example, through information and advice by its regional advisers.

22. A number of speakers called for the shortening of questionnaires prepared by the Office as a basis for standard-setting, both in order to facilitate the work of responding and so as to lead to shorter instruments concentrating on essential principles. It should be remembered that the questionnaires provide a starting point not only for Convention standards, but also for Recommendations to supplement them. This raises the question whether, at least in some instances, one should envisage the drawing up only of a Convention unaccompanied by more detailed guide-lines of a non-mandatory character. That question could be borne in mind by the Office in making proposals to the Governing Body concerning the Conference agenda.

23. Much was said in the Conference discussion about the flexibility of ILO standards. Related questions concern the respective roles of Conventions and Recommendations and the desirability of having recourse to promotional Conventions.

24. There was general agreement as to the continuing validity of the requirement in article 19, paragraph 3, of the ILO Constitution that, in the drafting of ILO standards, account should be taken of differing conditions and levels of development. Many speakers recognised that considerable efforts had been made in recent times to include flexibility clauses in Conventions, but some, particularly from developing countries, felt that more attention should be given to the conditions in Third World countries. The Union Minister for Labour and Rehabilitation of India proposed that Conventions be divided into three parts: the first would enunciate principles and objectives; the second would lay down minimum standards within early reach even of developing countries; the third would set higher standards, as a longer term objective. Another government suggested that the Office should study the experience with flexibility clauses and propose model clauses for future instruments.

25. Attention was drawn to the limits of flexibility. Many speakers, from developing as well as developed countries, stressed that there was no room for flexibility in Conventions dealing with fundamental human rights, such as freedom of association, abolition of forced labour and elimination of discrimination. No speaker expressed disagreement with that view. It was also suggested that standards to protect workers against dangerous products
should be universally applicable. A number of Worker spokesmen warned against the undue watering down of standards, to a stage where they would no longer provide meaningful guarantees. More generally, various speakers stressed that, if Conventions were made unduly flexible, they would lose their character as obligation-creating instruments and also their force as a stimulus to improving conditions. It was pointed out, particularly by Employer spokesmen, that where differences in national conditions required a considerable degree of flexibility, it would be better to adopt a Recommendation than a Convention. A number of speakers felt that greater use should again be made of Recommendations, and that Conventions should be reserved for important issues which could be the subject of clearly defined standards. Doubt was also expressed about the use of promotional Conventions, because of the lack of clear obligations and the arguments which were liable to arise between governments and ILO supervisory bodies as to what was required to comply with such instruments.

26. A number of the foregoing points do not call for specific action, but indicate approaches which should be borne in mind in future standard-setting, both by the Office and by those participating in preliminary consultations and in Conference discussions. As regards the proposal made by the Government of India, while Conventions have not been structured in the way proposed, the ultimate effect of various flexibility clauses is frequently similar — see, for example, the Minimum Age Convention, 1973 (No. 138). It might be useful, in future Conventions, to bring out more clearly the flexibility which they permit, possibly by an article in the initial part which would itself set out the flexibility clauses or at least would refer to later provisions containing them. The Office proposes to prepare a summary of flexibility permitted by each of the Conventions adopted, say, in the past 15 years. This will serve two purposes: to provide information on the possibilities of flexibility offered by these Conventions and to provide a general picture of the nature and extent of flexibility devices used in recent times. This work could subsequently be extended to earlier Conventions, at least those still considered of current interest.

27. One suggestion made with a view to enhancing the status of Recommendations was that States be invited to make formal declarations indicating their intention to accept and implement particular Recommendations. It is to be noted that, in the framework of the submission of newly adopted instruments to the competent authorities, governments frequently state that they accept Recommendations, either in their entirety or subject to specific exceptions. Similar indications are given in reports on Recommendations presented under article 19 of the Constitution. Nothing would prevent governments from communicating such statements to the ILO also at other times. However, the only international obligations which can be entered into under the ILO Constitution in respect of standards are those flowing from the ratification of Conventions. Provision is, of course, made in the Constitution for reporting on Recommendations at the request of the Governing Body. That procedure has on various occasions been used to review the extent of implementation of autonomous Recommendations, i.e. those not merely supplementing Convention standards. Special attention could be given, in the selection of instruments for reporting under article 19, to such free-standing Recommendations. This would be subject to the Conference once more making greater use of such instruments, for in recent times they have become rare (see pp. 15-16 of the Director-General's Report).

