



SIXTH ITEM ON THE AGENDA

Improvements in the standards-related activities of the ILO: Initial implementation of the interim plan of action to enhance the impact of the standards system

Executive summary

The main purpose of this paper is to report on the initial progress made in the implementation of the interim plan of action for the standards strategy approved by the Governing Body to enhance the impact of the standards system.

When it approved the interim plan of action at its 300th Session (November 2007), the Governing Body agreed to postpone the implementation of certain aspects of its first (standards policy) and second (supervisory system) components until after the discussion on the strengthening of the ILO's capacity at the Conference in June. This applied in particular to the organization of tripartite consultations on the first component, which the present paper proposes to initiate no later than November 2008.

With respect to *standards policy*, the paper presents a progress report on the strengthened promotion of the ratification and effective implementation of the priority and recently adopted Conventions. As far as the labour inspection Conventions are concerned, the paper recalls that their promotion is an integral part of the strategy to modernize and reinforce labour inspection that the Office has been requested to develop and implement. For the employment policy and tripartite consultation Conventions, the paper proposes a targeted approach to countries. Regarding the four most recently adopted Conventions (Nos 185, 187, 188 and the Maritime Labour Convention, 2006 (MLC)), the paper indicates the main elements of the promotional strategy adopted in each case, important action that has been taken in this respect and technical cooperation and assistance needs.

With respect to the dynamics of the *supervisory system*, the paper provides an overview of the links between the various supervisory procedures relating to ratified Conventions (articles 22, 24 and 26 of the Constitution) and the special procedure for the examination of complaints alleging infringements of trade union rights. The overview focuses on historical and procedural matters. Within this framework, the overview endeavours to provide information on the historical development of the supervisory system, the main features of each procedure and the links that have been established between procedures. The objective of the exercise is to provide constituents with all the necessary explanations on the supervisory system as a whole to ensure a clear understanding of its linkages. The overview also highlights the important role of the Governing Body in ensuring coordination between the various procedures.

With respect to *enhancing the impact of the standards system through technical cooperation*, the paper provides a brief update of the activities carried out since the approval of the interim plan of action, and particularly the finalization of the good practice guide on promoting international labour standards through technical cooperation, which will be disseminated soon.

With respect to *enhancing access to and the visibility of the standards system*, the paper describes the two main steps to be taken for the implementation of a comprehensive online reporting system aimed at facilitating the communication of reports by member States: (i) electronic reporting facilities to be made available for this year's reporting cycle; (ii) consolidated access for each member State in one single application to all the information concerning reporting cycles and the comments of the Committee of Experts, with the possibility of replying to these comments and completing all the report forms directly online. Recent activities relating to the International Labour Standards Department's web site and databases and the steps taken to increase the visibility of international labour standards for the widest possible audience are also described.

Introduction

1. At its 300th Session (November 2007), the Governing Body examined a paper on improvements in the standards-related activities of the ILO.¹ The paper proposed an interim plan of action and timetable for the implementation of the four components of the strategy (standards policy; the supervisory system; international labour standards and technical cooperation; and information and communication on international labour standards) approved by the Governing Body at its 294th Session (November 2005).² It also proposed to postpone the implementation of certain aspects of the first and second components until after the discussion on the strengthening of the ILO's capacity at the Conference in June 2008.
2. The Governing Body approved the elements of the interim plan of action, taking into account the comments made during the discussion in the LILS Committee, and invited the Office to submit a paper at the present session on the specific issues agreed upon with a view to following the progress made in the implementation of the strategy.³
3. The main purpose of the present paper is therefore to report on the initial progress made in the implementation of the interim plan of action, with particular emphasis on the second and fourth components of the standards strategy (the supervisory system and information and communication on international labour standards).

1. Standards policy

4. It will be recalled that the document prepared by the Office for the Committee's consideration at the November 2007 session proposed that consultations should take place on this important component of the standards strategy and that a timetable and agenda be set for such consultations. There was agreement that such consultation should be held after the International Labour Conference (ILC) in June 2008 in order to take into account the outcome of the discussion on the strengthening of the ILO's capacity, which could have implications for certain aspects of standards policy. It was also considered that the agenda should include the development of new standards, review mechanisms for keeping the body of standards up to date – including through the possible cyclical reviews that would follow the 2008 ILC discussion – and the possible consolidation of existing standards. Arrangements could be made to begin these consultations no later than November 2008. Participants in the consultations should consist of a limited number of representatives of the tripartite constituents, using, for example, the model of the Working Group on the Working Methods of the Conference Committee on the Application of Standards (9/9/9). Consultations would also be taking place, as soon as possible, on the status of the Termination of Employment Convention, 1982 (No. 158), and the Termination of Employment Recommendation, 1982 (No. 166).

¹ GB.300/LILS/6.

² GB.294/LILS/4.

³ GB.300/13.

1.1. Follow-up to the conclusions of the Cartier Working Party

5. Based on the conclusions of the Working Party on Policy regarding the Revision of Standards (the Cartier Working Party), 76 Conventions and 78 Recommendations are now considered to be up to date and should be promoted on a priority basis. These standards are already taken into account by the technical departments in their various activities. Efforts still have to be made to take account, as appropriate, of revised and up to date Conventions in the Decent Work Country Programmes (DWCPs). As indicated in the interim plan of action, this issue is included in the third component of the standards strategy (on technical assistance), and will be examined in November 2008.
6. Without prejudice to the continued efforts of the Office to promote all of the up to date Conventions, the Governing Body in November approved strengthening promotion for the ratification and effective implementation of the four priority Conventions (Nos 81, 122, 129 and 144)⁴ as well as the recently adopted Conventions: the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), the MLC, the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and the Work in Fishing Convention, 2007 (No. 188). The development of international labour standards at the global level and, more importantly, the promotion and securing of effective national implementation has long been advocated by the ILO as a positive way of achieving "fair globalization", by securing conditions that provide for decent work for workers and fair competition among employers in the global market place. The longer-term goal, especially for developing and transition economies, is sustainable economic development. The steps that are being taken in this respect are outlined below.

1.2. Progress report on the reinforced promotion of priority and recently adopted Conventions, as approved in the framework of the interim plan of action

1.2.1. Promotion of priority Conventions

7. At present, 29 countries have ratified the four priority Conventions concerning labour inspection, employment policy and tripartite consultation, and 49 countries have ratified three of these instruments. These Conventions are part of the main governance instruments of the Organization. Their ratification and effective implementation will contribute to better governance of the world of work.

Labour Inspection Convention, 1947 (No. 81), and Labour Inspection (Agriculture) Convention, 1969 (No. 129)

8. Convention No. 81 has now been ratified by 137 member States, while Convention No. 129 has been ratified by 45 countries. As indicated by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in its General Survey on labour inspection in 2006, any promotional campaign for these two Conventions should stress the essential contribution of a labour inspection system to the promotion of decent

⁴ Labour Inspection Convention, 1947 (No. 81), Employment Policy Convention, 1964 (No. 122), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

work and the implementation of labour standards at the workplace.⁵ In November 2006,⁶ the Governing Body also discussed the major issues facing labour inspection and requested the Office to develop, evaluate and implement a strategy to support the modernization and reinvigoration of labour inspection, with international collaboration as required to achieve these goals. One of the elements of that strategy was continuation to promote the ratification and application of these two Conventions. The development of global inspection principles was identified as one of the tools to promote the ratification and full application of the Conventions. The ILO Programme and Budget for 2008–09 provides for a strategy for the strengthening of labour inspection, which includes promoting the ratification of Conventions Nos 81 and 129. The endorsement by the Governing Body at its last session of a ratification campaign for these two Conventions, as part of the campaign to promote the priority Conventions, will allow for the necessary linkages to be made, in particular with Convention No. 144. This is important in view of the key role of the social partners, together with governments, in improving the effectiveness of labour inspection. The linkage to DWCPs will also be an important element, as labour inspection is a fundamental instrument for monitoring and implementing decent work at the country level. The Office is proposing to link this ratification campaign to the targets already set out in the programme and budget for this biennium. It should therefore target those countries in which ILO technical assistance is focused: ten member States for tripartite audits of their labour inspection systems; 15 member States that will formulate national action plans on labour inspection; and the ten member States that will increase the financial resources allocated to labour inspection. The selection of these countries is currently being discussed with the relevant units of the Office (SafeWork and DIALOGUE, in consultation with sectors 1 and 2).

9. A number of promotional activities are envisaged, as well as the development of information and training tools for constituents, including the Internet-based labour inspection portal and the integrated labour inspection training system. As recognized in the programme and budget, extra-budgetary resources will be necessary to expand and deliver on these activities and to provide assistance to constituents for the effective implementation of the Conventions.
10. Taking into account the elements indicated above, the Office should now move forward to implement the elements of the strategy that have already received the full support of the tripartite constituents in this very important area of the ILO's mandate.

Employment Policy Convention, 1964 (No. 122), and
Tripartite Consultation (International Labour Standards)
Convention, 1976 (No. 144)

11. Convention No. 122 has been ratified by 97 member States, while Convention No. 144 has been ratified by 121 countries. A targeted approach to promoting the further ratification and implementation of these Conventions could be adopted on a regional basis.
12. In Europe, Bulgaria, Luxembourg and Malta are the only Member States of the European Union (EU) that have not yet ratified Convention No. 122, while Convention No. 144 has not yet been ratified by Luxembourg and Malta. Another country that has not ratified Convention No. 122 is Albania. The Subregional Office in Budapest is already providing assistance to Albania and Bulgaria to complete the process of ratification of Convention No. 122. In relation to Convention No. 144, the Subregional Office in Budapest will continue its present efforts in order to promote the ratification of the Convention in Croatia

⁵ General Survey on labour inspection, Report III (Part 1B), ILC, 95th Session, 2006.

⁶ See GB.297/ESP/3, paras 11–44, and GB.297/14(Rev.), paras 25–57.

and Slovenia. The Office could request the authorities of Luxembourg and Malta to indicate any obstacles that may impede the ratification of these Conventions. Further attention could also be directed at promoting the ratification of Convention No. 144 in Israel and the Russian Federation.

13. Concerning Africa, the importance for the region to mainstream productive employment and decent work was highlighted at the 11th African Regional Meeting (Addis Ababa, April 2007). Promoting the ratification and application of Convention No. 122 could be prioritized within the action taken by the Office in relation to certain African countries that have already ratified the other priority Conventions, but have not yet done so for Convention No. 122. This is the case of Burkina Faso, Côte d'Ivoire, Egypt, Malawi and Rwanda. The DWCP for South Africa might include a tripartite examination of the prospects for the ratification of Convention No. 122. It should also be noted that the project on the promotion of employment and poverty reduction (*Projet d'appui à la promotion de l'emploi et réduction de la pauvreté – APERP*), which began in January 2007 in Cameroon and Mali with the financial support of the French Government, should supplement the assistance provided by the ILO with a view to improving labour market policies by promoting the ratification and implementation of Convention No. 122 and other relevant Conventions.
14. When the 2004 General Survey on Convention No. 122 was submitted to the Conference Committee, the Government of Argentina expressed its intention to continue examining with the social partners the possibility of ratifying Convention No. 122. Argentina is still the only MERCOSUR country that has not yet ratified Convention No. 122. Colombia is in the same situation with regard to the countries of the Andean Community. Bolivia, in the Andean Community, and Honduras and Panama, in Central America, are the only countries that have not yet ratified Convention No. 144. Action is envisaged with the Regional Office for the Americas to examine prospects for these countries.
15. In the Asian region, particular emphasis could be given to the promotion of tripartite consultation. In post-conflict countries, such as Afghanistan and Timor-Leste, tripartite consultation plays an important role in mainstreaming a rights-based approach to development. This is also the case in Nepal, where attention is being given to Convention No. 122 in the current process of labour market reform.
16. The Subregional Office in Bangkok could pay further attention to the promotion of Convention No. 144 in Cambodia, the Lao's People's Democratic Republic, Thailand and Viet Nam, including action to overcome the backlog in the submission of the instruments adopted by the ILC to the respective national assemblies (in Cambodia and the Lao People's Democratic Republic).
17. In the Arab region, Iraq, Jordan and Yemen have already ratified both Conventions Nos 122 and 144. Taking into account the advice that the Office is providing to the Gulf countries to design active employment policies and promote entrepreneurship, actions towards the ratification of Convention No. 122 might be envisaged in Bahrain, Oman and United Arab Emirates. To strengthen social dialogue in the abovementioned countries, actions towards better tripartite consultations regarding international labour standards might also be envisaged.

1.2.2. Promotion of the four most recent Conventions

Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)

18. Convention No. 185 has to date been ratified by 13 member States and is provisionally applicable to one other Member. A number of other countries are considering ratification.

The ILO developed a strategy to assist member States with both the ratification and implementation of the Convention and has taken a number of steps in this regard. It has tested biometric products to enable countries to issue identity documents that would be interoperable with other countries' systems. It has adopted procedures for the inclusion of countries whose systems meet the requirements of the Convention to be included in a list of compliant countries. The Office has in place a seafarers' identity document (SID) issuance system to test systems that are being developed by countries to ensure that they meet the technical requirements of the Convention and are interoperable. It is providing technical assistance to countries to assist in the design and testing of their systems. It has also provided countries with a technical checklist to enable them to verify their systems prior to issuing SIDs. It has developed and published promotional materials on the Convention and is currently designing a special pamphlet addressed to national immigration authorities. This is the area in which it considers that more needs to be done to raise awareness of immigration authorities and to convince certain key countries of the value and merit of SIDs issued in accordance with Convention No. 185. Specific approaches are being made to key organizations to promote the Convention, namely the ICAO, IMO and the UN (Law of the Sea Secretariat). Letters have been written to port States requesting them to take account of the merits of SIDs issued in accordance with Convention No. 185, even if they have not yet ratified that Convention. The Office intends to continue the proactive strategy to promote the ratification and implementation of this Convention and, in response to a specific request made by the Workers' group of the Governing Body, has approached the ICAO and IMO with a view to the organization of a meeting with the social partners at the ILO to examine ways of promoting and supporting Convention No. 185. The Office has in place a mapping of action being taken or envisaged at the national level by countries.

Maritime Labour Convention, 2006

19. The consultative approach referred to in paragraph 4 above is exemplified in the MLC. In many ways, an experimental Convention for the ILO, a new and much more extensive tripartite process to developing the text of the Convention was consciously adopted, combined with new approaches to drafting labour standards that are explicitly designed to ensure rapid and widespread ratification of the Convention and more effective national implementation.

The five-year action plan

20. Based on advice from governments and the social partners following the 94th (Maritime) Session of the ILC, the Office developed and published in September 2006 a five-year Action Plan to achieve the rapid and widespread ratification and effective implementation of the MLC.
21. To come into force, the MLC has to be ratified by at least 30 States representing at least 33 per cent of the world gross tonnage of ships. This ambitious formula reflects the concern of the parties to ensure the relevance and effectiveness of labour standards on a worldwide basis. To date, the Convention has been ratified by the second and third largest flag States, Liberia and the Bahamas, and by the Marshall Islands. These three flag States represent around 20 per cent of the world tonnage. The action plan sets a five-year time frame for the ratification and entry into force of the MLC and adopts a multi-level and multi-partner strategy to achieve this goal. It sets out clear goals, objectives, and indicators of achievement, it provides for tripartite partnership in its implementation, adopts a strategic approach to its activities and provides for a mechanism to monitor and evaluate progress. In the framework of the plan, four high-level tripartite missions have been carried out to Panama (two), the Philippines and the Russian Federation. Five tripartite regional seminars have been held, covering all regions, and six national tripartite seminars have

taken place. Two further tripartite regional activities are scheduled for 2008, as well as a number of national tripartite seminars. The Office has in place a mapping exercise tracking the progress that is being made in over 100 countries. For instance, some very important developments have occurred in the action being taken at the level of the EU. On 15 June 2007, the EU Council adopted a decision authorizing all EU Member States to ratify the MLC in the interest of the European Community before 31 December 2010. On 12 November 2007, the EU social partners signed an agreement to transpose the provisions of the MLC into EU law through an EU Directive. This is a ground-breaking agreement that the European Commission is currently reviewing.

22. The information available suggests that a number of States, drawn from all regions of the world, will be in a position to ratify the Convention within the expected five-year time frame. The Office is in the process of following up on two key resolutions regarding the development of international guidelines for flag State and port State inspections. A tripartite meeting of experts to review and adopt these guidelines is scheduled for September 2008. They will be subsequently submitted to the Governing Body for action, as appropriate.

Technical cooperation needs

23. Although efforts to move to ratification are under way and the Office, despite very limited resources but in partnership with key constituents, has been actively promoting ratification and implementation of the MLC worldwide, there is a pressing need to help ensure its effective implementation by countries that have ratified it or are in the process of ratification.
24. As the first step in this process, the following have been identified as specific aspects of the Action Plan:
- there is a need to assist certain countries to carry out studies relating to their legislative and institutional or other needs in order to be in a position to ratify and effectively implement the MLC;
 - there is an urgent need to develop standardized training materials and tools for inspectors in port and flag States as well as to provide training seminars to assist with building capacity in national inspection systems and maritime administrations: this component will be developed by the Office in cooperation with the ILO Turin Centre.
25. To date, the Office has benefited from technical cooperation assistance to support the promotion of the MLC from: the European Commission, which not only partially funded the Maritime Session of the ILC for the adoption of the MLC, but has also contributed to the preparation by the Office of the flag and port State guidelines; the Government of the Republic of Korea, which has funded technical expertise to the Office and technical advice to developing countries; the Governments of France and Germany, which have contributed technical legal experts to support the work of the Office; the Government of the United Kingdom, which has provided technical expertise for the development of flag State guidelines; and the Government of Italy, which has provided technical support for the development of training materials. The ILO Programme and Budget for 2008–09 provides for an allocation to support the promotion of the MLC, including in all regions.

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

Recent developments

26. As reflected in the strategic framework of the Programme and Budget for 2008–09, Convention No. 187 and Recommendation No. 197 should be instrumental for strengthening the institutional capacity to improve the occupational safety and health (OSH) situation globally. Building on the system approach adopted in the Convention, the ILO's work in this respect is based on a strategy which gives importance not only to the actual ratification of the Convention, but also to its application and implementation.
27. Globally, the system approach of the promotional framework would be promoted through inter-agency collaboration, for example with the WHO, at relevant international conferences and symposia, such as the XVIIIth World Congress on Safety and Health at Work, 2008, to be held in the Republic of Korea, and at events such as the World Day for Safety and Health. In 2008, the latter will focus on risk management, which is an important element in the preventative strategy promoted through Convention No. 187 and Recommendation No. 197.
28. Convention No. 187 is also being promoted through meetings and workshops. Since the previous report, two workshops have been held on the promotion of the Convention.⁷ The workshop in Dhaka focused on a review of the OSH situation and questions relating to the application of Convention No. 187 in the region. The meeting in Damascus resulted in the establishment of a fully fledged strategic action plan on OSH and the implementation of Convention No. 187 in the countries in the region, including a recommendation to prepare a national OSH profile for each country, establish CIS centres in Iraq, Libyan Arab Jamahiriya and Saudi Arabia, and to establish an OSH focal point in the ministries of labour. Meetings to follow up on this work are scheduled in Bahrain and the Libyan Arab Jamahiriya for 2008, and a complete set of national profiles for all countries in the region are to be presented at the meeting in the Libyan Arab Jamahiriya at the end of the year.
29. Furthermore, at the Meeting of Experts to Examine Instruments, Knowledge, Advocacy, Technical Cooperation and International Collaboration as Tools with a view to Developing a Policy Framework for Hazardous Substances, Geneva, 10–13 December 2007, the importance of Convention No. 187 in promoting the sound management of chemicals at work was emphasized. In the conclusions of the Meeting of Experts, it was recommended that the Chemicals Convention, 1990 (No. 170), and the Prevention of Major Industrial Accidents Convention, 1993 (No. 174), as well as Convention No. 187, be promoted for this purpose.
30. Convention No. 187 will also be promoted at the XVIIIth World Congress on Safety and Health at Work at various sessions, including the Technical Session on Strategy and Programmes. In addition, a safety and health summit, to be held prior to the opening of the World Congress, is expected to endorse Convention No. 187. At the regional level, the ILO Subregional Office in Bangkok is planning to hold a workshop funded by Japan in 2008, on national OSH programmes in selected ASEAN countries, including the promotion of Convention No. 187. Furthermore, during 2007–08, the ILO/Korea Technical Cooperation Programme has been supporting the preparation of national OSH profiles in

⁷ A tripartite workshop on the “Promotional framework of occupational safety and health” held in Dhaka, Bangladesh, 26–29 November 2007, including participants from Bangladesh, India, Islamic Republic of Iran, Nepal, Pakistan and Sri Lanka, and an Interregional Tripartite Occupational Safety and Health Meeting for Arab States in Damascus, Syrian Arab Republic, 18–20 November 2007, including participants from the 18 Arab States.