28. One Government delegate suggested that more attention should be devoted to the problems which prevent countries from implementing Conventions and Recommendations, and that such questions should be examined by a separate committee at the Conference, which would deal, year by year, with particular standards or groups of standards. General reviews of problems of
implementation of ILO standards at present take place through the examination, by the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations, of the situation with regard to instruments on which reports have been requested under article 19 of the Constitution (reports on unrati
don Conventions and Recommendations). In 1981 the Conference Committee and the Governing Body considered a proposal that the Committee of Experts' surveys relating to such instruments be examined by a separate Conference Committee, but concluded that the existing arrangements should be retained (GB.218/13/22, paragraph 43).

IV. Questions concerning ILO supervisory procedures

29. The question of ILO supervision has for a number of years been the subject of differences of views, which also found expression in the course of the Conference discussion. The main criticism of the system was, as before, expressed by delegates from a number of socialist countries, whose position was set out in a memorandum presented to the Conference in 1983 (see Record of Proceedings, 69th Session, pp. 7/18-19). They consider that the composition, criteria and methods of ILO supervisory bodies are not adapted to the present membership of the Organisation and present-day conditions, that ILO procedures are being misused for political purposes to direct criticism primarily at socialist countries and at developing countries while at the same time overlooking major problems in capitalist societies, and that there is a need for a thorough-going reform of the system in accordance with a number of principles spelt out in the 1983 memorandum. They proposed the establishment of a Conference working party for this purpose, and this year presented a draft resolution to that end. A number of other governments expressed support for the foregoing views. A contrary position was expressed by a substantial number of delegates, from industrialised market economy countries as well as from other countries. In their view, ILO procedures are objective and effective, and nothing should be done to weaken those procedures. They stressed the need for maintaining the credibility of obligations freely accepted through the act of ratification. It appears from the discussion that the latter position represents a majority view within the Organisation, with particularly strong support among Employer and Worker delegates.

30. A more specific issue concerns the relevance of economic and social conditions or systems prevailing in different countries to the evaluation of compliance with ratified Conventions. Representatives of socialist countries have for a number of years argued in favour of taking account of this factor in supervision, a view supported by a number of Third World countries. The contrary view was expressed especially by Government delegates from industrialised market economy countries and by a substantial number of employer and worker spokesmen. This has also been the position of the Committee of Experts and of a majority in the Conference Committee on the Application of Conventions and Recommendations. The problem of course arises only where governments seek to justify deviations beyond any flexibility permitted by a Convention, since they are fully entitled to avail themselves of all express flexibility clauses.

31. In considering the above-mentioned issue, it appears appropriate to recall the actual situations in which governments have argued that account should be taken of their particular economic and social system or conditions in assessing the compatibility of their law and practice with ratified Conventions. Such cases have invariably concerned standards dealing with basic human rights, such as freedom of association, forced labour or discrimination. However, as has already been noted, many speakers in the Conference discussion, both from developed and from developing countries,
insisted that in these areas flexibility has no place. In those circumstances, it is difficult to see how the supervisory bodies could concede a right to flexibility which the Conference has not deemed appropriate. More generally, one may express doubt as to the propriety of endowing the supervisory bodies with discretionary powers to override the decisions which the supreme authority of the Organisation, the Conference, has taken in the exercise of its standard-setting function.

32. Variants of the above-mentioned issue were raised by certain governments. Thus, one government suggested that deviations from ratified Conventions should not be criticised by the supervisory bodies if they were aimed at improving the economic and social position of workers. Such an approach would give rise to considerable difficulties. Governments invariably consider that the measures which they take are aimed at the economic and social well-being of their people. Should the supervisory bodies be expected to sit in judgement on governments' policies? Even in the case of technical standards, it has been found difficult to accept an argument that a position conflicting with the specific requirements of a Convention should be regarded as more favourable to workers (see the report on the representation against Italy concerning observance of the Employment Service Convention, 1948 (No. 88), Official Bulletin, Vol. LV, 1972, pp. 125-149). The difficulties would be all the greater if it were sought to justify action contrary to the provisions of Conventions dealing with freedom of association, forced labour or discrimination.