Central Asian countries (Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan) with a view to promoting Convention No. 187. A second phase to support and follow up on the achievements of Phase I of the programme (2007–08) is under discussion.

31. The promotional material needed to explain how to implement the new instruments is being developed within the ILO. In order to contribute to global knowledge-sharing on the development of national OSH profiles and programmes, the ILO web site will be upgraded to include a dedicated web page showing the progress made in developing national profiles and programmes.
32. The ILO's OSH field specialists are promoting the ratification and the application of the Convention based on a four-stage strategy: (1) preparation of a national OSH profile; (2) reviewing the national OSH situation and systems; (3) formulating and launching a national OSH programme; and (4) reviewing and reformulating national OSH programmes. The ratification and implementation of the Convention will ensure national commitment to the objectives of the Convention, enhance the status of OSH in national issues and encourage donor interest through technical cooperation. At the Meeting of Experts held in Geneva, ILO OSH field progress at the regional and national level was reviewed.⁸ It was noted that, while recent developments were encouraging in many countries, further efforts were needed, inter alia, to ensure that OSH priorities are reflected in DWCPs.

Technical cooperation needs

33. The progress recorded reflects increasing interest in adopting and implementing the basic strategy set out in Convention No. 187 and Recommendation No. 197. However there is a pressing need to promote the basic approach of these instruments in regions such as Africa and South Asia, and to assist member States that have made the effort to map their OSH situation in a national profile to move to positive action. As noted in a paper to be examined by the Committee on Technical Cooperation of the Governing Body at the present session,⁹ SafeWork's technical cooperation programme has been in steady (qualitative) decline.

The way forward

34. The ILO needs to pursue its efforts to develop a clear and coherent strategy for the promotion and implementation of Convention No. 187 so that OSH issues are placed high on the national agendas. This should also provide an opportunity for countries to evaluate their national situation, including their legislation, in relation to other key OSH instruments and the progress they are making with respect to their implementation. In this respect, the General Survey to be prepared by the Committee of Experts for discussion at the ILC in June 2009, which will cover Convention No. 155 and its related Recommendation, will

⁸ In most East Asian countries, task forces for the preparation of national OSH profiles and programmes are being set up through tripartite consultation, while more limited progress has been made in South Asia. In Latin America, ten countries now have a DWCP with an OSH component. In Eastern Europe and Central Asia, national profiles are available for 11 countries, and five countries have developed a DWCP with an OSH component. Performance indicators include a national OSH profile and programme, tripartite modernization of the national OSH system, an OSH management system and modernizing labour inspection. In the Caribbean, new OSH laws have been developed in Trinidad and Tobago and national OSH profiles are under development in most countries. With the exception of Burkina Faso and Nigeria, limited progress has also been recorded in Africa.

⁹ GB.301/TC/2, paras 39–40.

provide up to date information on the law and practice of countries in this important area, and this should be used to feed into the strategy.

Work in Fishing Convention, 2007 (No. 188)

- 35.** In pursuance of the resolution concerning promotion of the ratification of the Work in Fishing Convention, 2007 (No. 188), adopted by the ILC in June 2007, the Office has already begun to develop promotional materials and advocacy tools for the Convention to enhance understanding by national administrations and representative organizations of fishing vessel owners and fishers of the Convention and its accompanying Recommendation (No. 199). It should be recalled that the new Convention not only revises a series of existing standards, such as those relating to the minimum age for fishers, the validity of the medical certificate or the maintenance of a crew list, but also regulates for the first time various aspects of the conditions of employment of fishers, such as hours of rest, repatriation, medical care, health protection and social security. The Convention also contains significant flexibility devices, including clauses on progressive implementation and substantial equivalence that will improve the prospects for its early ratification.
- 36.** The fishing sector provides livelihoods for tens of millions of people. Convention No. 188 and Recommendation No. 199 will contribute to ensuring decent work in this unique sector for its often vulnerable and insufficiently protected workforce. The development of the national laws, regulations and other measures required by the Convention will require technical assistance from the Office, for example for the drafting of national legislation and capacity building for government agencies and representative employers' and workers' organizations.
- 37.** The Office is establishing a promotional campaign for the new fishing standards through the Sectoral Activities Branch, in close collaboration with the International Labour Standards Department, the Bureau for Workers' Activities, the Bureau for Employers' Activities, other technical departments at headquarters and field offices, and the ILO Training Centre in Turin. The social partners are providing advice on this campaign through a special consultation process. This process draws on the substantial goodwill and the cooperative spirit built up during the discussion of the Work in Fishing Convention, 2007 (No. 188) and Recommendation (No. 199) at the 96th Session of the Conference. It will take into account the four resolutions concerning the fishing sector adopted by the Conference at that session. The Office will continue to seek and make efficient use of external contributions, and has already received contributions from Spain for activities in selected African and Latin American countries and from the Republic of Korea for a regional seminar aimed at launching promotional activities in Asia.
- 38.** Despite their distinct scope of application, the MLC and Convention No. 188 share a number of similarities. The Office therefore intends to coordinate promotional activities for Convention No. 188 with the ongoing ratification campaign for the MLC.¹⁰

¹⁰ GB.300/3/1.

2. Improving the coherence, integration and effectiveness of the supervisory system through a better understanding of its dynamics

Purpose and scope of the overview in light of the discussion held during the 300th Session (November 2007) of the Governing Body

39. In accordance with the interim plan of action adopted at its 300th Session (November 2007), the Governing Body approved the submission to its current session of an overview of the links between the various supervisory procedures relating to ratified Conventions (articles 22, 24 and 26 of the Constitution) and the special procedure for the examination of complaints alleging infringements of trade union rights.¹¹ When it proposed this overview, the Office emphasized that the supervisory system had never been described as a whole and that the implementation of a long-term strategy to enhance the impact of the ILO standards system required a clear understanding by constituents of the linkages between the various supervisory procedures.
40. In drawing up this overview, account has been taken of the following comments made by members of the LILS Committee on this issue: (i) in addition to the links, the overview should also focus on the differences between the various procedures; the objective of the exercise is not only to contribute to a better understanding of the supervisory system, but also to identify possible weaknesses and inconsistencies in order to make the necessary adjustments;¹² (ii) while explanations on the purpose and mechanisms of the system are necessary to remove any misunderstandings that may exist concerning the various procedures, the agreed policy was that any discussion on the functioning of the system should take place in the supervisory bodies themselves before coming to the Governing Body;¹³ (iii) it is necessary to focus on the dynamics and links that exist between the various procedures; the overview will help to clarify the consistency of the supervisory system and could be of interest to the ongoing discussion on strengthening the ILO's capacity.¹⁴
41. The dynamics of the supervisory system can be examined from a historical and procedural standpoint, as well as from a substantive and practical point of view. In light of the constraints of time and space and the diversity of the comments recalled above, the scope of the present overview is confined to examining the dynamics of the supervisory system from the historical and procedural standpoint.

¹¹ See GB.300/LILS/6, paras 47–51 and para. 80, II(2). Originally, the procedures relating to the obligation to report on unratified Conventions and Recommendations (article 19 of the Constitution) were also to be included in the overview. However, at its 300th Session, the Governing Body agreed to await the outcome of the discussion on strengthening the ILO's capacity in order to determine when and how this issue should be examined.

¹² See Employer members' comments, GB.300/13, paras 49–50.

¹³ See Worker members' comments, *ibid.*, para. 59.

¹⁴ See comments made by the Africa group, *ibid.*, para. 63; IMEC, para. 68; GRULAC, para. 74; and the Government of France, para. 84.

2.1. Overview of the ILO supervisory system

2.1.1. Main developments in the ILO supervisory system from 1919 onwards

42. The constitutional provisions relating to supervision of the application of ratified Conventions – the obligation to make annual reports on measures taken to give effect to ratified Conventions and the procedures for the presentation of complaints and representations – have been in place since they were first set out in the 1919 Constitution. Nevertheless, the supervisory system has evolved substantially over the years, mainly through the decisions taken by the Conference and the Governing Body. In addition, the supervisory bodies have taken a number of decisions relating to their own methods of work and procedure.
43. The first important development was the establishment in **1926** of the Conference Committee on the Application of Standards and the CEACR through the same Conference resolution.¹⁵ When the ILO was first created, it had been thought that supervision of the application of ratified Conventions would be carried out by the Conference itself through the summary of annual reports that the Director-General would lay before it. However, during its first six years of existence, the Conference as a whole was not able to take cognizance of the summary, as it was not in a position to do a thorough examination.¹⁶ Recognition of this gave rise to the need for specific machinery to undertake such an examination.
44. At the time, the distinction was emphasized between the procedure for the examination of reports submitted by member States and the procedures concerning complaints and representations. The annual reports were presented as constituting a means of providing and sharing information among member States; the procedure for their examination therefore differed essentially from the representation and complaint procedures. Indeed, under the terms of the above Conference resolution, the mandate of the Committee of Experts was to make “the best and fullest use of the information contained in the reports rendered by the State Members”.
45. The submission of the first two representations in 1924 and 1931 raised a number of practical questions about the modalities of the procedure embodied in the Constitution. It was felt that to safeguard both the rights of industrial associations and the freedom of action of the Governing Body, some rules were needed. In **1932**, the Governing Body therefore adopted Standing Orders concerning the application of the representation procedure.¹⁷ In the course of the discussion leading up to the adoption of these rules, members of the Governing Body emphasized the need to distinguish clearly between the representation procedure and the complaint procedure.
46. The next important development in the supervisory system occurred through the **1946** amendments to the Constitution. Several significant changes were introduced in articles 19

¹⁵ Resolution concerning the methods by which the Conference can make use of the reports submitted under Article 408 of the Treaty of Versailles, ILC, Eighth Session (1926), Vol. I, Appendix VII, p. 429; in accordance with the resolution, the two committees were named respectively “Committee of the Conference” and “Committee of Experts”.

¹⁶ See *Note* prepared by the Office, ILC, Eighth Session (1926), Vol. I, Appendix V, p. 395.

¹⁷ The Standing Orders concerning the representation procedure were amended in 1938, 1980 and, more recently, in 2004.

and 22, and particularly: (i) the obligation to report on measures taken to submit newly adopted instruments to the competent national authorities; (ii) the obligation to submit information and reports on unratified Conventions and Recommendations when so requested by the Governing Body; (iii) the obligation to communicate reports and information under articles 19 and 22 to representative employers' and workers' organizations. The terms of reference of the Conference Committee and the CEACR were revised to reflect the first two obligations. Other changes were also made to the complaint procedure relating to article 26.

47. The third major development in the supervisory system took place in **1950**. Following the adoption of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the ILO, in agreement with the Economic and Social Council of the United Nations (ECOSOC), established a procedure for the examination of allegations concerning the infringement of trade union rights, including a new supervisory body: the Fact-Finding and Conciliation Commission on Freedom of Association. It was also agreed that all allegations regarding infringements of trade union rights received by the United Nations against ILO member States would be forwarded by ECOSOC to the Governing Body. The purpose of the new procedure was to provide facilities for impartial and authoritative investigation of questions of fact raised by allegations of infringements of trade union rights. In view of the fact that the principle of freedom of association was enshrined in the ILO Constitution and the Declaration of Philadelphia, as well as its importance for the tripartite structure of the ILO, allegations concerning infringements of trade union rights could be made against all ILO member States, whether or not they had ratified the relevant Conventions. On the other hand, no allegations could be referred to the Fact-Finding and Conciliation Commission on Freedom of Association without the consent of the government concerned.¹⁸ It was emphasized that the new arrangements would not in any way replace the existing constitutional provisions concerning representations and complaints.
48. In **1951**, the Governing Body went on to establish the Committee on Freedom of Association (CFA). Initially, the examination of complaints by the CFA was intended to determine whether the allegations warranted further examination by the Governing Body and, where it was so determined, to attempt to secure the consent of the government concerned to the referral of such allegations to the Fact-Finding and Conciliation Commission on Freedom of Association. The examination of allegations by the CFA, unlike the Fact-Finding and Conciliation Commission, did not require the consent of the government concerned. The CFA rapidly became the main body responsible for examining allegations of violations of freedom of association for a number of reasons, including: the difficulty in obtaining the consent of government to the referral of matters to the Fact-Finding and Conciliation Commission; the formal nature of the investigation carried out by the latter; and substantial developments in the procedure of the CFA, which led to a broadening of the examination of complaints by the CFA. To date, the CFA has examined around 2,600 complaints, whereas the Fact-Finding and Conciliation Commission has only examined six.
49. Following the establishment of the special procedure on freedom of association, the developments that have occurred in the supervisory system have related to the operation of existing supervisory arrangements.

¹⁸ A compromise was thus reached between proponents of the universality of ILO action in respect of all its Members in relation to freedom of association and those who considered that the ILO could only intervene on the basis of the ratification of the relevant Conventions.

- 50.** In the mid-1950s, the first decisions were taken to allow the CEACR and the Conference Committee to deal with their increasing workload. Reference should be made to two such decisions. First, a certain division of labour was progressively established between the Conference Committee and the CEACR. At the beginning, both Committees examined successively all the issues arising out of annual reports. However, in **1955**, the Conference Committee adopted the “principle of selectivity”¹⁹ so that it could concentrate only on cases in which the CEACR had drawn attention to definite discrepancies between the terms of ratified Conventions and national law and practice. Second, in **1959**, the Governing Body decided to lengthen the reporting cycle from one to two years.
- 51.** Starting in the 1960s, supervision of the application of ratified Conventions, which had hitherto been carried out mainly through the regular supervisory procedure, began to see the more frequent use of complaint and representation procedures. In **1961**, a complaint was lodged by one member State against another, leading to the establishment of the first Commission of Inquiry. As of **1965**, employers’ and workers’ organizations began to have recourse more frequently to the representation procedure. A total of 24 complaints and 123 representations have been lodged to date.
- 52.** In addition to further adjustments to reporting arrangements, the main development in the 1970s was the increased participation of employers’ and workers’ organizations in the supervisory procedures. In **1971** and **1977**, the Conference adopted two resolutions reinforcing tripartism in all ILO activities, including supervision of the application of international labour standards.²⁰ These resolutions prompted various measures to encourage greater participation by employers’ and workers’ organizations in the supervisory procedures. Moreover, Convention No. 144 was adopted in 1976 with a view to reinforcing the involvement of employers’ and workers’ organizations at the national level in all ILO standards-related activities, including the drawing up of reports by member States under article 22. When, in 1976, the Governing Body decided to further lengthen the reporting cycle for Conventions (except for the most important Conventions) from two to four years, it approved a number of safeguards to ensure that the introduction of a longer reporting cycle did not weaken the effectiveness of the supervisory system. These measures included consideration by the CEACR of comments sent directly to the Office by employers’ and workers’ organizations even in years when no report was due. Modifications to the reporting cycle were again made in 1976 and 1993.²¹
- 53.** Following the Report of the Director-General to the 81st Session of the Conference (1994),²² the Governing Body has regularly discussed the working of the supervisory system within the overall framework of improvements to ILO standards-related activities with a view to strengthening the efficiency and impact of the supervisory mechanisms. An

¹⁹ ILC, *Record of Proceedings*, 38th Session, 1955, p. 582, paras 6–7.

²⁰ Resolution concerning the strengthening of tripartism in the overall activities of the International Labour Organisation, ILC, 56th Session, June 1971; resolution concerning the strengthening of tripartism in ILO supervisory procedures of international standards and technical co-operation programmes, ILC, 63rd Session, June 1977.

²¹ See GB.298/LILS/4, paras 31–32, for a summary of the various adjustments to reporting arrangements, including the reporting cycle, decided on by the Governing Body.

²² *Defending values, promoting change: Social justice in a global economy: An ILO agenda*, Report of the Director-General (Part I), ILC, 81st Session, 1994.

overview of the related discussions and decisions was presented to the Governing Body at its 292nd Session (March 2005).²³

2.1.2. Overview of the specific features of each of the supervisory procedures

- 54.** The supervisory system consists of several different procedures, each with a well-defined purpose. In the first place, the regular supervisory procedure, based on the reports submitted regularly by member States, ensures the continuous assessment of the application by member States (difficulties and progress) of ratified international labour Conventions. It combines the CEACR's objective examination of the reports submitted with tripartite dialogue in the Conference Committee. Despite the lengthening of the reporting cycle, this continuity has been preserved, particularly by making the necessary arrangements for the active participation of employers' and workers' organizations through the submission of comments. Second, the special supervisory procedures, which are based on the various types of complaints, focus on specific problems as they arise and are mainly initiated by employers' and workers' organizations. The main purpose is to resolve particular cases, generally involving complex issues of fact and law that call for close examination by a specially convened body. These special supervisory procedures each have specific mandates and attributes. The representation and complaint procedures address allegations of non-observance of ratified Conventions. The representation procedure permits a relatively speedy resolution of the case by a tripartite body, while the procedure for the examination of a complaint by a Commission of Inquiry under article 26 of the Constitution is more solemn and may eventually result in important measures under article 33 of the Constitution. The scope of the special procedure on freedom of association is broader, as it can be invoked whether or not the country concerned has ratified the relevant Conventions and the allegations are examined in the light of the principles of freedom of association.
- 55.** The following table is intended to provide a schematic overview of the main features differentiating the various supervisory procedures.²⁴

²³ See GB.292/LILS/7, paras 22–34.

²⁴ All the supervisory procedures are described in the *Handbook of procedures relating to international labour Conventions and Recommendations*, revised edition, 2006. Further details on the special procedure concerning freedom of association can be found, in particular, in Annex I of the *Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, fifth (revised) edition, 2006.