33. One government proposed that a mechanism be devised through which, in the case of technical Conventions, a moratorium on compliance with obligations could be granted for a fixed period to countries which found themselves in such economic difficulties that they could not reasonably be expected to fulfil their obligations to the letter; after that period, the State concerned would either have to implement its original obligations or to denounce the Convention. The spirit of this proposal is already largely reflected in the practice of ILO supervisory bodies. A distinction has to be made between two aspects of supervision. One consists merely of recording the extent of compliance or non-compliance with obligations. The second involves various degrees of exhortation to make good shortcomings in compliance. In the latter respect, the supervisory bodies regularly take into consideration difficulties encountered by governments, for example, on account of natural calamities or even general economic difficulties. They have also repeatedly stressed the importance of seeking assistance from the ILO with a view to overcoming difficulties in complying with obligations in regard to ILO standards.

34. In general, the possibility of complying with a Convention should obviously be examined with the greatest care before ratification. If doubts exist, assistance from the Office is available with a view to providing clarification. If discrepancies become apparent only after ratification or result from subsequent changes, the government should examine how they can be eliminated. Here again, the various forms of ILO assistance, ranging from informal advice to technical assistance projects, may be considered. If only temporary difficulties are involved which can be progressively resolved, the supervisory bodies generally show understanding and patience. If however, major obstacles stand in the way of compliance and appear not to be capable of removal, then as a last resort denunciation remains available. It is significant that, in spite of the searching nature of ILO supervision, the number of denunciations remains small — less than 1 per cent of ratifications. Moreover, as was pointed out in the Director-General's Report (p. 13), most of these denunciations concern Conventions which were considered to have lost their validity. Denunciations because of difficulties of application remain exceptional.
There remains the possibility, referred to in the Director-General's Report (p. 31), of having major unresolved issues of disagreement between a particular government and ILO supervisory bodies considered under the constitutional provisions relating to commissions of inquiry and reference to the International Court of Justice. In so far as the legal issue of a country's economic and social system or conditions as a factor in evaluating compliance with a ratified Convention arises in specific cases, the governments concerned and the Governing Body could consider the possibility of having it clarified by recourse to these constitutional provisions.

A number of speakers in the Conference discussion referred to the composition of the Committee of Experts on the Application of Conventions and Recommendations. Representatives of socialist countries, in criticising the ILO supervisory system, have called for "démocratisation" of the composition of the supervisory bodies, including the Committee of Experts. Some representatives of Third World countries considered that an increase in the proportion of experts from developing countries would be desirable. The Government of Iran suggested that the Committee should have at least three experts in Muslim jurisprudence. A number of other speakers considered the present composition of the Committee to be balanced. Several African Government delegates, in expressing that view, welcomed the recent appointment of two additional experts from Third World countries. In this connection, it is appropriate to recall the view expressed by the Director-General in his Report (p. 27) and repeated in his reply to the discussion, that there now exists a reasonable balance in the membership of the Committee. However, as the Director-General indicated in his reply, this is a question which will be kept under continuing review.

The arguments which have been advanced in recent years in criticism and in support of the methods of the Conference Committee on the Application of Conventions and Recommendations were reviewed in the Director-General's Report (pp. 29-37). These found expression again in the Conference discussion. Those who called for reform of ILO supervision, particularly delegates from socialist countries, questioned the legal basis for use of the special list and special paragraphs and considered that there was a need to change the Committee's methods, with a view to concentrating on dialogue and avoiding confrontation and the risk of abuse of the proceedings for political purposes. Those who favoured the maintenance of existing supervisory arrangements felt that the methods of the Conference Committee, which had been revised in 1980, did not call for further changes, emphasising that the Committee's conclusions were a means of moral pressure for observance of obligations and generally made it possible to avoid recourse to the more formal constitutional procedures of representations and complaints. A further issue, on which opinions were also divided, was whether States which had not ratified a Convention should participate in the discussion of its application by States which had ratified it. Reference is made in this connection to the analysis of the situation in the Director-General's Report (p. 37).

As was pointed out by the Director-General in his reply to the discussion, ILO supervisory bodies have always enjoyed considerable autonomy in deciding on their methods of work within the framework of broadly defined terms of reference. It would therefore appear appropriate to leave it to the Conference Committee to keep its working methods under review and to make any adaptations as and when its members consider that such action may be needed. The Committee could also examine a suggestion made by the Director-General in his Report (pp. 36-37), but not commented upon in the discussion, namely that, in recording cases of failure to report or supply information, the Conference Committee might give consideration to their quantitative or qualitative importance.
39. The short interval between the meeting of the Committee of Experts (in March each year) and the session of the Conference has made it difficult to ensure that the report of the Committee of Experts reaches all Conference delegates, and particularly those participating in the work of the Conference Committee on the Application of Conventions and Recommendations, in time to permit adequate preparation for the discussions of the latter Committee. It would accordingly be useful to examine the feasibility of having the meetings of the Committee of Experts earlier. The Director-General intends to have this question studied by the competent services of the Office.

40. The Director-General's Report recalled (p. 14) that there was no procedure for abrogating Conventions, but that certain practical measures had already been adopted to take account of the fact that certain Conventions were obsolete. Additional suggestions of this kind were made in the Report. They were noted with approval by several speakers and, more generally, would respond to the desire for simplification.

41. One of these suggestions concerned the further simplification of the chart of ratifications by the omission of certain Conventions which have not entered into force and can be regarded as spent, even though still open to ratification. The Director-General proposes to introduce this simplification when the chart is next published in 1985. The Conventions to be omitted would be the following:

- Hours of Work (Coal Mines) Convention, 1931 (No. 31) and Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46) - each of which requires, for entry into force, ratification by two of seven named States, none of which has ratified them.

- Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51) and Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61) - neither of which has had any ratification.

- Conventions Nos. 57, 76 and 93 concerning wages, hours of work and manning at sea, none of which has come into force and which have been revised by Convention No. 109.

42. The Director-General also suggested (p. 14) that consideration be given to discontinuance of detailed reporting on certain Conventions which have lost their relevance. Developments concerning such Conventions would then be covered in governments' general reports. The possibility for employers' and workers' organisations to communicate comments on problems in the fields covered by such Conventions, for consideration by the supervisory bodies, would remain, as would also the right to invoke the constitutional procedures of representations and complaints. The Governing Body may wish to refer this question to the Committee on Standing Orders and the Application of Conventions and Recommendations for examination and recommendations as to the nature of the decisions to be taken and the Conventions to which they should apply.

43. In the course of the Conference discussion, several delegates suggested the simplification of report forms used as a basis for preparation of reports on ratified Conventions. The Governing Body may wish to invite the Office to explore this possibility when next preparing report forms for its approval. In the light of the reactions of the Governing Body at that time, consideration could be given to the progressive or selective extension of such simplification to report forms previously approved.

44. Little reference was made during the Conference discussion to the constitutional representations and complaints procedures. No specific action...
in regard to these procedures appears to be called for. Two points made in the Director-General's Report (pp. 38-39) deserve, however, to be borne in mind. One concerns the limited possibilities for impartial fact-finding and adjudication offered by the representations procedure, in the light of which the Governing Body might examine, in cases involving complex matters of fact or law, whether the case should not be referred to a commission of inquiry, as provided for in the relevant Standing Orders. The other concerns the desirability of exploring possibilities of seeking solutions to unresolved issues through means relying on discussions and mediation, such as direct contacts.

45. As regards the special machinery for examining complaints of violation of trade union rights, apart from the general issue raised by a number of speakers concerning a more representative composition of ILO supervisory bodies, several delegates referred to the need for representation of all systems and regions on the Freedom of Association Committee of the Governing Body. In this connection, reference is made to the separate paper concerning that Committee which is being presented to the Governing Body in response to the request made at the 227th Session (June 1984).

V. Promotional measures in the field of ILO standards

46. There was general agreement in the Conference discussion as to the importance of ILO action directed at assisting member States in implementing ILO Conventions and Recommendations and in dealing with all questions arising in relation to ILO standards, including procedural matters related to the formulation of standards and reporting on Conventions and Recommendations. There was also general recognition of the value of the range of measures developed by the ILO, as described in the Director-General's Report (pp. 47-58). Many speakers asked for the intensification of these measures and suggested that greater resources be allocated to them. As the Director-General observed in his reply to the discussion, the possibilities of reinforcing this form of action will have to be considered in connection with the programme and budget proposals for subsequent budgetary periods. One suggestion - the designation of a regional adviser to cover English-speaking countries in the Caribbean - has already been acted upon.