	Regular supervisory procedure	Special supervisory procedures		
	Reports on the application of ratified Conventions	Representations alleging non-observance of ratified Conventions	Complaints alleging non-observance of ratified Conventions	Complaints alleging violations of freedom of association
Constitutional basis	Articles 22 and 23	Articles 24 and 25	Articles 26 to 29 and 31 to 34	Principle of freedom of association embodied in the Preamble of the Constitution and the Declaration of Philadelphia
Other legal basis	(i) Conference resolution of 1926; (ii) article 7 of the Conference Standing Orders; (iii) decisions of the Governing Body; (iv) decisions by the supervisory bodies concerning their methods of work and procedure	Standing Orders concerning the representation procedure adopted by the Governing Body (last modified at its 291st Session, November 2004)	Governing Body has left the determination of the procedure to the competent supervisory body	(i) Provisions adopted by common consent by the Governing Body and the UN Economic and Social Council (ECOSOC) in January and February 1950; (ii) decisions taken by the Governing Body; (iii) decisions adopted by the supervisory bodies themselves
Initiation of the procedure	<p>Obligation of Members to provide reports (article 22) on the measures taken to give effect to ratified Conventions, in accordance with the report form and the reporting cycle determined by the Governing Body</p> <p>Comments submitted by employers' and workers' organizations (article 23)</p> <p>In 2006, a total of 2,935 reports were requested:</p> <p>64% of these reports were requested within the reporting cycle (2.8% were first reports); 36% of reports were requested out of the reporting cycle, mainly because they were overdue, although 3.1% were requested by the supervisory bodies for other reasons</p>	<p>Representation made by an industrial association of employers or workers alleging failure by a Member to secure effective observance of a ratified Convention</p> <p>123 representations have been submitted to date</p>	<p>Complaint by a Member alleging failure by another Member to secure effective observance of any Convention which both have ratified</p> <p>The Governing Body also may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the Conference</p> <p>24 complaints have been submitted to date</p>	<p>(i) Initiation of the procedure: Complaints lodged with the Office against an ILO Member, either directly or through the UN, either by organizations of workers or employers or by governments Complaints may be entertained whether or not the country concerned has ratified the freedom of association Conventions</p> <p>(ii) Initiation of the procedure – specific conditions: Fact-Finding and Conciliation Commission: Complaints may be lodged against a Member of the UN which is not a Member of the ILO Complaints which the Governing Body, or the Conference acting on the report of its Credentials Committee or ECOSOC, considers it appropriate to refer to the Fact-Finding and Conciliation Commission In principle, no complaint may be referred to the Commission without the consent of the Government concerned</p> <p>Committee on Freedom of Association (CFA): Referral, proposed unanimously by the Credentials Committee of the Conference and decided upon by the Conference, concerning an objection as to the composition of a delegation to the Conference</p>

	Regular supervisory procedure		Special supervisory procedures			
	Reports on the application of ratified Conventions		Representations alleging non-observance of ratified Conventions	Complaints alleging non-observance of ratified Conventions	Complaints alleging violations of freedom of association	
Competent supervisory bodies	Committee of Experts on the Application of Conventions and Recommendations (CEACR) (1926 Conference resolution)	Conference Committee on the Application of Standards (1926 Conference resolution)	Tripartite committees of the Governing Body (<i>Standing Orders concerning the procedure for the examination of representations</i>)	Commissions of Inquiry (<i>article 26, para. 3</i>)	CFA (<i>Governing Body decision of 1951, 117th Session</i>)	Fact-Finding and Conciliation Commission on Freedom of Association (1950 decisions of the Governing Body (110th Session) and of ECOSOC accepting the services of the ILO and the Fact-Finding and Conciliation Commission on behalf of the UN)
Nature and mandate	<p>Standing body</p> <p>To examine annual reports (article 22) on measures taken to give effect to ratified Conventions</p> <p>To make a report that is submitted by the Director-General to the Governing Body and the Conference (<i>Governing Body decision, 103rd Session, 1947</i>)</p>	<p>Standing committee of the Conference</p> <p>To consider measures taken by Members to give effect to ratified Conventions</p> <p>To submit a report to the Conference (<i>article 7 of the Conference Standing orders</i>)</p>	<p>Ad hoc tripartite body of the Governing Body</p> <p>To examine a representation deemed receivable by the Governing Body</p> <p>To submit a report to the Governing Body setting out conclusions and recommendations on the merits of the case (<i>article 3, para. 1 and article 6 of the Standing Orders</i>)</p>	<p>Ad hoc body</p> <p>To fully consider a complaint referred to it by the Governing Body</p> <p>To prepare a report embodying findings on all questions of fact and containing recommendations as to the steps to be taken and a time frame within which this should occur (<i>article 28 of the Constitution</i>)</p> <p>11 complaints examined by a Commission of Inquiry</p>	<p>Standing tripartite body of the Governing Body</p> <p>To examine allegations of violations of freedom of association so as to determine whether any given legislation or practice complies with the principles of freedom of association and collective bargaining</p> <p>To report to the Governing Body (<i>Governing Body decision of 1951; Digest, para. 6</i>)</p> <p>Around 2,600 complaints have been examined by the CFA</p>	<p>Standing body</p> <p>To examine allegations of violations of freedom of association</p> <p>To ascertain the facts, as a fact-finding body</p> <p>Authorized to discuss situations with the government concerned with a view to securing the adjustment of difficulties by agreement</p> <p>To report to the Governing Body (<i>Governing Body decision of 1950</i>)</p> <p>Six complaints have been examined by the Fact-Finding and Conciliation Commission</p>

	Regular supervisory procedure		Special supervisory procedures			
	Reports on the application of ratified Conventions		Representations alleging non-observance of ratified Conventions	Complaints alleging non-observance of ratified Conventions	Complaints alleging violations of freedom of association	
Competent supervisory bodies	CEACR	Conference Committee on the Application of Standards	Tripartite committees	Commissions of Inquiry	CFA	Fact-Finding and Conciliation Commission on Freedom of Association
Composition	Members are appointed by the Governing Body, upon the proposal of the Director-General in their personal capacity. Members are impartial persons of technical competence and independent standing	Government, Employer and Worker members of the Committee form part of national delegations to the Conference	Members of the Governing Body chosen in equal numbers from the Government, Employers' and Workers' groups (i.e. one per group)	Members appointed by the Governing Body in their personal capacity upon the proposal of the Director-General. Persons chosen for their impartiality, integrity and standing	Members of the Governing Body representing in equal proportion the Government, Employers' and Workers' groups (i.e. six per group) Each member participates in a personal capacity Chaired by an independent person	Members appointed by the Governing Body for their personal qualifications and independence upon the proposal of the Director-General Governing Body has authorized members of the Commission to have the work undertaken by panels of no less than three or more than five members

	Regular supervisory procedure		Special supervisory procedures			
	Reports on the application of ratified Conventions		Representations alleging non-observance of ratified Conventions	Complaints alleging non-observance of ratified Conventions	Complaints alleging violations of freedom of association	
Competent supervisory bodies	CEACR	Conference Committee on the Application of Standards	Tripartite committees	Commissions of Inquiry	CFA	Fact-Finding and Conciliation Commission on Freedom of Association
Information considered	Written information on the application in law and practice of ratified Conventions including: (i) article 22 reports; (ii) article 23 comments submitted by employers' and workers' organizations; (iii) other information, such as relevant legislation or mission reports	Written information on the application in law and practice of ratified Conventions, including: (i) report of the CEACR; (ii) information supplied by governments Oral information concerning the case under discussion supplied by the government concerned and by members of the Committee	Written information supplied by the parties The hearing of the parties could be possible	Written and oral information. The Commissions of Inquiry can take all necessary steps to obtain full and objective information on questions at issue, in addition to information supplied by the parties (e.g. information supplied by other Members, the hearing of the parties and witnesses, visits by the Commission to the country)	Complaints and observations thereon by the government. Any additional information requested by the Committee and supplied by the parties, generally in writing The hearing of the parties is possible, as decided in appropriate instances by the CFA, although such cases are rare. On the other hand, at various stages in the procedure, an ILO representative may be sent to the country concerned	In order to ascertain facts, the Commission is free to hear evidence from all concerned (e.g. information from third parties, hearing of the parties and witnesses, visits to the country). Any discussions "with a view to securing the adjustment of difficulties by agreement" have to be held with the government concerned
Status of the report	Governing Body takes note of the report and transmits it to the Conference Report published	Plenary of the Conference discusses and approves the report. Report published	Governing Body discusses and approves the report in private sitting	Report communicated by the Director-General to the parties concerned and to the Governing Body, which takes note of it Report published in the ILO <i>Official Bulletin</i> , under article 29 of the Constitution	Report submitted to the Governing Body for discussion and approval Report published in the ILO <i>Official Bulletin</i>	Report communicated by the Director-General to the Governing Body, which takes note of it Report published in the ILO <i>Official Bulletin</i>

	Regular supervisory procedure		Special supervisory procedures			
	Reports on the application of ratified Conventions		Representations alleging non-observance of ratified Conventions	Complaints alleging non-observance of ratified Conventions	Complaints alleging violations of freedom of association	
Competent supervisory bodies	CEACR	Conference Committee on the Application of Standards	Tripartite committees	Commissions of Inquiry	CFA	Fact-Finding and Conciliation Commission on Freedom of Association
Outcome	<p>Individual comments by the CEACR as part of an ongoing dialogue on the application in law and practice of ratified Conventions and, where appropriate, expressions of “satisfaction” and “interest”</p> <p>Conclusions on individual cases by Conference Committee</p> <p>Technical assistance provided by the Office at the request of the government in the light of these comments</p>		<p>Governing Body’s decisions on the representation notified to the parties by the Office, including decision to publish the representation and the reply of the government, in accordance with article 25</p> <p>Possible follow-up by the CEACR</p>	<p>Governments concerned must inform the Director-General within three months whether or not they accept the recommendations and, if not, whether they propose referral of the complaint to the International Court of Justice</p> <p>Governing Body may recommend action by the Conference in case of failure to give effect to the recommendations (article 33). Possible follow-up by CEACR</p>	<p>Possible recommendations to Governing Body: (i) no further examination required; (ii) anomalies to be drawn to the government’s attention; government may be invited to take remedial steps and state the follow-up action taken; (iii) attempt to secure government’s consent to referral to the Fact-Finding and Conciliation Commission; (iv) CEACR’s attention drawn to legislative aspects if Conventions ratified</p>	<p>The Governing Body may decide on arrangements to follow up the matters examined by the Commission, whether the complaint concerns an ILO Member or a UN Member which is not a Member of the ILO</p>

2.2. Explanations of the links between the supervisory procedures concerning the application of ratified Conventions, including the special procedure for the examination of complaints alleging infringements of trade union rights

2.2.1. Relevant general features of the supervisory system

56. The system as a whole has a number of features that are conducive to the establishment of links between its different components.
57. The various supervisory procedures all pursue a common purpose: the effective observance of international labour standards, and in particular ratified Conventions. The links between the supervisory procedures therefore operate in respect of obligations freely assumed by member States through the ratification of Conventions. This consideration also includes the special procedure concerning freedom of association since, as will be seen below, this procedure interacts with other procedures only in cases where member States have ratified the relevant Conventions.
58. As is only natural in a tripartite organization, in addition to governments, the system involves the participation of employers' and workers' organizations, and their role has continued to grow as the system has developed. Convention No. 144 formalized the important role that they should fulfil at the national level, where they contribute to the adoption of measures and assist in reviewing their implementation. Employers' and workers' organizations can contribute to the work of the CEACR by sending comments on the application of ratified Conventions, or they can initiate action by an ILO supervisory body through the submission of a representation under article 24, a complaint under article 26 (through a delegate to the Conference) or a complaint to the CFA. Their representatives participate directly in the work of a number of the supervisory bodies and the Governing Body.
59. Under the ILO Constitution, the Governing Body has a number of specific functions in relation to the operation of the supervisory procedures. These include the approval of report forms on ratified Conventions and the consideration of representations and complaints. Moreover, the Governing Body has responsibilities relating to the overall efficient functioning and work of the supervisory bodies. Accordingly it: (i) decides upon the mandates of certain supervisory bodies (although not in the case of Commissions of Inquiry and the Conference Committee on the Application of Standards); (ii) appoints the members of most of these bodies (on the proposal of the Director-General in the case of bodies composed of independent experts); and (iii) receives all the reports of the supervisory bodies, either to note or approve them (with the exception of the report of the Conference Committee). The Governing Body has always exercised these responsibilities in full knowledge of the distinction between its own role and those of the specific bodies concerned. It has accordingly left them to determine their methods of work and procedures and has approved their reports after discussion by its members. As will be seen below, the Governing Body is also called upon to take decisions relating to the linkages between the various supervisory procedures.
60. In accordance with its functions under article 10 of the Constitution, the Office also has an important role to play in acting as the secretariat of the supervisory bodies. In this capacity, it prepares the necessary materials for their meetings, including, where appropriate, draft

texts for their consideration and adoption, taking into account the work carried out by other supervisory bodies. The Office therefore contributes, within its mandate, to the coherence of examination between the supervisory bodies. Further, the Office has specific responsibilities at the various stages prior to the examination of cases by the supervisory bodies in terms of obtaining full and appropriate information from the parties. It also follows up comments made by the supervisory bodies, particularly through its technical cooperation and assistance activities.

2.2.2. Similarities between the supervisory procedures

61. The supervisory procedures present a number of similarities, some of which are of particular relevance to the present overview. While a range of supervisory procedures are available, the tools employed in each case show similarities. These tools include: submission of written information, which may be supplemented by oral information; on-the-spot missions, particularly in the form of direct contacts missions; arrangements to follow up on matters examined by a supervisory body in the context of a particular complaint or a representation; and various publicity measures.
62. Moreover, some supervisory mechanisms present similarities in terms of composition and procedure, which tend to create particular links between the bodies concerned. Thus, the CFA and the tripartite committees set up to examine representations are all tripartite bodies of the Governing Body examining submissions made by employers' and workers' organizations. The impartiality of their respective examinations is guaranteed by similar rules, which exclude from the examination of the case any representative or national of the State against which the submission is made, as well as any person occupying an official position in the organization which has made the submission.²⁵ The introductory note to the Standing Orders concerning the procedure for the examination of representations refers to certain principles developed by the CFA in relation to the issues of receivability and prescription of complaints, which may be applied by analogy to the representations procedure.²⁶ The two investigatory bodies of the system – the Fact-Finding and Conciliation Commission and Commissions of Inquiry – also present a number of similarities regarding their membership (the independence and qualifications of their members) and procedures (both commissions have recourse to similar means to obtain full and objective information). They also have in common the mandate to investigate the facts relating to the alleged non-compliance.

2.2.3. Links

63. As noted above, on each occasion that the Conference and the Governing Body decided to supplement the institutional framework of the supervisory system, emphasis was placed on the distinctive nature of each procedure. This meant that the examination of issues under one procedure would not prevent the initiation of another procedure on the same issues. On the other hand, there is an inherent need for coordination and coherence between the work of the various supervisory bodies in order to achieve the common purpose of the effective observance of international labour standards. This need has thus led to the establishment of links between the procedures.

²⁵ Article 3, paragraph 1, of the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the ILO and paragraph 10 of Annex I of the *Digest of decisions and principles of the Freedom of Association Committee*, op. cit.

²⁶ Introductory note to the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the ILO, adopted by the Governing Body at its 291st Session (November 2004), paras 10 and 16.

64. The links between the supervisory procedures operate at three levels: (a) the referral of matters to the appropriate supervisory body; (b) suspension or closure of a supervisory procedure upon the initiation of another procedure; and (c) the examination by other supervisory bodies, and particularly the CEACR, of the effect given to the recommendations of supervisory bodies in specific cases.

Referral

In the context of a representation under article 24

65. Under article 26, paragraph 4, of the Constitution, the Governing Body may initiate the complaint procedure of its own motion. One of the objectives of this provision, which was already included in the original 1919 Constitution, was to enable the Governing Body to initiate a complaint procedure in light of a representation submitted by an industrial association under article 24. This specific manner of initiating a complaint procedure was further specified in the first version of the Standing Orders concerning the procedure for the examination of representations adopted in 1932. Article 10 of the current Standing Orders was inserted to enable the Governing Body, when it receives a representation, to adopt at any time the complaint procedure provided for in article 26. When the Standing Orders were revised in 1980, it was decided to retain this provision “both to draw attention to this possibility and to make it clear that the fact that the representation procedure under article 24 was under way did not prevent the initiation of the complaints procedure under article 26”.²⁷ To date, the Governing Body has availed itself of this possibility on two occasions.²⁸
66. Under article 3, paragraphs 1–3, of the Standing Orders concerning the procedure for the examination of representations, if the Governing Body deems a representation receivable, it can decide on one of the following three courses of action: (i) reference to a tripartite committee, which is the most common course of action; 87 tripartite committees have thus been established to date; (ii) referral to the CFA²⁹ of any aspects of a representation relating to a Convention dealing with trade union rights, in which case the CFA will examine the case applying its own methods of work and procedure, and its conclusions and recommendations will be published in a report that is separate from the report on complaints examined under the special procedure; there have been 16 such referrals to date; and (iii) postponement of the appointment of a tripartite committee if the representation relates to matters and allegations similar to those that have been the subject of a previous representation until the CEACR has examined the follow-up to the recommendations adopted by the Governing Body in relation to the previous representation; the Governing Body has not yet formally resorted to this possibility.

²⁷ GB.212/14/21, para. 45.

²⁸ In one of these cases, the representation had already been examined by a tripartite committee. When examining the report of the tripartite committee, the Governing Body decided to set up a Commission of Inquiry which, in the course of its examination, emphasized that its task did not consist of reviewing the conclusions of the tripartite committee that had examined the representation; rather, it was to carry out its own investigation.

²⁹ The possibility of referral to the CFA, in accordance with articles 24 and 25 of the Constitution, was introduced when the Standing Orders were revised in 1980 in light of the resolution concerning the promotion, protection and strengthening of freedom of association, trade union and other human rights, adopted by the Conference at its 63rd Session.

In the context of a complaint relating to the application of ratified Conventions on freedom of association

67. As indicated in the table above, in principle no complaint may be referred to the Fact-Finding and Conciliation Commission on Freedom of Association without the consent of the government concerned. Nevertheless, the government's consent is not required in respect of any complaint relating to a ratified Convention, in which case the Governing Body may designate the Fact-Finding and Conciliation Commission as a Commission of Inquiry under article 26 of the Constitution. The possibility thus open to the Governing Body is reflected in the six reports of the Fact-Finding and Conciliation Commission. Although the Governing Body has never availed itself of this possibility, it made use of similarities between the two commissions in one instance.³⁰
68. In eight instances where complaints lodged under article 26 concerned issues relating to the non-observance of ratified Conventions on freedom of association already pending before the CFA, the Governing Body sought the latter's recommendation as to whether the article 26 complaint should be referred to a Commission of Inquiry. In four of these cases, referral to a Commission of Inquiry was not considered appropriate in light of the information obtained through on-the-spot missions. These cases remained under the CFA's examination. In two cases, the CFA recommended the referral of the complaint to a Commission of Inquiry, while emphasizing that it was for the Governing Body to take a decision on the recommendation and the modalities of its implementation. In the two remaining cases, the CFA merely underlined that it was for the Governing Body to decide on the referral of the complaint to a Commission of Inquiry. It should also be noted that in one case the Governing Body decided of its own motion to refer allegations pending before the CFA to a Commission of Inquiry.

Suspension or closure

69. It is the established practice that the examination of a case by the CEACR and, subsequently by the Conference Committee, should be suspended in the event of a representation (article 24) or complaint (article 26) in relation to the same case being referred either to a tripartite committee or to a Commission of Inquiry. The CEACR reverts to its examination once the Governing Body has taken a decision on the representation or complaint. As will be noted below, the CEACR's subsequent examination of the case may include follow-up of the recommendations of the body which examined the representation or complaint. Nevertheless, in cases where a complaint is lodged with the CFA, examination by the CEACR of some of the issues raised therein is not suspended.³¹

³⁰ At the time, allegations of infringements of trade union rights against a country which had not ratified the Conventions on freedom of association had led to the establishment of a Fact-Finding and Conciliation Commission with the government's consent. When the Conference subsequently requested the Governing Body to refer to a Commission of Inquiry the question of the observance by that country of other Conventions it had ratified, the Governing Body nominated the same persons that it had appointed as members of the Fact-Finding and Conciliation Commission one month earlier to sit on the Commission of Inquiry. A double investigation was carried out by the Commission, which eventually submitted two reports to the Governing Body.

³¹ There may be several explanations for this established practice: (i) although the two bodies examine legislative as well as practical issues, their respective examinations have a different emphasis (case-specific and with greater emphasis on practical issues for the CFA, while the CEACR's examination tends to focus on legislative issues or on more general questions relating to the application of Conventions in practice); (ii) the importance of freedom of association and the related need to draw attention to serious problems relating to the application of the relevant Conventions; (iii) the special procedure was not meant to replace existing procedures, but to supplement them.