47. Many speakers stressed the importance of arrangements for tripartite consultation at the national level on questions concerning ILO standards, as a means of ensuring that they receive continuing attention and that Employer and Worker views are given due weight in decisions taken by governments. The Director-General stated in his Report (p. 53) that the establishment and strengthening of national arrangements for tripartite consultation in accordance with Convention No. 144 must constitute a priority objective for the ILO in the years ahead, and he indicated the various forms of advice and assistance in this respect which the ILO might provide to national administrations and to employers' and workers' organisations. In his reply to the discussion, the Director-General appealed to all States to ratify Convention No. 144 if they had not already done so. The Director-General intends to ensure that regional advisers and the competent services in the Office will devote close attention to measures aimed at furthering the implementation and acceptance of this Convention.

48. The Director-General's Report (pp. 52-53) raised the question how well occupational organisations, particularly in less developed countries, are equipped to deal with questions relating to international labour standards. The Director-General intends to have this question studied further by the competent services of the Office, drawing also on the experience of regional
advisers, with a view to determining in what manner ILO assistance to such organisations may be strengthened and improved.

49. A number of speakers stressed the need to strengthen links between ILO standards and technical co-operation programmes and expressed approval of the suggestion made in the Director-General's Report (p. 56) for a systematic study of this question. The Director-General accordingly intends to have such a study made.

VI. Relationship between ILO action and the activities of other international organisations

50. The main issue mentioned in the Conference discussion, by a substantial number of speakers, was the adverse effect upon the observance of ILO standards of the economic difficulties created by the debt burden of many Third World countries and of the adjustment measures advocated by international financial institutions to restore economic equilibrium in those countries. This problem had also been noted by the Director-General in the introduction to his Report (p. vii). The Director-General indicated in the reply to the discussion that he had already initiated discussions with the Director-General of the International Monetary Fund on the need to take account of the social effects of economic adjustment measures. The resolution on employment policy adopted by the Conference this year calls for the views of the ILO to be taken into account by international agencies responsible for economic and financial policies. The Governing Body will therefore have an opportunity to consider this issue in discussing the action to be taken on the Conference resolution.

*  
*  
*

51. It may be useful to recapitulate the proposals for action put forward in the present document, by reference to the organs which would be called upon to act:

(a) The question of the financing of Conference delegations would be considered by the Programme, Financial and Administrative Committee of the Governing Body (paragraphs 4 and 5).

(b) The review of the 1979 classification of existing ILO standards and possible items for future standard-setting would be undertaken by a working party to be established by the Governing Body; it would also consider issues concerning the future orientation of standard-setting (paragraphs 6 to 14).

(c) A number of questions of a procedural nature concerning the selection of items for inclusion in the agenda of the Conference and the process of drawing up Conventions and Recommendations would be considered by the Committee on Standing Orders and the Application of Conventions and Recommendations (paragraphs 16-18). That Committee would also consider the question of discontinuance of detailed reporting on certain Conventions which have lost their relevance (paragraph 42).

(d) A number of measures of a practical nature would be taken by the Office or given consideration in the framework of future programme and budget.
proposals, including the preparation of a summary of flexibility clauses in Conventions (paragraph 26), study of the feasibility of having the meetings of the Committee of Experts on the Application of Conventions and Recommendations earlier (paragraph 39), the simplification of the chart of ratifications (paragraph 41), the simplification of report forms (paragraph 43), the intensification of promotional measures in the field of standards (paragraph 46), measures to promote the implementation and acceptance of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (paragraph 47), consideration of further measures to assist occupational organisations to deal with questions relating to ILO standards (paragraph 48), and study of the links between ILO standards and technical co-operation programme (paragraph 49).

52. As the Director-General indicated in his reply to the Conference discussion, the Conference will be kept fully informed, through the reports of the Governing Body and his own reports, of the follow-up measures taken in the field of international labour standards. This will provide an opportunity for the Conference to keep these matters under review.


POINTS FOR DECISION:

Paragraph 5;

"  10;
"  11;
"  17;
"  18;
"  42;
"  43.