Similarly, referral by the Governing Body of a representation under article 24 to the CFA does not affect the examination of the matter by the CEACR.³²

70. In the process leading to the adoption of the Standing Orders concerning the representation procedure in 1932, the Office suggested that a decision of the Governing Body to initiate a complaint procedure under article 26, paragraph 4, should imply “closure” of a representation procedure on the same matter. However, no rule was introduced in the Standing Orders to that effect. The Governing Body has consequently retained its discretion as to the course of action to be decided upon in such cases. On one occasion, when discussing the report of the respective tripartite committee, the Governing Body decided to refer the matters raised in a representation to a Commission of Inquiry; in view of this referral, the Governing Body decided that it was no longer necessary to adopt the recommendations of the tripartite committee set up to examine the original representation. On another occasion, the Governing Body decided that the representation procedure should resume its course once the procedure for the examination of the complaint had become without object.³³

*Effect given to the recommendations made
by the supervisory bodies*

71. It is a well-established practice in the supervisory system that the CEACR follows up the effect given by governments to the recommendations made by tripartite committees (article 24) and Commissions of Inquiry (article 26). The governments concerned are therefore requested to indicate in their reports under article 22 the measures taken on the basis of these recommendations. The related information is then examined by the regular supervisory machinery. As such, it becomes part of the ongoing dialogue between the government, the CEACR and the Conference Committee, if it so decides.
72. In the case of the recommendations made by tripartite committees (article 24), this practice was officially acknowledged when the Standing Orders concerning representations were last revised in 2004. There is a direct reference to the practice in article 3, paragraph 3, of the Standing Orders concerning representations relating to matters similar to those which have been the subject of a previous representation.³⁴ The practice itself is described in the introductory note to the Standing Orders on the representation procedure.³⁵
73. In relation to recommendations made by Commissions of Inquiry (article 26 of the Constitution), the practice of follow-up by the CEACR has been followed since the first Commission of Inquiry was set up. It was left to the CEACR to determine when it was no longer necessary for the government to provide information on the matters (or certain of

³² The question of the effect of the complaint and representation procedures, including the special procedure on freedom of association, on the regular supervisory machinery was discussed by the Governing Body at its 273rd (November 1998) and 276th (November 1999) Sessions. See GB.273/LILS/1 and GB.276/LILS/2. The amendments to the Standing Orders proposed in this respect did not achieve consensus.

³³ In this particular instance, a complaint under article 26 and a representation under article 24 had been lodged by a member State and a workers’ organization against the same member State. The complaint and representation raised the same issues of non-observance of ratified Conventions. The Governing Body decided that the issues should be referred to a Commission of Inquiry. A settlement was eventually reached between the two member States and the complaint was withdrawn.

³⁴ See para. 66 above.

³⁵ See para. 19 of the introductory note, *op. cit.*

them) examined by the Commission of Inquiry. In the case of a complaint concerning the application of Conventions Nos 87 and 98, the Commission of Inquiry recommended that the implementation of its recommendations should be followed up by the CFA, which had been examining the matters raised in the complaint over a long period. At the same time, the Commission of Inquiry observed that, within the framework of its regular supervision, the CEACR would continue to examine the legislative aspects involved in respect of Conventions Nos 87 and 98.

74. The procedure of the CFA provides for the examination of the action taken by governments on its recommendations.³⁶ It should be recalled that the relevant procedural rules were set forth for the first time in the 127th Report of the CFA.³⁷ At the time, they constituted a response to paragraph 14 of the resolution concerning trade union rights and their relation to civil liberties, adopted at the 54th Session (June 1970) of the Conference. In accordance with this resolution, the Governing Body requested the CFA to examine what further measures might be taken to strengthen its procedure and in particular to consider arrangements for periodically reviewing the action taken by governments on its recommendations.
75. Under these rules, where member States have ratified one or more Conventions on freedom of association, examination of the legislative aspects of the recommendations adopted by the Governing Body is often referred to the CEACR. The attention of the CEACR is specifically drawn in the concluding paragraph of the CFA's reports to discrepancies between national law and practice and the terms of the Convention. However, it is made clear in the procedure that such referral does not prevent the CFA from examining the effect given to its recommendations, particularly in view of the nature and urgency of the issues involved. Since its 236th Report (November 1984), the CFA has highlighted in the introduction to its report the cases to which the attention of the CEACR has been drawn.

The issue of interpretation of international labour Conventions

76. As indicated in the earlier papers on the implementation of the standards strategy, a complete overview of the links between the supervisory procedures relating to ratified Conventions should also cover the procedure relating to the interpretation of international labour Conventions. It should be recalled in this respect that, while the supervisory bodies examine the application of ratified Conventions in law and in practice, under the terms of article 37, paragraph 1, of the Constitution, the authority to interpret Conventions is vested with the International Court of Justice. In addition, paragraph 2 of article 37 envisages the alternative solution of instituting a tribunal "for the expeditious determination of any dispute or question relating to the interpretation of a Convention which may be referred thereto by the Governing Body or in accordance with the terms of the Convention". An explanation on the issue of interpretation was provided to the Governing Body at its 256th Session (May 1993). At that time, the Office prepared a thorough study³⁸ with a view to providing the necessary background for a possible detailed examination by the Governing Body of the implementation of article 37, paragraph 2. More specifically, the study reviewed the existing arrangements, including their limitations, under which questions of interpretation have been dealt in the absence of any recourse to the machinery provided for in the Constitution. It examined whether and to what extent the appointment of the tribunal provided for in article 37, paragraph 2, could offer a useful additional

³⁶ See paras 70–74 of Annex I of the *Digest* of the CFA, op. cit.

³⁷ See 127th Report in *Official Bulletin*, Vol. LV, 1972, Supplement, paras 10 and 22–28.

³⁸ See GB.256/SC/2/2.

mechanism and sketched out possible modalities for its institution and functioning. While the Governing Body welcomed the study, it did not come to any decision on the matter. The question arises as to whether this issue should be revisited.

2.3. Conclusions

77. The functioning of the ILO supervisory system is a complex matter and the system has evolved substantially over the years since it was first established by the 1919 Constitution. Its development has been informed by pragmatism under the effect, firstly, of the decisions of the Governing Body and the Conference in giving effect to their responsibility to ensure the smooth and effective functioning of the system. It has also developed in the light of decisions taken by the supervisory bodies themselves concerning their methods of work and procedures with a view to adapting the system to changing needs, particularly in relation to the increased workload.
78. This review highlights the important role of the Governing Body with regard to all the supervisory procedures, except for the regular supervisory procedure, which is ultimately the responsibility of the Conference. This implies that the Governing Body is able to maintain oversight of the procedures and is in a position to ensure that the necessary linkage and differentiation are maintained. On the other hand, the Governing Body has exercised restraint, particularly by leaving it to the supervisory bodies themselves (with the exception of the tripartite committees set up to examine representations under article 24) to determine their methods of work and procedure.
79. The above overview has endeavoured to provide the information that is necessary to facilitate greater understanding by constituents of the links between the various procedures. As indicated at the outset, it has focused on historical and procedural aspects. The links between the procedures could also be studied from a substantive and practical standpoint. Such a study could address two issues: the concrete interplay between the supervisory procedures in cases where constituents resort to a procedure in relation to questions that are already before another supervisory body; whether, and to what extent, the interplay between the procedures has contributed to compliance with ratified Conventions. In view of its limited resources, the Office's margin for manoeuvre to undertake a study of this scope within the specific deadlines for the preparation of Governing Body papers is very narrow. The study would therefore have to cover selected cases of application of ratified Conventions. Further, some prerequisites would have to be met before the Office could embark upon such a study. There would have to be a clear consensus within the LILS Committee, first, that the Office is indeed requested to carry out such a study and, second, that the sole objective of the exercise is to strengthen the impact of the ILO supervisory system.

3. Update on action to enhance the impact of the standards system through technical cooperation

80. With regard to action to enhance the impact of standards through technical cooperation, three main elements were outlined in the interim plan of action:
- specific interventions to address thematic priorities for the promotion, ratification and implementation of standards, shared across countries or regions;
 - specific interventions to address the promotion, ratification and implementation of standards in the context of DWCPs; and

- the mainstreaming of standards-related priorities in the broader technical cooperation activities of the ILO; DWCPs, CCA/UNDAF and other major development initiatives.
- 81.** The interim plan of action also outlined a series of steps for the implementation of this strategy, including:
- a peer review of existing partnerships and agreements between the ILO and donors;
 - the continued quality assessment of DWCPs, including better modalities for this process;
 - the publication and dissemination of a good practice guide on the integration of standards and technical cooperation;
 - continued capacity building of the International Labour Standards Department and training of field specialists; and
 - the development of proposals for technical cooperation addressing thematic and country-level priorities to enhance the impact of standards.
- 82.** The Office was requested to report back on progress under this component to the 303rd Session (November 2008) of the Governing Body.
- 83.** Since the approval of the interim plan of action, the International Labour Standards Department has taken several steps towards the implementation of the above activities. It has continued its collaboration with the Department of Partnerships and Development Cooperation (PARDEV). In December 2007, a staff member participated in training on various modalities for resource mobilization and further training sessions have been planned with a view to sharing experience and good practices. Modalities and a time frame for the peer review of partnership agreements are being established.
- 84.** The quality assessment of DWCPs is ongoing and existing technical cooperation activities undertaken by the department in this respect have been maintained and expanded. These activities offer important experience and lessons learned with regard to the integration of standards in the overall aid architecture (as related to the Rome and Paris Declarations on harmonization and on aid effectiveness, as well as poverty reduction strategies) and DWCPs, which will serve to guide the further implementation of this component of the standards strategy.
- 85.** The good practice guide on promoting international labour standards through technical cooperation is being finalized and will be disseminated to field standards specialists and offices, technical departments and partners as soon as it is available.
- 86.** An important task in the 2008 plan of action of the Task Force on Technical Cooperation of the International Labour Standards Department is the elaboration of technical cooperation proposals to mobilize additional donor support with a view to enhancing the impact of standards. The resulting proposals should provide a means of reinforcing the other main components of standards strategy focusing on the promotion and implementation of Conventions Nos 81, 122, 129, 144, 187, 188 and the MLC, as well as their related Recommendations.
- 87.** A full progress report on the implementation of the technical cooperation component of the interim plan of action will be submitted to the Governing Body in November 2008.

4. Enhanced access to and broader visibility of the standards system

88. In order to enhance the visibility of the standards system and to merge all the components of the strategy, three objectives were identified for the implementation of the fourth component of the strategy:

- streamlining the supply of reports by governments through an innovative use of information technology;
- providing enhanced access to information on international labour standards stored in a reliable and up to date knowledge base; and
- improving the visibility of international labour standards by reaching out to the ILO's tripartite constituents and the broader public.

4.1. Streamlining the supply of reports by governments through an innovative use of information technology

89. It should be recalled that, at the specific request of certain governments, the Office has given preliminary consideration to the development of an online reporting system, i.e. a system functioning through an Internet application, bearing in mind the need to address the difficulties encountered by certain countries in relation to the use of information technology. The main objective of such a system would be to facilitate and streamline the reporting burden on governments, which should then translate into a higher number of reports received by the Office, as well as a higher percentage of reports received before the 1 September deadline. This use of information technology should also result in a more environmentally friendly approach as less paper would be utilized.

90. At present, some 20 per cent of reports are received by the Office through email. This practice should be encouraged, provided that these reports are accompanied by a scanned document duly signed and attached to an email, or by fax, which is in line with the Office's practice in this respect. In such cases, member States are not required to send paper copies of their reports.

91. As a first step towards the implementation of a comprehensive online reporting system, the Office will make some electronic reporting facilities available for the 2008 reporting cycle. The report forms of all ILO Conventions are available currently online on the NORMES' web site in pdf format in English, French and Spanish. As an initial phase, a new link on the NORMES' web site has been created and the report forms for all the fundamental Conventions (except for Convention No. 29)³⁹ have been converted into a compatible text format with clear indications on the sections that need to be completed so that member States are able to reply to the various questions directly on the form. The most recently adopted Conventions (the MLC, and Conventions Nos 187 and 188) will follow as soon as their respective report forms are available. Governments providing first or detailed reports on these Conventions, which will be particularly useful for the newly adopted

³⁹ The report form of the Forced Labour Convention, 1930 (No. 29), because of the transitional provisions which can no longer be invoked, is no longer entirely up to date. See paragraphs 10 and 196 of the CEACR General Survey on the eradication of forced labour, ILC, 96th Session, 2007. The Office proposes to submit a revised report form for Convention No. 29 to the Governing Body during its 303rd Session (November 2008).

Conventions, should be able to do so electronically. Consideration will then have to be given to the situation of countries submitting simplified reports or replies to the comments of the supervisory bodies. It should be emphasized once again that these new facilities will have no effect on the obligations of governments to communicate their respective reports to their social partners.

92. The second phase of the online reporting system will be more detailed and will present greater technological challenges. The objective will be to offer the possibility for each member State to access in one single application all the information concerning its reporting cycle (currently available on the APPLIS database), all comments (new and pending, as well as historical data) of the CEACR (available on ILOLEX) and to reply to them directly online, with the possibility of completing all the report forms (whether for a detailed or a simplified report) also directly online. Building on the experience of the Credentials Committee at the Conference, where countries can send the Office their credentials online, each member State should be able to log in with a password to access this consolidated application, which should considerably facilitate the reporting exercise for governments. In this regard, it should be emphasized that such a comprehensive online reporting system would require major technological investment and development in the coming years to expand and consolidate the current databases (ILOLEX and APPLIS), which would form the basis of the system and would therefore have to be gradually upgraded to support and store the information generated by the new system. At present, it should be recalled that the existence of three different databases (ILOLEX, APPLIS and LIBSYND) leads to data duplication, with the three different development environments increasing the cost of maintenance. An online reporting system would require a unified data model, which would offer better search facilities across the application and lower maintenance costs. Indeed, the current databases will require this type of investment simply to maintain normal operation and the necessary quality of service in future, as well as further streamlining the information that they contain. Additional financial resources, through technical cooperation projects and continued donor support, would be necessary to finance this overall and integrated upgrade and to ensure the complete migration of all these databases to a new platform, which will result in greater data convergence.
93. Finally, it should be noted that at present a significant number of the 181 ILO member States do not possess a reliable Internet connection. As this number decreases over time, access to online reporting facilities should be further extended. But when testing the first phase of the system, countries with poor Internet connections are encouraged to indicate whether the use of the system is feasible for them. In this regard, it should be noted that CD-ROMs (as illustrated by the International Labour Standards Electronic Library (ILSE)) represent another technology that could be used to help countries experiencing information technology problems. In any case, it should be recalled that the possibility of sending paper reports will always be available for countries wishing to do so.

4.2. Enhanced access to information on international labour standards through a reliable and up to date knowledge base

94. The International Labour Standards Department's web site (<http://www.ilo.org/public/french/standards/norm/index.htm>) and the four NORMES' databases (APPLIS, ILOLEX, NATLEX and LIBSYND) are still the ILO's most frequently visited department-specific information products. In recent months, measures have been taken for the gradual migration of the NORMES web site into the new ILO web system (Web Content Management System (WCMS)). This new system will, inter alia, facilitate the direct and immediate updating of the NORMES web pages, provide easier access to information through a powerful full-text and contextual search engine available for each

section and offer better information dissemination. Furthermore, it should be noted that the NATLEX country profile portal, which gives access to all standards-related information regarding a particular member State and has been online on the department web site since March 2006 (http://www.ilo.org/dyn/natlex/country_profiles.home), has proved to be one of the most widely used tools in terms of requests from constituents and the general public. In addition to requests from external users (over 1 million a month), the International Labour Standards Department receives an average of around 500 queries a year, mainly from constituents, as well as professors, legal advisers, researchers and the general public, concerning all aspects of international labour standards and the ILO's supervisory system. The replies given to these requests represent an important window for the Office to the outside world.

4.3. Reaching the ILO's tripartite constituents and the broader public

95. It should be recalled that, to reach the widest possible audience, the dissemination of information on standards needs to be: (i) integrated into the Office's activities and programmes, including its use of communication technology to reach the broader public, in close collaboration with the Department of Communication and Public Information; and (ii) carefully geared to the objectives that are fixed and to the target audience. The audiences targeted by the ILO's products and activities relating to standards information include the people and institutions that are directly concerned (constituents, the Office and intergovernmental organizations); people and institutions which have a direct interest but do not have very extensive knowledge of the standards system (such as parliamentarians – for whom awareness raising is being reinforced – and judges), and the broader public in so far as they are interested in labour issues in general.
96. In recent months, closer coordination between the International Labour Standards Department and other departments including ACTRAV, ACT/EMP, DECLARATION and IPEC has continued. Harmonization of the respective web sites and the creation of direct links on common themes have been further developed. In terms of publications, it should be recalled that in November 2007, for the first time, the report of the Conference Committee on the Application of Standards, which is an essential component of the ILO's supervisory system, was published as a publication separate from the traditional *Record of Proceedings* of the Conference. With a view to improving the visibility of its work and in response to the wishes expressed by ILO constituents, it was decided to produce this publication in a more attractive format, bringing together the usual three parts of the report on the work of the Conference Committee. From the initial reactions, it is to be hoped that the new format will result in wider dissemination of the work of this key body of the supervisory system. The next publication will incorporate improvements based on comments received.
97. International labour standards have also continued to be disseminated through the training activities conducted by the Turin Centre. In recent months, activities such as courses on international labour standards for judges, lawyers and legal educators, seminars on freedom of association and the social dimension of regional integration, and courses on the trafficking of persons, with particular focus on children, have all taken place in the Turin Centre or have been carried out at the subregional or national levels. Moreover, government officials from labour ministries, trade unionists and professional journalists from 24 developing countries took part in a week's training course in October 2007 called "Communicating labour rights: A training course for media professionals". This course was intended to equip media professionals with the knowledge and skills that they need to raise public awareness about internationally recognized labour rights and their relevance to local social and labour issues. Furthermore, institutional links have also recently been

created with certain universities, which now offer courses on international labour law focusing on international labour standards. Finally, it is important to recall that all the standards specialists in the field have continued in recent months to be involved in delivering training courses on international labour standards in the countries that they cover.

4.4. Conclusions

98. In respect of this component, the following actions would be required:

- (a) to establish and implement, with appropriate funding, a comprehensive online reporting system, which would include access to a consolidated application to facilitate the reporting exercise for member States;
- (b) to maintain, upgrade and consolidate, with appropriate funding, the three databases on international labour standards (ILOLEX, APPLIS and LIBSYND), the database on national legislation (NATLEX) and the new NATLEX country profiles portal, as major tools for a reliable and up to date knowledge base on the standards system;
- (c) in cooperation with the Turin Centre, to continue enhancing the visibility of the standards system in the centre of the current training activities and to disseminate standards-related information through specific actions adequately targeting tripartite constituents, people and institutions with a direct interest in the standards system, such as parliamentarians and judges, and the public at large.

99. *The Committee on Legal Issues and International Labour Standards may wish to:*

- (i) *take note of the information contained in the present document and give any guidance that it may deem appropriate;*
- (ii) *recommend to the Governing Body that it invite the Office:*
 - (a) *to continue to implement the interim plan of action approved at its 300th Session (November 2007) in the light of the comments made during the November 2007 and March 2008 sessions;*
 - (b) *to take the action it considers appropriate in relation to section 2 of the present document; and*
 - (c) *to report on the next steps taken for the implementation of the interim plan of action to the 303rd Session of the Governing Body (November 2008).*

Geneva, 13 February 2008.

Point for decision: Paragraph 99.